

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following questions at the hearing of 31 May 2002:

- a) Is it possible to receive a copy of the review of the distributive legal aid funding model?
- b) I wonder whether you could collate statistics on the proportions of legal aid work in Commonwealth family law matters since 1996-97 being done in the states and territories by private practitioners and provide copies of that to the committee?

I am advised that the answer to the honourable Senator's questions are as follows:

- a) Work on the refinement of the distributive funding model is currently underway. It is anticipated that a revised model will be available for use in determining the distribution of funds for the 2004-08 agreements.
- b) The proportion of legal aid work in Commonwealth family law matters since 1996-97 being done in the states and territories by private practitioners has been relatively constant nationally at approximately 70%. Victoria and Queensland have the highest proportion (greater than 70%) while the Northern Territory and Western Australia reflect the lowest proportion (less than 50%).

The information requested has been collated for each year in the attached tables.

**Applications Approved by Practitioner
Commonwealth Family Law**

	In-House	Private Practitioner	Total	% Private Practitioner
2000/01				
NSW	NSW Data Not Available			
VIC	1933	6724	8657	77.7
QLD	2321	6886	9207	74.8
SA	1122	1874	2996	62.6
WA	1340	1226	2566	47.8
TAS	672	913	1585	57.6
ACT	300	492	792	62.1
NT	271	220	491	44.8
Total	7959	18335	26294	69.7
1999/00				
NSW	NSW Data Not Available			
VIC	1636	5427	7063	76.8
QLD	1960	6415	8375	76.6
SA	1081	2062	3143	65.6
WA	1235	796	2031	39.2
TAS	672	1345	2017	66.7
ACT	344	478	822	58.2
NT	286	286	572	50.0
Total	7214	16809	24023	70.0
1998/99				
NSW	2035	3991	6026	66.2
VIC	1552	5391	6943	77.6
QLD	1828	6233	8061	77.3
SA	1048	1938	2986	64.9
WA	1472	1283	2755	46.6
TAS	827	1410	2237	63.0
ACT	329	482	811	59.4
NT	247	214	461	46.4
Total	9338	20942	30280	69.2
1997/98				
NSW	2358	5963	8321	71.7
VIC	1366	4888	6254	78.2
QLD	1803	5475	7278	75.2
SA	1002	1919	2921	65.7
WA	1305	1431	2736	52.3
TAS	664	1334	1998	66.8
ACT	366	608	974	62.4
NT	274	183	457	40.0
Total	9138	21801	30939	70.5
1996/97				
NSW	2114	5541	7655	72.4
VIC	862	5317	6179	86.0
QLD	1864	5415	7279	74.4
SA	834	1887	2721	69.3
WA	1122	954	2076	46.0
TAS	735	1458	2193	66.5
ACT	380	407	787	51.7
NT	301	186	487	38.2
Total	8212	21165	29377	72.0
TOTAL	41861	99052	140913	70.3

Note: 99/00 & 00/01 totals exclude NSW

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

The Budget provides additional funding of \$1.3m in 2002-03 for the continuation of the Australian Law Online service. What was the budget allocation for Australian Law Online in 2000-01 and 2001-02?

I am advised that the answer to the honourable Senator's question is as follows:

The Budget allocation for Australian Law Online in 2000-01 and 2001-02 was \$1,996,000 and \$2,017,000 respectively. (Note that the full allocation for 2002-03 is \$2,050,000 which includes \$750,000 in existing program funding, as well as the additional funding of \$1,300,000 identified in the question.)

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What was the actual expenditure on Australian Law Online in 2000-01 and 2001-02? If departmental resources allow, please provide the purpose, amount and payee for each item of expenditure.

I am advised that the answer to the honourable Senator's question is as follows:

The actual expenditure on Australian Law Online in 2000-01 was \$1,080,303. The actual expenditure on Australian Law Online in 2001-02 to 12 June 2002 is \$2,568,630.

The table below shows the purpose, amount and payee for each item of expenditure from 1 July 2000 to 12 June 2002:

Financial Year	Purpose	Amount	Payee
2000-01	Database content development	8,181.82	Anne Rees
2000-01	Costs associated with Law by Telecommunications Reference Group meetings	394.31	Anne Rees
2000-01	Promotion	2,218.92	Australian Capital Conferences
2000-01	Project management	13.32	Cabcharge Australia Pty Ltd
2000-01	Database and web site development	297,692.73	Centrelink
2000-01	Call centre establishment	230,000.00	Centrelink
2000-01	Call centre establishment	147,000.00	Centrelink
2000-01	Database and web site development	78,483.64	Centrelink
2000-01	Call centre establishment	50,590.00	Centrelink
2000-01	Call centre establishment	41,100.00	Centrelink
2000-01	Database and web site development	34,607.27	Centrelink
2000-01	Database and web site development	3,843.64	Centrelink
2000-01	Promotion	51.82	Daily Grind Cafe
2000-01	Database content development	77,535.45	Lawscape Communications P/L

2000-01	Database content development	6,325.45	Lawscape Communications P/L
2000-01	Costs associated with Law by Telecommunications Reference Group meetings	409.91	Lawscape Communications P/L
2000-01	Costs associated with Law by Telecommunications Reference Group meetings	524.10	Legal Aid Office (Queensland)
2000-01	Online directory development	9,250.00	Maas Corp Pty Ltd
2000-01	Online directory development	7,825.00	Maas Corp Pty Ltd
2000-01	Online directory development	3,637.50	Maas Corp Pty Ltd
2000-01	Promotion	17.27	Map Centre Parramatta
2000-01	Project management	5,291.25	Morgan And Banks Management Service
2000-01	Project management	3,782.50	Morgan And Banks Management Service
2000-01	Project management	3,782.50	Morgan And Banks Management Service
2000-01	Project management	3,421.25	Morgan And Banks Management Service
2000-01	Project management	3,315.00	Morgan And Banks Management Service
2000-01	Project management	3,315.00	Morgan And Banks Management Service
2000-01	Project management	3,293.75	Morgan And Banks Management Service
2000-01	Project management	3,293.75	Morgan And Banks Management Service
2000-01	Project management	3,251.25	Morgan And Banks Management Service
2000-01	Project management	3,251.25	Morgan And Banks Management Service
2000-01	Project management	3,145.00	Morgan And Banks Management Service
2000-01	Project management	2,762.50	Morgan And Banks Management Service
2000-01	Project management	2,677.50	Morgan And Banks Management Service
2000-01	Project management	2,358.75	Morgan And Banks Management Service
2000-01	Costs associated with Law by Telecommunications	651.35	Pat Urban

	Reference Group meetings		
2000-01	Costs associated with Law by Telecommunications Reference Group meetings	160.39	Pat Urban
2000-01	Promotion	137.64	The Lobby Pty Ltd
2000-01	Promotion	15.60	The Lobby Pty Ltd
2000-01	Project management	3,825.00	Tmp Worldwide Eresourcing Limited
2000-01	Project management	3,782.50	Tmp Worldwide Eresourcing Limited
2000-01	Project management	3,570.00	Tmp Worldwide Eresourcing Limited
2000-01	Project management	3,548.75	Tmp Worldwide Eresourcing Limited
2000-01	Project management	3,369.66	Tmp Worldwide Eresourcing Limited
2000-01	Project management	3,272.50	Tmp Worldwide Eresourcing Limited
2000-01	Project management	3,060.00	Tmp Worldwide Eresourcing Limited
2000-01	Project management	2,996.25	Tmp Worldwide Eresourcing Limited
2000-01	Project management	2,762.50	Tmp Worldwide Eresourcing Limited
2000-01	Project management	2,507.50	Tmp Worldwide Eresourcing Limited
2001-02	Promotion	1,390.00	Act Go-Print Pty Ltd
2001-02	Promotion	1,180.00	Act Go-Print Pty Ltd
2001-02	Promotion	730.00	Act Go-Print Pty Ltd
2001-02	Project management	140.82	Cabcharge Australia Pty Ltd
2001-02	Project management	54.96	Cabcharge Australia Pty Ltd
2001-02	Project management	4.82	Cabcharge Australia Pty Ltd
2001-02	Call centre and web site operation	523,565.50	Centrelink
2001-02	Call centre and web site operation	283,329.53	Centrelink
2001-02	Call centre and web site operation	257,684.71	Centrelink
2001-02	Call centre and web site operation	221,237.91	Centrelink
2001-02	Call centre and web site operation	216,232.35	Centrelink
2001-02	Call centre and web site operation	203,723.25	Centrelink
2001-02	Database and web site	35,832.00	Centrelink

	enhancement		
2001-02	Promotion	27,305.45	Centrelink
2001-02	Promotion	8,465.00	Centrelink
2001-02	Promotion	2,280.00	Centrelink
2001-02	Promotion	318.18	Copy Trends
2001-02	Promotion	45.45	Copy Trends
2001-02	Promotion	920.00	Copytrends
2001-02	Promotion	55.00	Fresh N' Tasty Hot Bread Shop
2001-02	Promotion	3,030.00	Goanna Print Pty Ltd
2001-02	Promotion	2,020.00	Goanna Print Pty Ltd
2001-02	Costs associated with Law by Telecommunications Reference Group meetings	457.92	Law Institute of Victoria
2001-02	Regional Law Hotline Service Provider	50,000.00	Far West Community Legal Centre NSW
2001-02	Regional Law Hotline Service Provider	50,000.00	Shoalcoast Community Legal Centre NSW
2001-02	Regional Law Hotline Service Provider	50,000.00	Legal Aid Commission of Tasmania
2001-02	Regional Law Hotline Service Provider	50,000.00	Western Justice Network Qld
2001-02	Regional Law Hotline Service Provider	50,000.00	Roma Community Legal Services Qld
2001-02	Costs associated with Law by Telecommunications Reference Group meetings	355.74	Legal Aid Office (Queensland)
2001-02	Regional Law Hotline Service Provider	50,000.00	Albany Community Legal Centre WA
2001-02	Regional Law Hotline Service Provider	50,000.00	Goldfields Community Legal Service WA
2001-02	Regional Law Hotline Service Provider	50,000.00	Legal Aid Western Australia
2001-02	Regional Law Hotline Service Provider	50,000.00	Legal Services Commission of S.A
2001-02	Promotion	190.91	Lonsdale Catering & Party Hire
2001-02	Promotion	16.36	Media Monitors Australia
2001-02	Promotion	15.73	Media Monitors Australia
2001-02	Promotion	2,440.60	National Mailing & Marketing
2001-02	Promotion	752.80	Newsnet Pty Ltd

2001-02	Promotion	274.40	Newsnet Pty Ltd
2001-02	Regional Law Hotline Service Provider	50,000.00	NT Legal Aid Commission
2001-02	Internal Review	3,233.90	One Umbrella Group
2001-02	Internal Review	2,309.88	One Umbrella Group
2001-02	Internal Review	2,248.28	One Umbrella Group
2001-02	Internal Review	2,048.08	One Umbrella Group
2001-02	Internal Review	1,905.40	One Umbrella Group
2001-02	Internal Review	1,847.90	One Umbrella Group
2001-02	Internal Review	1,817.13	One Umbrella Group
2001-02	Internal Review	1,475.75	One Umbrella Group
2001-02	Internal Review	1,355.15	One Umbrella Group
2001-02	Internal Review	1,231.88	One Umbrella Group
2001-02	Costs associated with Law by Telecommunications Reference Group meetings	835.49	Pat Urban
2001-02	Promotion	223.00	Peter Kelly Photography
2001-02	Costs associated with Law by Telecommunications Reference Group meetings	952.40	Riverland Community Legal Service
2001-02	Regional Law Hotline Service Provider	579.64	Riverland Community Legal Service
2001-02	Costs associated with Law by Telecommunications Reference Group meetings	150.00	Robinson Education Centre
2001-02	Regional Law Hotline Service Provider	4,614.17	Roma Community Legal Service
2001-02	Regional Law Hotline Service Provider	1,959.17	S.A. Attorney-General's Department
2001-02	Regional Law Hotline Service Provider	908.00	South East Community Legal Services
2001-02	Promotion	7,886.20	Swell Design Group Pty Ltd
2001-02	Promotion	6,600.00	Swell Design Group Pty Ltd
2001-02	Promotion	6,508.65	Swell Design Group Pty Ltd
2001-02	Promotion	2,260.00	Swell Design Group Pty Ltd
2001-02	Promotion	1,824.53	Swell Design Group Pty Ltd
2001-02	Promotion	880.00	Swell Design Group Pty Ltd

2001-02	Promotion	565.00	Swell Design Group Pty Ltd
2001-02	Promotion	480.00	Swell Design Group Pty Ltd
2001-02	Promotion	140.00	Swell Design Group Pty Ltd
2001-02	Regional Law Hotline Service Provider	50,000.00	South East Community Legal Services SA
2001-02	Regional Law Hotline Service Provider	50,000.00	Riverland Community Legal Service SA
2001-02	Regional Law Hotline Service Provider	1,524.91	The Crown Solicitor (SA)
2001-02	Project management	4,313.75	Tmp Worldwide Eresourcing Limited
2001-02	Project management	3,740.00	Tmp Worldwide Eresourcing Limited
2001-02	Project management	3,102.50	Tmp Worldwide Eresourcing Limited
2001-02	Project management	2,741.25	Tmp Worldwide Eresourcing Limited
2001-02	Regional Law Hotline Service Provider	52,000.00	Victoria Legal Aid
2001-02	Regional Law Hotline Service Provider	50,000.00	Albury/Wodonga Community Legal Service Vic
2001-02	Regional Law Hotline Service Provider	154.99	Victoria Legal Aid
2001-02	Promotion	163.64	Warren Turner Photography

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

How much of that expenditure was paid to (a) community legal centres, and (b) contractors other than community legal centres?

I am advised that the answer to the honourable Senator's question is as follows:

Of the total expenditure on Australia Law Online in 2000-01 and 2001-02, the following amounts were paid to community legal centres and to contractors other than community legal centres:

Financial Year	(a) Total paid to community legal centres	(b) Total paid to contractors other than community legal centres
2000-01	0	1,080,303
2001-02 (to 12 June 2002)	457,054	2,111,576
Total	457,054	3,191,879

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

How many calls have been taken by the Family Law Hotline.

- a) By year (both 2000-01 and 2001-02).
- b) By month.
- c) By region.

I am advised that the answer to the honourable Senator's question is as follows:

The following calls were taken by the Family Law Hotline:

a)

Financial Year	Calls taken
2000-01 (from 21 June 2001)	330
2001-02 (to 30 April 2002)	17,947
Total	18,277

b)

Month	Calls taken
June 2001 (21 to 30 June)	330
July 2001	1,001
August 2001	1,599
September 2001	1,634
October 2001	2,258
November 2001	2,112
December 2001	1,788
January 2002	2,311
February 2002	1,790
March 2002	1,727
April 2002	1,727
Total	18,277

c) It is not possible to provide comprehensive figures of calls taken by region as not all clients identify their postcode details.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

How many calls have been taken by the Regional Law Hotline.

- (a) By year (both 2000-01 and 2001-02).
- (b) By month.
- (c) By region.

I am advised that the answer to the honourable Senator's question is as follows:

The Regional Law Hotline commenced operation on 5 September 2001. The following calls were taken by the Regional Law Hotline from 5 September 2001 to 30 April 2002:

(a)

Financial Year	Calls taken
2000-01 (from 21 June 2001)	0
2001-02 (to 30 April 2002)	263
Total	263

(b)

Month	Calls taken
June 2001 (21 to 30 June)	0
July 2001	0
August 2001	0
September 2001	75
October 2001	27
November 2001	27
December 2001	22
January 2002	16
February 2002	18
March 2002	30
April 2002	48
Total	263

(c) It is not possible to provide comprehensive figures of calls taken by region as this information was not recorded by Centrelink until 22 November 2001 and not all clients elect to identify their postcode details. The following table shows the distribution of calls taken from 22 November 2001 where the region can be identified:

Federal Electoral Area	No. of calls received
CAPRICORNIA	2
FARRER	5
FRASER	5
GILMORE	8
GIPPSLAND	2
GREY	2
INDI	3
KALGOORLIE	3
LINGIARI	4
LYONS	3
MARANOA	6
MCMILLAN	1
O'CONNOR	10
PARKES	4
WAKEFIELD	6
Total	64

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

Does the Department have data on the duration of calls taken (e.g. minimum, maximum, average)?

I am advised that the answer to the honourable Senator's question is as follows:

The Department maintains the following data on call duration:

- average time a customer spent in queue before being answered by a Customer Support Officer (CSO);
- longest time any customer waited in queue before being answered by a CSO;
- average length of each call from the time the CSO answered the call; and
- longest conversation with a customer.

The following table shows the relevant data for the period 21 June 2001 to 30 April 2002:

Average time a customer spent in queue before being answered by a CSO	16 seconds
Longest time any customer waited in queue before being answered by a CSO	18 minutes
Average length of each call from the time the CSO answered the call	7 minutes
Longest conversation with a customer	72 minutes

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What work has the Department done to measure client satisfaction with the hotlines?

I am advised that the answer to the honourable Senator's question is as follows:

Since 22 November 2001 Customer Service Officers have asked callers to indicate their level of satisfaction with the service provided at the conclusion of each call.

For the period 22 November 2001 to 28 February 2002 the following client satisfaction levels were recorded:

Level of satisfaction with the service provided	Percentage of clients
Completely satisfied	39%
Satisfied	43%
Neutral	14%
Unhappy	2%
Not satisfied	2%
Total	100%

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

Does the Department have data on the time and resources spent on post-call processing?

I am advised that the answer to the honourable Senator's question is as follows:

The standard average time spent on post-call processing is approximately 5 minutes per call. Standard average time includes the time taken by the Customer Support Officer to complete call outcome details and to deal with any issues that may flow from the call. Post-call processing is carried out by the Customer Support Officer who takes the call. The cost associated with this work is included in the total charges levied on the Department by Centrelink each month for the work done by the Customer Support Officers. For this reason we do not have a separate figure for the resources spent exclusively on post call processing.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

- (a) How many page impressions have been recorded for Family Law Online?
- (b) From how many unique users?

I am advised that the answer to the honourable Senator's question is as follows:

From 21 June 2001 to 30 April 2002 a total of 723,572 page impressions were recorded by the Family Law Online web site. These page impressions were generated by 22,436 unique and 5,163 non-unique users.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What work is being done by the Department to promote this service?

I am advised that the answer to the honourable Senator's question is as follows:

The focus of the communications strategy has been on public relations activities (ie the use of media for publicity and direct contact with key stakeholders including family law system service providers).

A style and brand were developed and support materials were prepared. These materials included fliers, fact sheets, cards, display stands and web materials. In addition, the following activities have been undertaken:

- four launches to announce different aspects of the project and to generate publicity nationally (the call centres, the web site, the Family Law Hotline and the Regional Law Hotline);
- video news releases for television coverage;
- mailouts to community organisations and service providers;
- establishment of web hyperlinks to the Australian Law Online web site;
- briefing kits for Parliamentarians;
- promotional work through Centrelink's client publications, television broadcasts and internal systems;
- promotional work with the Department of Regional Services using the Countrylink Community Information Stands and 1800 number; and
- issuing promotional materials to ATSIC nationally.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What work is being done by the Department to ensure that the service does not duplicate programs offered by the States?

I am advised that the answer to the honourable Senator's question is as follows:

Australian Law Online is designed to complement rather than duplicate existing services. It is the only service in Australia providing detailed information about the family system on a national basis. The Department is working with key family law system stakeholders such as National Legal Aid, the National Association of Community Legal Centres, the Family Court of Australia and Family Relationships Services Program service providers to complement existing services. Examples of this relationship include:

- the sharing of fact sheet information;
- the sharing of family law system service provider information; and
- the introduced transfer of Family and Regional Law Hotline callers to relevant Community Legal Centres and Legal Aid Commission service providers.

The Department is currently exploring with the NSW Attorney General's Department the possibility of closer collaboration on the LawAccess NSW project. The Department is also looking at how to increase the use of direct links to other relevant web-sites to ensure that users can access specialist information direct from those sites.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

How long will Australian Law Online be able to continue with the funding in this Budget?

I am advised that the answer to the honourable Senator's question is as follows:

The \$1.3 million provided in 2002-03 Budget for Australian Law Online will enable the service to continue until 30 June 2003.

The ongoing operation of Australian Law Online will be considered in the context of the Government's response to the '*Out of the Maze - Pathways to the Future for Families Experiencing Separation*' report of the Family Law Pathways Advisory Group which was released on 29 August 2001.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

The Portfolio Budget Statement states that “the ongoing operation of Australian Law Online will be considered in the context of the Government’s response to the Family Law Pathways report”. The Family Law Pathways report was released in August 2001

- (a) Is this correct?
- (b) When does the Government expect to be in a position to give its response to the report?

I am advised that the answer to the honourable Senator's question is as follows:

(a) Yes. The report of the Family Law Pathways Advisory Group was released on 29 August 2001.

(b) The Government has established a cross-agency task force to provide a draft response to the report and to consider implementation of the report's key measures. The Government is expected to consider a draft response shortly.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

The Budget provides additional funding of \$5.3m over four years for the continuation of community legal services. Which existing services will receive this funding.

I am advised that the answer to the honourable Senator's question is as follows:

The following services will receive the funds:

Goldfields Community Legal Centre in Western Australia;
Gippsland Community Legal Service in Victoria;
Riverland Community Legal Service in South Australia;
South East Community Legal Service in South Australia;
Far West Community Legal Service in New South Wales; and
an outreach program operated by Darwin Community Legal Service.

The funds are in addition to \$21.1m in recurrent annual funding which the Commonwealth provides to the Commonwealth Community Legal Services Program each year.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

Will any new community legal centres or services be established with this funding?

I am advised that the answer to the honourable Senator's question is as follows:

The funds are for continuation of existing services only. No new centres will be established.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What was the budget allocation for the proposed Community Legal Services Information System in :

- a) 1999-00
- b) 2000-01
- c) 2001-02
- d) 2002-03

I am advised that the answer to the honourable Senator's question is as follows:

The Attorney-General's Department allocated the following amounts for the proposed Community Legal Services Information System (CL SIS) from 1999-00 to 2002-03:

Financial Year	CL SIS Budget Allocation \$
1999-00	526 000
2000-01	1 663 550
2001-02	1 500 000
2002-03	1 000 000

Note: These amounts were not expended in each year as a result of changes to the timing of phases of the project. For expenditure each year see the response to Question on Notice 214.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What was the actual expenditure for the proposed Community Legal Services Information System in :

- a) 1999-00
- b) 2000-01
- c) 2001-02
- d) If departmental resources allow, please provide the purpose, amount and payee for each item of expenditure

I am advised that the answer to the honourable Senator's question is as follows:

The actual expenditure for the proposed Community Legal Services Information System (CLSIS) from 1999-00 to 2001-02 is presented in the table below:

Financial Year	CLSIS Actual Expenditure \$
1999-00	310 618
2000-01	651 995
2001-02	1 046 706
Total	2 009 319

This expenditure can be broken into payment categories for each financial year as follows:

Payment Category	1999-00 \$	2000-01 \$	2001-02 \$	Total \$
Contract Payments to Community Link Australia	173 043	215 930	101 867	490 840
Contract Payments to Borland Australia	0	0	774 339	774 339
Contractor Travel Expenses	24 278	18 297	4 468	47 043
Departmental Contract Staff	75 736	105 285	155 500	336 521
Sector Travel Expenses	37 196	41 816	532	79 544
Sector Hardware Upgrades	0	270 000	0	270 000
Other	365	667	10 000	11 032
Total	310 618	651 995	1 046 706	2 009 319

Note: Total of expenditure for 2001-02 includes actual costs of \$749 472 paid up to 6 June 2002 plus expenses of \$297 234 payable by 30 June 2002.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

How much of that expenditure (for the proposed Community Legal Services Information System) was paid to :

- a) community legal centres, and
- b) contractors other than community legal centres

I am advised that the answer to the honourable Senator's question is as follows:

The total amount of expenditure paid to community legal centres from the budget allocation for the proposed Community Legal Services Information System from 1999-00 to 2001-02 is \$79 544.

The total amount of expenditure paid to contractors other than community legal centres from the budget allocation for the proposed Community Legal Services Information System from 1999-00 to 2001-02 is \$1 648 743.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

Still in relation to the Community Legal Services Information System, how much funding has been allocated to :

- a) the upgrade of computer equipment (software and hardware) for community legal centres; and
- b) the training of community legal centre workers in the use of the new system

I am advised that the answer to the honourable Senator's question is as follows:

The total amount of funding allocated up to June 2002 from the Community Legal Services Information System project budget to community legal centres for upgrades to computer equipment is \$270,000. This amount has been provided to the States but has not yet been passed on to centres. Additional funds will be allocated if necessary to ensure that all centres are able to meet the minimum specifications required to operate the new information system.

The total amount of funding allocated from the Community Legal Services Information System project budget for the training of community legal centre workers in the use of the new system is \$172 382. Training for the new information system will be provided under the contract between the Commonwealth and Community Link Australia.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What payments have been made by the Department for the management of the Community Legal Services Program by State Level Program Managers (providing details of amount and payee for each State), in :

- a) 1998-99
- b) 1999-00
- c) 2000-01
- d) 2001-02

What amount is budgeted for 2002-03.

I am advised that the answer to the honourable Senator's question is as follows:

The following table provides the information sought.

State	1998-99	1999-00	2000-01	2001-02	2002-03
New South Wales	Not specified*	Not specified*	\$92,139	\$92,139	\$92,139
Queensland	\$55,000	\$55,000	\$88,002	\$88,002	\$88,002
South Australia	\$38,000	\$38,000	\$80,910	\$80,910	\$80,910
Tasmania	\$26,000	\$26,000	\$50,000	\$50,000	\$50,000
Victoria	\$66,000	\$66,000	\$93,321	\$93,321	\$93,321
Western Australia	Not specified*	Not specified*	\$85,638	\$85,638	\$85,638

Management of the program in the ACT and Northern Territory is undertaken directly by the Department. The State recipients of funding are Legal Aid New South Wales, Legal Aid Queensland, Attorney-General's Department South Australia, the Legal Aid Commission of Tasmania, Victoria Legal Aid and Legal Aid Western Australia.

* Prior to 2000-01, community legal service program management was funded through the Legal Aid Commission Program. Accordingly, details of the funding allocation were outlined in the agreements between the Commonwealth of Australia and respective State Legal Aid Commissions in relation to the provision of legal assistance. In the New South Wales and Western Australian agreements the amount of funding dedicated to the administration for community legal centres was not specified. Both agreements indicated that this function was a requirement of the agreement to be undertaken within the total allocation of funds provided.

In 2000-01, the Commonwealth Community Legal Services Program took over responsibility for meeting the costs associated with community legal centre program management in the States. New arrangements were negotiated separately with each State organisation.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

What contractual or other arrangements govern the administration of the Community Legal Services Program on behalf of the Commonwealth in each State?

I am advised that the answer to the honourable Senator's question is as follows:

The Department has entered into a Memorandum of Understanding with each State organisation. In addition to this, the State Program Managers operate in accordance with a Management Protocol.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

Can the Department provide copies of the documentation which evidences these arrangements in each State.

I am advised that the answer to the honourable Senator's question is as follows:

A copy of the Memorandum of Understanding is at Attachment A, and a copy of the Management Protocol is at Attachment B.

MEMORANDUM OF UNDERSTANDING (MOU)

This MOU is between the Commonwealth Attorney-General's Department and the Legal Aid Commission of Tasmania for the provision of a State Level Program Manager (SLPM) in Tasmania.

2. The Commonwealth will engage the Legal Aid Commission of Tasmania to provide a position of State Level Program Manager (SLPM) to assist in the monitoring and management of the Commonwealth Community Legal Service Program (CCLSP) in TAS in accordance with the CCLSP Commonwealth and State Management Protocol.
3. The aim of the SLPM position is to ensure that the CCLSP is effectively and efficiently managed in TAS while having due regard to the conditions and environment of that state. It will be necessary for the Commonwealth to be in close and frequent formal and informal contact with the SLPM so the Commonwealth can achieve its objective to develop an efficient, effective and consistent national approach to the planning, management and development of the CCLSP.
4. The purpose of this MOU is to:
 - (a) set out the amount of funding provided by the Department for the SLPM position against the services to be provided by the Legal Aid Commission of Tasmania; and
 - (b) define the rights and responsibilities of each party.
5. This MOU is effective from the date it bears until 30 June 2004. The MOU will be reviewed before 30 June 2004.
6. The Commonwealth will provide the funds to the Legal Aid Commission of Tasmania as soon as practicable after the date of this MOU.
7. In order that the operations of the SLPM position may accurately represent Commonwealth objectives the Department agrees to provide the funds and the Legal Aid Commission of Tasmania agrees:
 - (a) to locate the SLPM position with the Legal Aid Commission of Tasmania;
 - (b) to ensure that the SLPM will work closely with, and communicate directly to the Department concerning the requirements outlined in the Commonwealth Community Legal Services Program Commonwealth and State Management Protocol;
 - (c) to ensure that the SLPM provides to the Department information relating to the management of the program and any reports relating to the management of the program as are reasonably requested by the Department;
 - (d) that the work program of the SLPM will be structured to achieve the agreed arrangements and responsibilities outlined in the Commonwealth Community Legal Services Program Commonwealth and State Management Protocol;

- (e) that the SLPM Manager will be supervised on a day to day basis by the Legal Aid Commission of Tasmania and will provide feedback regularly to the Department. The Project Manager within the Department will be the Manager, Community Legal Service Program;
 - (f) as soon as practicable, to advise the Assistant Secretary of the Legal Assistance Branch of the Department in writing if any of the conditions in this MOU are not likely or able to be met; and
 - (g) that the SLPM will have due regard to the sensitive nature of program management issues and consequently note the 'in confidence' relationship it has with the Commonwealth.
8. The project will be funded at a total of \$50,000 each financial year for the period from the date of this MOU until 30 June 2004.

Assistant Secretary
Legal Assistance Branch

Director
Legal Aid Commission of Tasmania

Date

Date

**COMMONWEALTH COMMUNITY LEGAL SERVICES PROGRAM (CCLSP)
COMMONWEALTH AND STATE
MANAGEMENT PROTOCOL**

1. INTRODUCTION

- 1.1 This Protocol outlines the arrangements, expectations and responsibilities of the Commonwealth Government and State level program administrators, in respect of the Commonwealth Community Legal Services Program (CCLSP) management requirements.
- 1.2 Its objective is to develop an efficient, effective and consistent national approach to the planning, management and development of the CCLSP, in cooperation with state level program administrators. Through this, the Commonwealth intends to:
- (i) take an active national role in the formulation and administration of legal aid policy that acknowledges that Community Legal Centres (organisations) provide a distinctive and effective form of legal service delivery; and to
 - (ii) closely consult with the State CCLSP Managers, State and Territory Governments and organisations regarding their stated commitment and intentions.
- 1.3 This approach aims to:
- (i) maximise the services funded by the Commonwealth and delivered to the community by the organisations;
 - (ii) develop and apply performance measures and appropriate evaluation activities for the organisation providing these services;
 - (iii) co-operate with organisations to ensure their service delivery is cost effective and meets agreed standards;
 - (iv) ensure CCLSP funded organisations adopt service delivery practices to achieve Commonwealth priorities; and
 - (v) ensure proper accountability on the part of organisations for the expenditure of Commonwealth funding.
- 1.4 The use of this protocol will achieve close working relationships between the Commonwealth and the Program managers at the State level. Its successful

implementation will be dependent upon broad agreement on the objectives of the CCLSP. This will include developing a clear understanding of each party's roles and responsibilities in managing the CCLSP, and other relevant funding from other sources for organisations.

2. SERVICE AGREEMENTS

- 2.1 The Model Service Agreement (MSA) will initially be provided by the Commonwealth to the respective State CCLSP manager.
- 2.2 The Commonwealth will also provide Commonwealth Community Legal Services Program (CCLSP) funding moneys to the State CCLSP manager on a quarterly basis. The State CCLSP managers will, once all other requirements are met, distribute these funds to organisations, also on a quarterly basis.
- 2.3 The State CCLSP Manager may adapt the relevant parts of the MSA to reflect the conditions and environment of their respective states. The State CCLSP Manager must seek agreement to proposed variations with the Commonwealth.
- 2.4 The State CCLSP Manager may further adapt the MSA for each of the community legal centres seeking and receiving funding, to reflect the specific services expected from each of the organisations.
- 2.5 The Commonwealth will need to be directly involved in negotiating Service Agreements of some organisations (eg special initiatives such as indigenous women's services or rural outreach services).
- 2.6 The organisation will prepare and forward to the State CCLSP Manager a draft Strategic Plan to show how the Commonwealth funding received will be expended over the financial year, in accordance with the level of funding that they receive.
- 2.7 If there is agreement by all the parties to the Service Agreement, including the draft Strategic Plan, then three copies of the Service Agreement will need to be made. The agreed Strategic Plan will be incorporated as Schedule 4 of the Service Agreement. The process for signing the Service Agreement is as follows:
 - . the three copies of the Service Agreement will initially be forwarded to the respective organisation for signing by the Chairperson or other authorised officer;
 - . the three copies of the Service Agreement signed by the organisation will then be forwarded by the organisation to the relevant State CCLSP Manager for signature by the State CCLSP Managers' authorised officer;

. finally the State CCLSP Manager will forward the three copies of the signed Service Agreement to the Commonwealth for their signature.

- 2.8 Following the Commonwealth signing the Service Agreement, it will distribute a copy of the fully signed Service Agreement to the organisation and the State CCLSP Manager.
- 2.9 Following signature of the Service Agreement by all the parties, the Commonwealth will authorise the State CCLSP Manager to pay funding to the organisation as outlined in the Schedules of the Service Agreement.

Strategic Plan Negotiations

- 2.10 If upon submission of the draft Strategic Plan there are further issues to be negotiated between the State CCLSP Manager and the organisation, then efforts must be made between the two parties to reach an agreement. The Commonwealth must be notified as soon as such issues arise.
- 2.11 The State CCLSP Manager must immediately forward a copy of the organisation's draft Strategic Plan in this situation. If the Commonwealth agrees with the Commonwealth funded component of the draft Strategic Plan, then the Commonwealth, the State CCLSP Manager and the organisation will sign a Service Agreement and Commonwealth funding will proceed.
- 2.12 If a situation arises where the organisation and the State CCLSP Manager develop a Service Agreement and Strategic Plan, but the Commonwealth does not agree to what has been developed by these two parties, then the Commonwealth will reserve its right not to sign the Service Agreement until further negotiation results in a compromise that is acceptable to all parties.
- 2.13 If there is no progress towards agreement between all the parties, then the organisation will not receive funding under the CCLSP.
- 2.14 If following the signing of a Service Agreement, the organisation is unable to commence the service or provide the services, it must contact, in writing, the State CCLSP Manager and the Commonwealth, and consult on the termination of the agreement or other arrangements.
- 2.15 In all issues of importance in the funding of the CCLSP, there must be open communication between all parties involved, so each is aware of issues or problems as they arise.

2.16 The Commonwealth will review the Model Service Agreement to assess its effectiveness. The method of review will be agreed to between the Commonwealth, the State CCLSP Managers and the National Association of Community Legal Centres.

3. FUNDING AND MONITORING UNDER CLS PROGRAM

3.1 The Commonwealth has responsibility for determining and providing funding to State CCLSP Managers under the CCLSP.

3.2 Priorities under the program will be determined, as far as is practicable, through consultation between the Commonwealth and the State CCLSP Managers.

3.3 The Commonwealth and State CCLSP Managers will provide each other with information on issues affecting organisations.

3.4 The Commonwealth will provide information to organisations on Commonwealth issues affecting organisations.

3.5 State CCLSP Managers are responsible for the prompt disbursement of Commonwealth funding under the CCLSP.

3.6 The Commonwealth is responsible for the evaluation of the CCLSP and establishing Quality Assurance mechanisms. These mechanisms will be monitored at the national level.

3.7 The Commonwealth will monitor efficiency, effectiveness and equity of the program across all States and Territories.

3.8 The Commonwealth will monitor State CCLSP Manager's achievement of their responsibilities under this protocol.

3.9 State CCLSP Managers will be consulted and invited to participate in all of these activities.

3.10 The Commonwealth will be consulted about proposed State CCLSP Manager evaluation of organisation activity at a State/Territory level.

4. REPORTING REQUIREMENTS

4.1 The Commonwealth is responsible for the collection, analysis and reporting of quantitative data collated from the National Information System (NIS).

4.2 The Commonwealth requires on an annual basis a variety of data from State CCLSP Managers. This includes:

- a) copies of finalised Service Agreements (including organisation Strategic Plans);
- b) annual evaluation reports against the organisation Service Agreement for each organisation; and
- c) organisation audited financial statements.

4.3 Annual reporting is to be completed by the date set by the State-level program manager taking account of local legislative requirements.

4.4 The Commonwealth requires a six-monthly report from State CCLSP Managers on organisation performance against Service Agreements by exception.

4.5 State CCLSP Managers will provide an annual report to the Commonwealth on organisation performance against Service Agreements by exception by 31 March of each year.

4.6 State CCLSP Managers will be responsible for:

- a) monitoring financial reports against budgets;
- b) monitoring activity against performance agreements;
- c) monitoring compliance with conditions of the grant established in service agreements; and
- d) undertaking an annual review and assessing quality against service standards.

4.7 The Commonwealth and State CCLSP Managers will determine the need for and the means of provision of any additional reports that may be required.

5. COMMUNICATIONS PROTOCOLS

5.1 The Commonwealth and the State CCLSP Managers must develop an effective information exchange, especially in regard to:

- a) exceptional issues that each party needs to be aware of;

- b) formal direct contact between the Commonwealth and an organisation;
- c) preparing the Commonwealth Annual Report for the program;
- d) review issues; and
- e) any other matter affecting organisations or the program.

There will also need to be annual meetings between all State CCLSP Managers and the Commonwealth on specific issues, including:

- a) best practice;
- b) planning for service development; and
- c) mechanisms to report to NLA and ALAB;

6. PROGRAM PLANNING

- 6.1 The Commonwealth is responsible for setting and articulating national priorities, and is responsible for the development of proposals for national program changes.
- 6.2 State CCLSP Managers proposals for change and development in the CCLSP will be forwarded to the Commonwealth as and when appropriate.
- 6.3 The Commonwealth and State CCLSP Managers are to consult on changes and development of the Program, in consultation with the National Association of organisations, and National Legal Aid, as appropriate.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTCOME 1
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

The Budget provides additional funding of \$27.2m over four years for the continuation of funding for community-based counselling and mediation programmes.

- a) Which existing programs will receive this funding
- b) Will any new programs be established with this funding

I am advised that the answer to the honourable Senator's question is as follows:

- a) The following programs will receive the funds:
 - All organisations currently funded under the Family Relationship Services Program to provide family relationship counselling will continue to receive a top-up payment on a pro rata basis.
 - Conciliation counselling services will continue to be provided by:
Centacare Adelaide,
Centacare Melbourne,
Relationships Australia Victoria,
Family Mediation Centre in Melbourne, Victoria,
Unifam Parramatta,
Centacare Sydney, and
Relationships Australia Queensland.
 - Legal aid commissions will continue to receive funds to provide an alternative dispute resolution or family conferencing program. The details of the split up of those funds between legal aid commissions are yet to be determined.
 - Community-based organisations contracted to provide counselling, mediation and conciliation for the Federal Magistrates Service will continue to be funded on a fee for service basis.
 - The program to provide family law primary dispute resolution services in regional areas will be continued – the specific projects and services to be funded will be determined through an open tender process in each State.
 - The Victorian Court Network will continue its services with funding for 2002-03.
 - Three contact order pilots will continue with funding for 2002-03. The pilots are located with:
Anglicare WA
Unifam Parramatta
Relationships Australia Tasmania.
- b) No new programs will be established with the funds. New services or projects may be established under the program of regional primary dispute resolution services as a result of the open tender process.

SENATE ESTIMATES COMMITTEE
DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

- a) Have any representations been made to Australia from the United States regarding the ratification of the ICC treaty?
- b) Has Australia made any representations to the United States about their position on ratification?

I am advised that the answer to the honourable Senator's question is as follows:

Representations made by one Government to another are confidential. Making public such representations would inhibit the conduct of frank discussions between Governments.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 27 May 2002:

Provide the number of countries, and which ones, that have submitted to the ICJ without qualifications.

I am advised that the answer to the honourable Senator's question is as follows:

The answer is provided on the basis of information from the UN Treaty website (<http://untreaty.un.org>) as at 12 June 2002. In relation to declarations under Article 36(2) of the Statute of the International Court of Justice there is sometimes a delay between the deposit of a declaration with the UN and placing it on the website.

Of the 63 countries that have made a declaration under Article 36(2) of the ICJ Statute, 17 have submitted to the ICJ without qualifications. These countries are Cameroon, Costa Rica, Democratic Republic of the Congo, Denmark, Dominican Republic, Finland, Georgia, Guinea-Bissau, Haiti, Liechtenstein, Panama, Paraguay, Sweden, Switzerland, Togo, Uganda and Uruguay.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator Cooney asked the following question at the hearing of 31 May 2002:

Can the drafting practices publication that flows from discussion between OPC, AGD and States' Attorneys' Offices be made available?

I am advised that the answer to the honourable Senator's question is as follows:

Meetings are held at regular intervals between Commonwealth, State and New Zealand legislative drafting Offices to discuss topics of mutual professional interest in relation to drafting practice and theory. Although papers are presented and discussed at those meetings they are not published in a form that is readily available as a separate publication of the kind mentioned in the question.

Drafting conferences provide an excellent opportunity for monitoring current awareness of drafting trends within Australia and New Zealand. Discussions on drafting practice cover a broad range of topics such as the language and interpretation of legislation, drafting instructions and working with Departments, drafting innovations, including technology for drafters and training and development of drafters.

The Office of Legislative Drafting (OLD) regularly participates in Drafting Forums and, in conjunction with other drafting Offices, contributes papers on topics of drafting practice.

For information, the following attached papers by officers of OLD who participated in a Drafting Forum in New Zealand in February 2000 will help to illustrate aspects of drafting practice that are considered:

- The Cutting Edge – Drafting innovations by Claire Parkhill, Legislative Counsel, Office of Legislative Drafting
- Delegations – Need for Review after Legislative Variation of Powers Delegated by Manuel Macasaet, Legislative Counsel, Office of Legislative Drafting
- Drafting Instructions and Working with Departments by Tony Ward, Senior Legislative Counsel, Office of Legislative Drafting

In the context of Senator Cooney's expressed interest in the application of plain English drafting in legislation, drafters in OLD make use of resource materials and manuals that are designed to assist drafters to draft good legislation that is clearly expressed and easy to read.

Since October 1997, OLD staff have been using a plain English language manual developed by the Office. The *Word and Phrases Manual* is a hard copy document that contains words and phrases (listed in alphabetical order) with recommendations for their use. The Manual is designed to increase consistency of language in legislation and to ensure that the language used in instruments drafted by the Office is consistent with plain English principles. An extract from the Manual is attached for information.

The Manual is supported by a computer macro which operates by identifying (by underlining in a draft instrument) each word or phrase that is listed in the Manual and in the draft instrument. The drafter can then consult the Manual for alternative terms. The computer macro is due to be replaced by a software application, known as *Stylewriter*, later this year to improve the management and use of the words and phrases database.

Under OLD's approach to plain English, layout and typographical styles complement and enhance traditional drafting techniques such as paragraphing. The visual appearance of an instrument can profoundly affect the ability of a reader to group its content quickly.

With a view to ensuring that instruments drafted by the Office are consistent in style, and of the highest possible standard, the Office maintains a Drafting Template Manual. The Manual provides an invaluable guide to drafters about the use of typographical styles for principal and amending legislative instruments. Drafting practice notes are included, as appropriate, to explain some of the features of the design.

Drafters use electronic templates for setting up legislative instruments. System-generated prompts are used to ensure consistent application of standards for the layout and styles used for a range of legislative instruments.

For information, an extract from the Drafting Template Manual is attached.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

The Government is gradually removing all databases from SCALEplus except Commonwealth and non-self-governing Territory legislation. When was this decision taken?

I am advised that the answer to the honourable Senator's question is as follows:

The decision was taken on 14 January 2002.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Page 98 of the 2000-01 Annual Report it states “During the year, ‘hits’ on the SCALEplus site were never less than a million a month and some months saw that figure double.”

I am advised that the answer to the honourable Senator's question is as follows:

This statement is correct and is addressed in the context of Question 226.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Is it fair to say that this decision will result in significantly increased traffic to the Austlii website? (For example, AustLII will now be the sole host of a number of Commonwealth caselaw databases, such as the High Court, the Federal Court, the AAT, and the Migration Review Tribunal)

I am advised that the answer to the honourable Senator's question is as follows:

AustLII will no doubt experience some additional enquires on caselaw arising from the removal of caselaw from SCALEplus. However, AustLII has built its reputation on servicing access to caselaw and is experienced in meeting that need. SCALEplus has comparable experience in providing access to Commonwealth legislation. It is not anticipated that the withdrawal of the caselaw databases from SCALEplus will impose significant difficulties for AustLII given its coverage of caselaw which, in many cases, is also available from sites maintained by originating courts and tribunals.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Was AustLII consulted before this decision was taken?

I am advised that the answer to the honourable Senator's question is as follows:

Yes. A meeting was held with AustLII in 2001 to discuss the possibility of removing caselaw from SCALEplus.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Is the Department aware of AustLII's capacity to cope with this increased traffic?

I am advised that the answer to the honourable Senator's question is as follows:

Yes. This was discussed with AustLII at the meeting held in 2001.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Has SCALEplus previously provided any data to AustLII?

I am advised that the answer to the honourable Senator's question is as follows:

AustLII has depended on assistance from SCALEplus which, through the Department, provided seed databases that were developed for its own system consisting of Commonwealth legislation and caselaw of some Commonwealth courts and tribunals such as the High Court, Federal Court and AAT.

Subsequently, AustLII made direct arrangements with Commonwealth courts and tribunals in relation to their caselaw. Similarly, AustLII has independently obtained caselaw of State courts and tribunals and continues to selectively extend those databases.

A reciprocal arrangement, suggested by the then Principal Legislative Counsel, would have seen AustLII specialise in caselaw and SCALEplus in legislation, with each providing data to the other. However, that arrangement was largely unsuccessful due to delays experienced by AustLII in processing and loading data in comparison with SCALEplus.

Commonwealth legislation has continued to be made available to AustLII and that arrangement will go on. State and Territory legislation has not been carried by SCALEplus apart from legislation of South Australia, Queensland, Northern Territory and the Australian Capital Territory. However, the legislation databases of Queensland and the Northern Territory were, in fact, held by both SCALEplus and AustLII. The South Australian and ACT data was provided to AustLII by the Department and the Department assisted AustLII, by providing letters of introduction, to make its own arrangements for sourcing that data from those jurisdictions directly.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Is the Department assisting AustLII to obtain this data from other sources?

I am advised that the answer to the honourable Senator's question is as follows:

All Commonwealth legislation (numbered Acts and compilations, numbered statutory rules and compilations and legislation of the non-self governing Territories) is provided free of charge to AustLII by SCALEplus.

As mentioned in answering the previous question, AustLII makes its own arrangements for obtaining State and Territory legislation.

AustLII sources caselaw data from original source providers. It hosts caselaw of various Commonwealth courts and tribunals and provides access to decisions of various other courts that maintain their own court websites. Apart from providing links on SCALEplus to caselaw available from AustLII or from separate court sites, the Department has not been involved in this aspect of AustLII's field of expertise.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

- a) Are there any databases which have been available exclusively on SCALEplus?
- b) If so, will these be available elsewhere in future?

I am advised that the answer to the honourable Senator's question is as follows:

The SCTDEC (Superannuation Complaints Tribunal decisions) database is exclusive to SCALEplus. The Department has been assisting the Tribunal to establish the database on the SCT website. It will also provide a copy to AustLII.

The VIEWS and AGIS databases are also exclusive to SCALEplus system and have been developed primarily for use in connection with the provision of governments legal services. VIEWS is a database of legal opinions that have been provided by the Attorney-General's Department and the Australian Government Solicitor (AGS) to the Department, other Government Departments and Agencies, Ministers and the Cabinet. VIEWS also includes opinions of the Chief General Counsel, the Solicitor-General, Attorney-General and of private Counsel. The opinions date back to Federation and represent a valuable knowledge resource for internal use by the Department, AGS and the Office of Parliamentary Counsel. The database contains authoritative opinions on questions of Constitutional law, statutory interpretation and commentary on legal aspects of Government policy. As such, it is frequently used for research in the course of preparing legal advice to client agencies and in connection with Commonwealth litigation. The database contains material which is security classified and sensitive information relating to the Commonwealth legal, commercial and financial interests. Given its content and use, it would not be appropriate for VIEWS to be made available for wider use.

AGIS is a comprehensive index to Australian, New Zealand and Asian Pacific law journals and is produced by the Lionel Murphy Library in the Department. Over 120 law journals from the Australian, New Zealand and Asian Pacific region are comprehensively indexed. Articles from major law journals from other countries including the United States, Canada and the United Kingdom are selectively indexed for Australian content and interest. Overall, more than 400 English language journals are looked at in the preparation of AGIS.

The service dates back to 1975 and is accessible to officers of the Department on SCALEplus. It is also available by subscription on the AUSTROM CD-ROM. AGIS Plus Text is available by subscription through Informit Online (see <http://www.informit.com.au>).

The printed fortnightly issues of AGIS are available on subscription through AusInfo.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

- a) How much money does the Department expect to save from the withdrawal of databases from SCALEplus?
- b) Where will this money go?

I am advised that the answer to the honourable Senator's question is as follows:

The resources saved by removing caselaw coverage from SCALEplus (approximately 1 x APSL 2, 1 x APSL 4 and part of 1 x APSL 6) would represent a saving in the order of \$105,000 (including accruals). Savings are not being applied to any specific matter, but are being applied to other Departmental priorities.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.5
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

The SCALEplus website lists as the first reason for withdrawing databases that it hopes “later this year to achieve legislative backing to make SCALEplus the first authoritative storeplace of Commonwealth legislation in electronic form”. Why does the Department need to withdraw all the other databases to achieve this aim.

I am advised that the answer to the honourable Senator's question is as follows:

SCALEplus was derived from an internal system known as ‘SCALE’. It was developed to provide access to Commonwealth legislation for lawyers within the Department. Caselaw was also included as an additional resource for use within the Department. At that stage, originating courts and tribunals did not have the facilities to provide access to their judgements. In the 1980s it was recognised that the information database could also be useful to the public and the legal profession. The SCALE system was initially made available on a fee for service basis to universities, libraries and the profession. However, charges were subsequently dropped in line with policy initiatives on Access to Justice and in keeping with the concept of a community service obligation for making legislation freely available to the public. In the late 1990s, SCALE was redeveloped as a free-to-air system on the Internet. The system was renamed ‘SCALEplus’.

Since that time, AustLII has become active in providing access to legislation and caselaw. Originating courts and tribunals have also developed websites and made their judgments available on the Internet. AustLII is the host site for judgments of a number of prominent courts such as the High Court and the Federal Court. Decisions of other courts such as the Federal Magistrates Court are hosted on their own court sites. With a view to avoiding unnecessary duplication of material on SCALEplus, it has been decided to confine coverage to Commonwealth legislation. The decision recognises that the obligation in relation to the other materials is being met by the governments of the various States and self-governing Territories (in relation to legislation) and the various courts and tribunals (as regards caselaw). In the circumstances, it is considered that holding caselaw databases on SCALEplus is a duplication of the services provided by others such as the courts and tribunals of origin and AustLII.

Removing caselaw from SCALEplus is not seen as a prerequisite to ‘achieving legislative backing to make SCALEplus the first authoritative store place of Commonwealth legislation in electronic form’. Rather, it represents the removal of a service that has become largely irrelevant as it is well catered for by other authoritative providers. The change is directed at refocussing SCALEplus on what it was originally designed to do namely, to provide access for the community to up-to-date Commonwealth legislation. The inclusion of caselaw is now seen as a distraction to the fulfilment of that primary mission.

Although caselaw and State legislation will not be included on SCALEplus, the Department will facilitate access to those materials through the provision of ‘links’ which will be available on the ‘Law and Justice Portal’. The Portal will allow visitors to the Department’s website to search and browse information from any Australian website of legal material that allows such access, including the websites of Commonwealth courts and tribunals.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.6
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

In reference to the report of the House of Representatives Standing Committee on Legal and Constitutional Affairs of November 2000, *Cracking down on copycats*, what work, if any has been done by the Department to implement the recommendation of this report?

I am advised that the answer to the honourable Senator's question is as follows:

The Government's response is still under Ministerial consideration. It is not, therefore, possible to elaborate on the answer provided. More generally, however, the Attorney-General has indicated his intention to support appropriate measures that will deliver practical benefits to copyright owners.

In relation to matters dealt with in the report, the Committee may wish to note that the Attorney-General's Department is actively supporting improved consultative arrangements between law enforcement agencies and intellectual property (IP) industries.

In June 2001 the AFP arranged a national workshop to examine allegations that organised criminal groups are involved in copyright piracy in Australia. Following that workshop, the Government/Industry Consultative Group on IP enforcement was formed. It has been meeting at regular intervals. This new body is improving the exchange of information about IP crime. The Consultative Group is also making progress in developing strategic directions for IP law enforcement and intelligence-sharing and improving understanding between the various parties of their differing priorities and perceptions. The AFP has designated an officer to take specific responsibility for IP crime intelligence collection. A number of significant enforcement actions have been conducted in recent months.

The Consultative Group is a valuable addition to other continuing contacts between industry and the Attorney-General's Department.

The Government continues to support appropriate IP enforcement in our region through technical assistance and a range of policy dialogues.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

The Commonwealth has budgeted \$53.4 million for Commonwealth legal aid and \$70 million for state and territory legal aid payments in 2002-03. That totals approximately \$123.6 million. What changes in real terms does this represent since 1995-96 in (a) total Commonwealth legal aid funding, (b) Commonwealth legal aid payments and (c) legal aid payments to states and territories?

I am advised that the answer to the honourable Senator's question is as follows:

We do not have the changes analysed in real terms but listed below are the raw figures for each year since 1995-96.

a) Total Commonwealth legal aid budget appropriations:

1995-96	132.945m
1996-97	134.486m
1997-98	105.638m
1998-99	102.838m
1999-00	103.337m
2000-01	110.167m
2001-02	120.417m
2002-03	123.602m

b) There are no legal aid payments made directly by the Commonwealth. There are financial assistance schemes such as for native title but these are not part of the legal aid program.

c) Legal aid payments to States and Territories:

1995-96	126.928m
1996-97	128.303m
1997-98	109.677m
1998-99	102.837m
1999-00	103.327m
2000-01	109.586m
2001-02	120.115m
2002-03	123.570m

The difference between the figures at (a) and (c) for each year comprises efficiency savings, approved rollovers of unspent monies and small amounts used by the Commonwealth to administer legal aid including such items as the development of a needs model and data collection.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 31 May 2002:

Looking at claims under the Native Title Act, please provide a breakdown of how many individuals or companies received payments as non-claimants, and in respect of those payments:

- a) the nature of and reason for the payment;
- b) whether the payment was means tested;
- c) whether the payment was subjected to a check that it was relevant to the issue; and
- d) that any payment was expended appropriately.

I am advised that the answer to the honourable Senator's question is as follows:

The following information relates to the 2001-2002 financial year:

Between 1 July 2001 and 18 June 2002, 295 individuals or companies received a total of 430 payments. (In some cases more than one payment was made to a particular individual/company or firm of solicitors.) The attached table provides a breakdown of the payments.

- a) The details of the nature and purpose of individual payments are kept manually on individual files and to collate those details at this time would require a manual examination of every payment made, amounting to several hundred payments spread over almost as many files. However, we can provide information about the purpose of applications approved in the period 1 July 2001 to 20 June 2002. Of the 425 applications approved in that period, 385 (90.6%) were payments for the purpose of negotiating agreements and 40 (9.4%) were for the purpose of litigation.
- b) The *Native Title Act 1993* does not require the application of a means test, as understood in the legal aid sense, in determining whether financial assistance may or may not be approved. However, sub-section 183(4) of that Act provides that the Attorney-General may determine guidelines that are to be applied in authorising assistance. A copy of the guidelines determined by the Attorney-General is attached. The guidelines provide that, where appropriate, an applicant's financial circumstances will be taken into account in assessing an application for financial assistance. However, the guidelines also provide that, where an application is made on behalf of a group, the parties will not be subject to individual evaluation of their financial position. This is to encourage group applications and group representation, thus reducing the overall cost of providing representation and encouraging parties to work together towards resolution of cases.
- c) Before a payment can be made, a grant of assistance needs to be approved by a delegate of the Attorney-General. In determining whether assistance should be authorised regard is had to the requirements set out in sub-section 183(3). These requirements include:
 - the availability of assistance from any other source;
 - whether the provision of assistance is in accordance with the guidelines; and

- whether it is reasonable that the application be granted.

In assessing reasonableness, consideration is given to a range of factors, including:

- the implications of the native title claim for the applicant;
- does the applicant have a role or genuine interest in the claim process;
- whether the benefit to the applicant is worth the cost of the case;
- the novelty or legal importance of the issues raised.

- d) When approving a grant of assistance, the Department advises solicitors and assisted parties of the conditions attaching to the grant, including the applicable rates for legal work. Before payment is authorised a solicitor and counsel are required to provide a properly drawn memorandum of , clearly indicating the work undertaken and the amount claimed in respect of each item of work. Memoranda of fees are then assessed within the Department and authorised for payment for an amount considered fair and reasonable. All disbursements claimed are verified by appropriate receipts/vouchers. These processes are used to ensure that the expenditure was expended appropriately and in accordance with the conditions attached to the grant of financial assistance.

QoN 236 ATT 1.xls

NSW Local	12-Mar-02	\$10,000.00																	\$10,000.00
Govt																			\$10,000.00
QLD	03-Apr-02	\$10,000.00																	
Pastoralists /																			
Farmers																			
QLD Others	20-Nov-01	\$4,183.05	04-Dec-01	\$6,671.99	23-Jan-02	\$7,108.50	23-Jan-02	\$2,246.85	11-Mar-02	\$4,335.00	04-Apr-02	\$3,929.00							\$28,474.39

295 individuals/companies

430 total payments

Total

\$8,367,113.86

**PROVISION OF
FINANCIAL ASSISTANCE
BY THE ATTORNEY-GENERAL
IN NATIVE TITLE CASES**

GUIDELINES

**GUIDELINES FOR THE PROVISION OF FINANCIAL ASSISTANCE BY THE
ATTORNEY GENERAL IN NATIVE TITLE CASES**

CONTENTS

1.	COMMENCEMENT	4
2.	THE SCHEMES.....	4
	<i>Section 183 Native Title Act 1993</i>	4
	<i>Special Circumstances (Native Title) Scheme</i>	4
	<i>Common Law (Native Title) Scheme</i>	5
	<i>Definitions</i>	5
3.	ADMINISTRATION OF SCHEMES.....	5
	<i>The decision maker</i>	5
4.	HOW TO APPLY	5
	<i>Information required</i>	5
	<i>Lodgement of applications for assistance</i>	5
	<i>Telephone inquiries</i>	6
	<i>Internet Address</i>	6
5.	SCOPE OF SCHEMES	6
	<i>Who is eligible for assistance</i>	6
	<i>Scope of assistance</i>	6
	<i>Type of assistance available</i>	6
6.	RELEVANT CONSIDERATIONS.....	7
	<i>Applications under section 183 Native Title Act 1993</i>	7
	<i>Availability of assistance from any other source</i>	7
	<i>Reasonableness</i>	7
	<i>Group Applications</i>	8
	<i>Prospects of success</i>	8
	<i>Advice from other agencies</i>	8
	<i>Information to be provided in respect of individual applications</i>	9
	<i>Information to be provided in respect of group applications</i>	9
	APPLICATIONS UNDER SPECIAL CIRCUMSTANCES (NATIVE TITLE) SCHEME.....	9
	<i>Applications under Common Law (Native Title) Scheme</i>	9
7.	CONDITIONS OF GRANTS OF ASSISTANCE.....	10
	<i>Retrospective grants and dating of grants</i>	10
	<i>Legal and associated costs</i>	10
	<i>Dealings in relation to applications for assistance</i>	10
	<i>Assistance in stages</i>	10
	<i>Limits on grants of assistance</i>	11
	<i>Assistance through lawyers and other professionals</i>	11
	<i>Costs of group representative</i>	11
	<i>Solicitors' costs</i>	12
	<i>Counsel's fees</i>	12
	<i>Disbursements</i>	13
	<i>Solicitors prohibited from demanding payments from assisted persons</i>	13
	<i>Recovery of costs</i>	13
	<i>Indemnity for costs</i>	13
	<i>Reporting</i>	13
	<i>Withdrawal, discontinuance of proceedings</i>	14

<i>Misrepresentation</i>	14
<i>Final contributions</i>	14
8. TERMS OF GRANTS OF FINANCIAL ASSISTANCE	15
<i>Legal Professional Fees</i>	15
<i>Para-legal/clerks' fees</i>	15
<i>Anthropologists' Fees</i>	15
<i>Other professional costs</i>	15
<i>Other general terms of grants of assistance</i>	15
9. PROCEDURAL FAIRNESS	16
<i>Review of Decisions</i>	16
<i>Ombudsman & Complaints</i>	16
<i>Freedom of Information Act 1982</i>	16
<i>Privacy Act 1988</i>	17
<i>Confidentiality</i>	17

GUIDELINES FOR THE PROVISION OF FINANCIAL ASSISTANCE BY THE ATTORNEY-GENERAL IN NATIVE TITLE CASES

1. COMMENCEMENT

1.1 These guidelines come into effect on 30 November 1998. They replace the previous guidelines for the Provision of Financial Assistance by the Attorney-General in Native Title Cases which ceased to have effect from this date.

2. THE SCHEMES

Section 183 Native Title Act 1993

2.1 Sub-section 183(1) of the *Native Title Act 1993* provides that a “person” who is a party, or who intends to apply to be a party, to an inquiry, mediation or proceeding related to native title may apply to the Attorney-General for assistance.

2.2 Sub-section 183(2) of the *Native Title Act 1993* provides that a “person” who is a party, or who intends to become a party to an indigenous land use agreement or rights of access for traditional activities; or is in dispute with any other person about rights of access for traditional activities may apply to the Attorney-General for assistance in relation to:

- negotiating the agreement;
- any inquiry, mediation or proceeding in relation to the agreement; or
- resolving the dispute.

2.3 Financial assistance may be granted under sub-section 183(3) if the Attorney-General, or a delegate of the Attorney-General, is satisfied that:

- the applicant is not eligible to receive assistance from any other source;
- the provision of assistance to the applicant is in accordance with the guidelines determined under sub-section 183(4); and
- in all the circumstances, it is reasonable that the application be granted.

2.4 Sub-section 183(4) provides that the Attorney-General may determine guidelines that are to be applied in authorising assistance under section 183. These guidelines have been determined in accordance with this provision.

Special Circumstances (Native Title) Scheme

2.5 Assistance may also be available under the Special Circumstances (Native Title) Scheme to persons involved in a native title matter which does not come within the scope of section 183 and where, in all the circumstances, it is considered reasonable that the application be granted.

Common Law (Native Title) Scheme

2.6 Assistance may also be available to people involved in common law native title matters under the Common Law (Native Title) Scheme.

Definitions

2.7 Under these guidelines, the following definitions apply:

- an “applicant” is a person seeking financial assistance;
- a “claimant” is a party who is making a native title determination application;
- a “group representative” is a peak or constituent industry body which represents the interests of its members;
- a “non-claimant applicant” is a party who applies to the Federal Court of Australia for a native title determination other than as a claimant;
- a “party” is either an individual, incorporated or unincorporated body, partnership or trust that is involved directly in a native title matter;
- a “person” includes an individual, a body politic as well as all classes of incorporated bodies; and
- a “respondent” is a party who is responding to a native title claim.

3. ADMINISTRATION OF SCHEMES

The decision maker

3.1 Delegates in the Legal Aid Branch, Attorney-General’s Department, have been appointed by the Attorney-General to deal with applications for assistance under section 183, and under the Special Circumstances (Native Title) Scheme and the Common Law (Native Title) Scheme.

4. HOW TO APPLY

Information required

4.1 An application form must be completed by either the applicant personally or their agent or by the solicitor handling the matter. A copy of this form is attached to these guidelines. Solicitors are encouraged to make multiple copies of the form.

Lodgement of applications for assistance

4.2 All applications for assistance should be lodged with:

Assistant Secretary
Legal Assistance Branch
Family Law and Legal Assistance Division
Attorney-General’s Department
National Circuit
BARTON ACT 2600

Fax: (02) 6250 6521

Telephone inquiries

4.3 Telephone inquiries should be directed to (02) 6250 6770.

Internet Address

4.4 Additional copies of these guidelines can be accessed on the internet at the following address:

http://www.law.gov.au/aghome/commaff/lafs/legal_aid/ntguide.html

5. SCOPE OF SCHEMES

Who is eligible for assistance

5.1 Individuals, partnerships, small businesses, local government bodies and other organisations may be eligible for assistance. Incorporated bodies as well as unincorporated bodies such as community clubs and associations may be eligible for assistance.

5.2 Where a group representative, eg a peak or constituent organisation such as a farmer organisation, acts as agent of a party or parties then the group representative may apply as agent on behalf of that party or parties for assistance.

Scope of assistance

5.3 Financial assistance is available to persons not only in litigation cases in the Federal Court, High Court, or State and Territory Supreme Courts but also for the purpose of obtaining legal advice, pursuing mediation in the National Native Title Tribunal or equivalent State or Territory body, and in relation to agreements and disputes.

5.4 As native title claimants are funded through Native Title Representative Bodies, the Attorney-General may not provide them with financial assistance (s183(6)). Where an area is not covered by such a body, application should be made to the Aboriginal and Torres Strait Islander Commission (ATSIC). ATSIC also has power to provide assistance where a representative body has refused to provide assistance

5.5 Where a native title claimant had been granted assistance under section 183 for a native title claim before 1 September 1998 he or she may be able to apply for and be granted further assistance for that claim. The criteria for such grants is as set out in these guidelines.

Type of assistance available

5.6 Assistance may cover some or all costs of the following:

- professional legal and other costs;
- counsel's fees;
- court fees;
- expert fees, eg. anthropological or historical;
- reasonable accommodation and travelling expenses; and

- other reasonable disbursements.

6. RELEVANT CONSIDERATIONS

Applications under section 183 Native Title Act 1993

6.1 In determining whether assistance should be authorised under section 183 regard is had to the requirements set out in sub-section 183(3). These requirements include:

- the availability of assistance from any other source;
- whether the provision of assistance is in accordance with these guidelines; and
- whether it is reasonable that the application be granted.

6.2 The decision to grant or refuse assistance is a global assessment giving appropriate weight to all the considerations according to the circumstances of the case. Discretion can be exercised in these circumstances to ensure that the following factors, amongst others, are taken into account.

Availability of assistance from any other source

6.3 Assistance is not available to applicants who have access to assistance from any other source.

6.4 In the first instance, and where an applicant may be eligible for assistance from another source, application should be made to that source. Where assistance has not been approved evidence of that refusal is generally required.

Reasonableness

6.5 In assessing “reasonableness” consideration is given to a range of factors, including the following:

- (a) the severity and the extent of the implications of the native title claim for the applicant for financial assistance eg. the interests of the party which are claimed to be affected by the native title claim, as well as what is being claimed by the native title claimants and the extent of their claim;
- (b) the number of claims which directly affect the applicant and in respect of which that person is a registered party;
- (c) does the applicant really have a role or a genuine interest in the claim process. What will happen if the person/group does not have the opportunity to put forward its views;
- (d) whether the benefit to the applicant is worth the cost of the case;
- (e) the benefit which the parties will gain from an agreement or a mediated outcome;
- (f) the novelty or legal importance of the issues raised; and

(g) the benefit which the general public will gain from obtaining a decision in the matter.

6.6 Where appropriate, an applicant's financial circumstances will be taken into account in assessing an application for legal or financial assistance. In assessing an application for assistance regard is had to any detriment that the applicant may suffer if assistance is refused. It is acknowledged that not having legal representation is likely to create a detriment (emotional, business management and financial) for individual parties.

6.7 Any person who has significant financial backing is unlikely to be provided assistance. Where the applicant is not a natural person consideration will be given to what other financial resources may be available to it, eg. guarantees from directors, provision of further funds from shareholders and levies from members.

Group Applications

6.8 Group applications will be encouraged where the interests, rights, and obligations of individuals in a particular group are essentially identical. Where the interests of definable groups can be clearly shown to differ, or are in conflict, then there may be justification for separate representation. In some instances it may be appropriate for a group representative to promote and co-ordinate the representation of a group.

6.9 Where a number of applicants who have common interests apply as a group the legal services may be provided for one of those parties as a representative of the group or to the group as a whole. To the extent that it is appropriate and/or desirable group representation of persons or bodies having similar interests in a matter is to be facilitated/encouraged.

6.10 In considering whether group assistance should be approved issues such as the number of people that the group represents, the detriment that the applicants may suffer if assistance is refused are taken into account.

6.11 Where assistance is approved to a group, separate assistance to others with interests, rights and obligations which are essentially identical to the group but who elect not to join the group will be subject to individual evaluation.

6.12 In order to avoid the funding of overlapping representation, in the case of parties with the same class of interest, there will be a prima facie presumption in favour of group representation.

Prospects of success

6.13. Where financial assistance is sought in relation to litigation, the prospects of success will be a relevant criteria. The prospects of success, means:

- for a respondent, whether they have a good case to argue or are likely to be able to protect their interests through mediation;
- for a non-claimant applicant, whether it is necessary to have a native title determination made.

6.14 The weight to be given to good prospects of success will depend to some extent on the importance of the case and the questions of law that will be resolved.

Advice from other agencies

6.15 Advice may be sought from other government agencies or industry bodies to help decide whether it would be reasonable to grant the request for financial assistance. Where external advice is sought care is taken to ensure that any affected applicant is accorded natural justice and, where appropriate, confidentiality protected.

Information to be provided in respect of individual applications

6.16 Where an application for assistance is made by a person individually then that applicant or his/her representative will need to provide:

- a submission providing details of the case and of the work required to be undertaken;
- a financial statement providing details of income, assets and liabilities. The statement should list separately the assets that will be affected by the claim for native title (Note: these assets are not taken into account when assessing eligibility for financial assistance);
- details about the arrangements proposed for the representation, including the names of all the parties who are proposed to assist the applicant (eg mediator, solicitor, barrister, anthropologist, land planners, technical adviser) together with the scope of involvement of each; and
- details of all costs including the manner in which these costs have been calculated.

Information to be provided in respect of group applications

6.17 Where an application for assistance is made on behalf of a group, then the parties will not be subject to individual evaluation of their position and there is no need for individual application forms to be completed. However, the group representative or the solicitor who is representing the group will need to provide:

- a submission providing details of the case and of the work required to be undertaken;
- details about the arrangements proposed for the representation, including the names of all the parties who are proposed to assist the applicant/s (eg mediator, solicitor, barrister, anthropologist, land planners, technical adviser) together with the scope of involvement of each; and
- details of all costs including the manner in which these costs have been calculated.

APPLICATIONS UNDER SPECIAL CIRCUMSTANCES (NATIVE TITLE) SCHEME

6.18 In determining whether assistance should be authorised under the Special Circumstances (Native Title) Scheme regard is had to the requirements set out in paragraphs 6.1-6.14 above.

6.19 Where an application for assistance is made by a person individually an applicant or his/her representative will need to provide the information set out at paragraph 6.16 above.

6.20 Where an application for assistance is made by a group or an unincorporated or incorporated body an applicant or his/her representative will need to provide the information set out at paragraph 6.17 above.

Applications under Common Law (Native Title) Scheme

6.21 In determining whether assistance should be authorised under the Common Law (Native Title) Scheme regard is had to the requirements set out in sub-section 183 (3), as set out in

paragraphs 6.1-6.14 above.

6.22 Where an application for assistance is made by a person individually an applicant or his/her representative will need to provide the information set out at paragraph 6.16 above.

6.23 Where an application for assistance is made by a group or an unincorporated or incorporated body an applicant or his/her representative will need to provide the information set out at paragraph 6.17 above.

6.24 Assistance may be available under this Scheme in respect of disputed land owners claims that certain titles should be included in Schedule 1 of the *Native Title Amendment Act 1998* where favourable legal opinion is provided to support the particular claim.

7. CONDITIONS OF GRANTS OF ASSISTANCE

7.1 Conditions upon which a grant of assistance may be made have been determined. When the applicant's legal representative or the applicant are advised of the grant of assistance, a document containing the conditions of the grant will be provided.

Retrospective grants and dating of grants

7.2 Financial assistance cannot be authorised retrospectively. Generally grants of assistance date from the date of receipt of an application for assistance.

7.3 Retrospective grants of assistance are defined as grants of assistance relating to applications received:

- (i) after the proceedings are concluded; or
- (ii) after legal services have been provided and assistance is then requested for those services.

Legal and associated costs

7.4 Generally all legal and associated costs will be covered. If a legal representative is not engaged only reasonable disbursements will be paid. An applicant will not be provided with a money equivalent of lost earnings or time spent in preparing a case. In cases where the hearing or preparation is of lengthy duration, fees may be either for a lump sum or at agreed rates.

Dealings in relation to applications for assistance

7.5 Assistance does not extend to costs incurred in completing an application for assistance or interviews and consultations between an applicant and his/her legal representatives for the purpose of making an application for assistance or concerning the grant or refusal of assistance. Neither does assistance extend to attendances on, and correspondence with, the Attorney-General's Department in relation to the making of an application or the terms of assistance. Assistance will not extend to preparation for and work done in connection with any itemised bill of costs.

Assistance in stages

7.6 Usually assistance will be provided in stages. At the end of each stage a decision will be made as to whether it is reasonable to continue assistance. It should not be assumed that assistance will continue beyond the stage for which approval has been given. For example, a limited grant may be made to investigate the reasonableness of the case or a grant may be made for mediation purposes only.

7.7 All applications for extensions must provide the details normally required for an application for assistance.

Limits on grants of assistance

7.8 Applicants will be advised of the upper limit of a grant of assistance for any stage. It is essential that this amount not be exceeded. If it is considered that there will be a need for an additional amount to complete the work needed at any stage then the Attorney-General's Department must be contacted to seek an extension to the original amount.

Assistance through lawyers and other professionals

7.9 In some circumstances, particularly at the mediation stage, it may be considered appropriate for assistance to be made available through persons/bodies other than lawyers. A person proposing to provide assistance and/or representation will need to show that they have:

- relevant adequate professional qualifications;
- knowledge of the native title issues involved; and
- a requisite level of experience in providing the assistance required.

7.10 The wishes of an applicant about which lawyers, consultants and researchers are to be involved in the conduct of the matter will be taken into account, however practitioners (both legal and non-legal) must be members of the panel established by the Attorney-General's Department. Level of experience in native title matters will be a relevant consideration for inclusion of a practitioner on the panel.

Costs of group representative

7.11 In principle, a group representative may be able to obtain financial assistance in administering claims and providing general advice and other assistance to their members in relation to a specific native title claim.

7.12 Therefore, in appropriate cases, financial assistance may be available to cover the direct costs of a group representative such as printing, telephone, facsimile and postage. In special circumstances costs to covering an agreed part of the staff time of peak and constituent organisations in attending to Native Title matters may be approved.

7.13 A group representative may also be able to obtain financial assistance in respect of matters where they are acting as agents.

Solicitors' costs

7.14 The policy in respect of solicitors' costs is as follows:

- (a) generally, solicitors' fees are paid at 100% of the Federal Court scale. Where there is no applicable scale item relevant to the services provided, fees on an hourly basis will be allowed.
- (b) where considered appropriate assistance may be authorised for a lump sum;
- (c) no uplift for care skill and responsibility will be allowed; and
- (d) solicitors' professional costs incurred subsequent to the grant of financial assistance will ordinarily be paid at the conclusion of the stage of a matter or the proceedings.

7.15 The policy in relation to solicitors' accounts is as follows:

- (a) solicitors should submit an itemised account of their work sufficient to enable a determination as to the reasonableness of their costs;
- (b) where the information supplied is insufficient to enable a determination to be made as to the reasonableness of their costs, the solicitor may be requested to supply further information;
- (c) where agreement in relation to the assessment of costs is not able to be reached, the solicitor may be requested to get the bill of costs taxed;
- (d) generally a solicitor is expected not to render his/her account until the conclusion of the stage of the matter or at the conclusion of the matter. Interim payments, however, may be authorised where a solicitor has incurred disbursements exceeding \$100 in total or where proceedings have reached a stage where there will be a substantial delay before further work needs to be undertaken on behalf of an assisted person;
- (e) the Attorney-General's Department reserves the right to call for a solicitor's file in an assisted matter in relation to any account rendered for payment.

Counsel's fees

7.16 The policy in respect of counsel's fees is as follows:

- (a) counsel will only be funded in matters where the case is judged to warrant the retainer of counsel;
- (b) counsel's fees will generally be allowed in accordance with the scale authorised by the Attorney-General's Department, or by agreement;
- (c) in cases where the hearing or preparation is of lengthy duration fees may be either for a lump sum or at agreed rates;
- (d) solicitors should forward counsel's memoranda of fees to the Attorney-General's Department together with their bill of costs.

Disbursements

7.17 In respect of disbursements:

- (a) solicitors must furnish a copy of an account for any one disbursement which exceeds \$100;
- (b) payments for anticipated disbursements will not be advanced unless there are special circumstances requiring payment in advance. In such cases details of the disbursements should be supplied;
- (c) approval will be required to be obtained prior to incurring any one disbursement for an expert report which exceeds \$500;

Solicitors prohibited from demanding payments from assisted persons

7.18 A private legal practitioner is prohibited from demanding or receiving payment, other than a final contribution determined in accordance with these guidelines, from a financially assisted person or any other person on his behalf in respect of work under a grant of assistance except with the approval of the Attorney-General's Department.

Recovery of costs

7.19 Any costs recovered from another party must be reimbursed to the Commonwealth to the extent that the Commonwealth has contributed towards the costs of the action. The Commonwealth has the first right to be paid from any recovered costs.

Indemnity for costs

7.20 A grant of assistance does not, as a general rule, extend to an indemnity for costs that may be awarded against a legally assisted person. In exceptional cases, however, consideration may be given to providing assistance to cover costs that are or may be awarded against a legally assisted person.

Reporting

7.21 An assisted person or his/her solicitor shall provide any information that may reasonably be requested from time to time in relation to the subject matter of their case. This information would include the following:

- results of the action, including a copy of any orders made;
- a copy of any legal opinion obtained; and
- a copy of any anthropological or historical report obtained.

7.22 On completion of a matter the legal representative shall forward a report to the Attorney-General's Department which shall provide the following information:

- the result of the action, including details of orders made;

- particulars of any orders as to costs;
- an itemised bill of costs.

7.23 In those cases where a matter is settled on the basis of undertakings as to confidentiality, such terms of settlement will not be relied upon as a basis for the non-disclosure of information to the Attorney-General's Department in relation to the subject matter of the grant of assistance.

Withdrawal, discontinuance of proceedings

7.24 The Attorney-General's Department must be advised of the reasons for the withdrawal and/or discontinuance within fourteen days of any notice being filed.

7.25 Where the withdrawal and/or discontinuance is due to:

- (a) failure of a legal representative to comply with the requirements of the National Native Title Tribunal or State/Territory equivalent body or Court rules;
- (b) the disclosure of false information in the application; or
- (c) failure of the applicant and/or his/her legal representatives to pursue the case;

the Attorney-General's Department may terminate the grant of assistance and require reimbursement of any monies advanced.

Misrepresentation

7.26 All information provided in support of the application must be true and correct at the time it is provided. Where it is shown that the applicant and/or his/her legal representative misrepresented the application in any particular, the Attorney-General or delegate reserves the right to terminate the grant and require immediate reimbursement of monies advanced. Applicants are referred to section 29B of the *Crimes Act 1914*.

7.27 Legally assisted persons and/or their legal representatives are required to give an undertaking to notify the Attorney-General's Department of any changes to their circumstances which may have a bearing on their continuing eligibility for financial assistance.

Final contributions

7.28 Where the applicant obtains an award of the court for costs in his/her favour then, to the extent that those costs equal or exceed monies paid or payable under a grant of assistance, an amount equal to monies paid or payable under the grant of assistance must be reimbursed within 60 days of the date of receipt of judgment/settlement monies or taxed/agreed costs, whichever is the relevant date. Where those costs are for a lesser amount then the lesser amount must be reimbursed.

7.29 Where the applicant negotiates a monetary settlement of his/her claim, without recourse to the court then, to the extent that those costs equal or exceed monies paid or payable under a grant of assistance, an amount equal to monies paid or payable under the grant of assistance amount must be reimbursed within 60 days of the date of receipt of settlement monies or taxed/agreed costs, whichever is the relevant date. Where those costs are for a lesser amount then the lesser amount

must be reimbursed.

8. TERMS OF GRANTS OF FINANCIAL ASSISTANCE

Legal Professional Fees

- legal professional fees for solicitors at 100% of Federal Court Scale. Where it is considered that there is no scale item relevant to the services provided, fees of \$172.00 per hour up a maximum of \$1,376.00 per day are payable.
- fees for junior counsel are in the range of \$172.00 - \$206.00 per hour or \$1,376.00 - \$1,648.00 daily depending on the experience of counsel.
- fees for senior counsel are in the range of \$206.00 - \$385.00 per hour or \$1,648.00 - \$3,080.00 daily depending on the experience of counsel.
- hourly/daily rates for solicitors and counsel will only apply to matters of short duration.
- assistance in respect of matters other than those of short duration will be authorised on a fee package basis. Fee packages will be costed by the application of a discounted factor in recognition of the duration of the work and the guarantee of payment.
- travel time by solicitors or counsel for the purpose of obtaining instructions or attending hearings will be paid at the rate of \$140.00 per hour.

Para-legal/clerks' fees

- para legal staff at \$25.00 per hour;
- research clerks who are permanent employees at \$45.00 per hour.

Anthropologists' Fees

- anthropologists fees are in the range of \$400.00 - \$600.00 per day depending on the experience of the anthropologist.
- photography and copying expenses will be considered on submission of receipts or invoices.

Other professional costs

- Consultants researchers and other professionals costs will be approved at 100% of the scale set by the appropriate professional association, or for a fixed fee.

Other general terms of grants of assistance

- photocopying is payable at 25 cents per page.
- facsimile transmissions are payable at \$2.00 per page up to \$40.00 per transmission.

- telephone calls are payable at cost.
- travel expenses: air travel by lawyers for the purpose of obtaining instructions or attending hearings of the Federal Court or National Native Title Tribunal or State or Territory equivalent body are at economy rates unless there are exceptional circumstances why business class should be allowed. It is expected that travel costs will be kept to a minimum and discounted airfares will be used where possible. Motor vehicle travel costs are payable at the rate per kilometre allowable by the Commissioner of Taxation for taxation purposes (based on engine capacity of the vehicle).
- accommodation required by legal or other representatives for the purpose of obtaining instructions or attending hearings of the National Native Title Tribunal or State or Territory equivalent body or Federal Court is payable at Senior Executive Service rates for accommodation and meals.
- Accommodation and other travelling expenses for witnesses and financially assisted persons is payable at non-Senior Executive Service rates, provided the travel was considered reasonable and necessary in the circumstances of the particular case.
- other properly incurred disbursements at cost will be paid on production of an invoice or receipt.
- fees and disbursements in excess of the agreed grant will not be paid unless the grant is formally extended by the Attorney-General's Department.

9. PROCEDURAL FAIRNESS

Review of Decisions

9.1 Where an application for financial assistance is refused the reasons for refusal will be provided. The applicant will also be advised of the mechanism to seek a review of the decision and any request for review must be lodged within 28 days after reasons for refusal have been given to the applicant. The review shall be conducted by a nominated officer other than the original decision maker.

9.2 Similarly, where an application for assistance is approved subject to conditions and the applicant is dissatisfied with any part of the decision, the applicant may seek a review of the decision by lodging a request in writing. Applications for review must be made within 28 days after reasons for imposing the conditions have been given to the applicant. The review shall be conducted by a nominated officer other than the original decision maker.

Ombudsman & Complaints

9.3 where a person is dissatisfied with any aspect of the administration of his/her application, a complaint may be made to the Commonwealth Ombudsman.

Freedom of Information Act 1982

9.4 Any person has the right to apply for access to documents under the Freedom of Information Act (FOI) 1982. Section 15 of the FOI Act sets out the requirements for an application under the

Act. The application has to:

- be in writing;
refer specifically to the FOI Act;
- be accompanied by payment of the fee required;
- provide sufficient information to enable identification of the document/s;
- be lodged at the Attorney-General's Department; and
- request the particular form of access.

Privacy Act 1988

9.5 The Privacy Act 1988 requires staff in Commonwealth Government departments and agencies to comply with Information Privacy Principles (IPP). Where a person believes that his/her privacy has been infringed because of a breach of an IPP, that person may complain to the Privacy Commissioner.

Confidentiality

9.6 All information provided by an applicant, or on the applicant's behalf, will be treated in confidence and will not be disclosed to any other person or agency other than in accordance with an express authority by the applicant or, where required, by law.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.7
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 31 May 2002.

- a) Provide a copy of the evaluation done in 2000.
- b) Were the recommendations in the report all fulfilled?

I am advised that the answer to the honourable Senator's question is as follows:

As the Report of the evaluation was created as part of the Cabinet deliberation process, it is not appropriate for it to be released, nor for comment to be made on its recommendations.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 31 May 2002:

In relation to financial assistance to native title respondents:

- (a) Provide a list of claimants, broken down by region and type of complainant
- (b) Provide a breakdown of how much money is paid into solicitors' trust accounts in advance of work done, and by trust account name if possible.

I am advised that the answer to the honourable Senator's question is as follows:

(a) The attached tables provide details of the number of grants by region (ie State/Territory) and by type of claimant (ie. main client groups: pastoralists/farmers, fishers, local government, miners, others).

(b) We are currently developing an electronic data base from which it will be possible to extract details of the amounts of money paid into solicitors' trust accounts in advance of work done. However, at present this information is only kept on the individual files in hard copy form. To extract the amounts at this time would require a manual examination of every payment made, amounting to several hundred payments spread over almost as many files.

We are able to provide information about payments made to firms of solicitors in the current year, broken down by region, without the details in relation to how much of this was paid in advance into trust accounts. That information is attached.

NATIVE TITLE

GRANTS OF FINANCIAL ASSISTANCE
APPROVED TO VARIOUS GROUPS

Respondents	WA	QLD	SA	VIC	NSW	NT	ACT	TAS	TOTAL	%
Pastoralists/Farmers	159	114	31	25	38	3			370	39.2%
Fishers	66	88	9	14	28	6			211	22.3%
Local Govt	14	184	16	1	6		1		222	23.5%
Miners	14	19	6	2	2				43	4.6%
Others	4	69		17	9				99	10.5%
Claimants									0	0.0%
Total	257	474	62	59	83	9	1	0	945	100.0%
%	27.2%	50.2%	6.6%	6.2%	8.8%	1.0%	0.1%	0	100.0%	

Type of Group	Date	Payment Amount (ex GST)	Date 1	Payment Amount (ex GST) 1	Date 2	Payment Amount (ex GST) 2	Date 3	Payment Amount (ex GST) 3	Date 4
QLD Pastoralists / Farmers	13-Aug-01	\$4,732.00	05-Dec-01	\$9,000.00	12-Mar-02	\$10,000.00			
NSW Pastoralists / Farmers	04-Jul-01	\$22,000.00	24-Apr-02	\$35,000.00					
NSW Pastoralists / Farmers	24-Aug-01	\$3,000.00	03-Sep-01	\$5,000.00					
NSW Pastoralists / Farmers	04-Jul-01	\$30,000.00	04-Apr-02	\$50,000.00					
NSW Pastoralists / Farmers	04-Jul-01	\$25,000.00	04-Apr-02	\$27,000.00					
NSW Pastoralists / Farmers	05-Jul-01	\$25,000.00	19-Apr-02	\$20,000.00					
NSW Pastoralists / Farmers	03-Sep-01	\$200,000.00							
NSW Pastoralists / Farmers	24-Apr-02	\$15,000.00							
NSW Miners	11-Mar-02	\$4,036.90							
NSW Pastoralists / Farmers	03-Sep-01	\$5,385.70							
NSW Pastoralists / Farmers	04-Jul-01	\$40,000.00	24-Apr-02	\$55,000.00					
NSW Pastoralists / Farmers	12-Aug-01	\$12,000.00	24-Apr-02	\$15,000.00					
VIC Pastoralists / Farmers	29-Aug-01	\$16,824.09	16-Nov-01	\$13,496.88	23-Nov-01	\$3,488.80	23-Apr-02	\$33,341.99	
QLD Miners	01-Mar-02	\$12,000.00							
SA Fishers	28-May-02	\$10,070.03							
SA Pastoralists / Farmers	07-Aug-01	\$12,000.00	18-Mar-02	\$50,000.00	16-Mar-02	\$580.00			
SA Miners	07-Aug-01	\$3,000.00	02-Jan-02	\$50,000.00					
QLD Others	21-Feb-02	\$11,000.00							
QLD Local Govt	29-Oct-01	\$8,000.00	29-Oct-01	\$5,468.85					
NSW Pastoralists / Farmers	22-Aug-01	\$11,000.00	24-Apr-02	\$5,500.00					
NSW Pastoralists / Farmers	21-Aug-01	\$12,000.00	24-Apr-02	\$15,000.00					
NSW Pastoralists / Farmers	09-Oct-01	\$10,000.00	18-Apr-02	\$3,158.10	18-Apr-02	\$6,750.55	18-Apr-02	\$3,733.09	
QLD Pastoralists / Farmers	10-Oct-01	\$17,000.00							
QLD Pastoralists / Farmers	19-Oct-01	\$17,000.00							
QLD Pastoralists / Farmers	04-Oct-01	\$170,000.00							
QLD Pastoralists / Farmers	28-Sep-01	\$10,000.00							
QLD Pastoralists / Farmers	21-Sep-01	\$15,000.00							
NSW Others	25-Oct-01	\$16,326.15	07-Sep-01	\$18,156.58	10-Sep-01	\$9,495.45	25-Oct-01	\$26,600.00	19-Mar-02
NSW Local Govt	08-Jan-02	\$10,000.00							
QLD Local Govt	16-Jul-01	\$1,622.00							
QLD Pastoralists / Farmers	25-Mar-02	\$20,000.00							
QLD Others	11-Mar-02	\$1,030.19							

QLD Pastoralists / Farmers	18-Sep-01	\$15,000.00	30-Jan-02	\$15,000.00					
QLD Pastoralists / Farmers	20-Dec-01	\$9,000.00							
QLD Pastoralists / Farmers	22-Aug-01	\$4,732.00							
NSW Fishers	03-Sep-01	\$25,000.00	19-Oct-01	\$7,400.00					
NSW Pastoralists / Farmers	22-Oct-01	\$709.10	26-Nov-01	\$15,000.00					
VIC Pastoralists / Farmers	28-Sep-01	\$5,977.44	22-Oct-01	\$18,729.23	26-Nov-01	\$1,496.60	12-Dec-01	\$6,777.70	12-Dec-01
NT Local Govt	12-Jul-01	\$20,000.00							
NT Fishers	01-Aug-01	\$373.10							
NT Fishers	19-Apr-02	\$7,356.21							
NT Fishers	10-Aug-01	\$1,620.00	04-Oct-01	\$3,961.11					
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	28-Sep-01	\$10,500.00	28-Sep-01	\$3,000.00					
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
	28-Sep-01	\$10,500.00	28-Sep-01	\$3,000.00					
NSW Fishers	03-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	05-Jul-01	\$6,000.00	06-Jul-01	\$108.00	03-Sep-01	\$15,000.00			
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	18-Apr-02	\$4,000.00							
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	05-Jul-01	\$3,000.00	03-Sep-01	\$9,000.00					
NSW Fishers	28-Sep-01	\$10,500.00	28-Sep-01	\$3,000.00					
NT Fishers	06-Dec-01	\$12,000.00							
NT Miners	06-Dec-01	\$8,000.00							
QLD Claimants	07-Aug-01	\$25,000.00	25-Sep-01	\$20,310.10					
QLD Miners	12-Jul-01	\$5,000.00							
QLD Pastoralists / Farmers	12-Dec-01	\$4,437.70							
WA Miners	27-Sep-01	\$150,000.00	18-Dec-01	\$100,000.00					
WA Pastoralists / Farmers	03-Dec-01	\$26,000.00	31-Jan-02	\$38,000.00					
QLD Pastoralists / Farmers	18-Sep-01	\$32,000.00							
QLD Pastoralists / Farmers	13-Sep-01	\$27,000.00							
QLD Pastoralists / Farmers	18-Sep-01	\$32,000.00							
QLD Pastoralists / Farmers	20-Nov-01	\$30,000.00							
QLD Pastoralists / Farmers	16-Mar-02	\$30,000.00							
QLD Pastoralists / Farmers	16-Mar-02	\$25,000.00							
QLD Pastoralists / Farmers	16-Mar-02	\$30,000.00							
SA Local Govt	05-Jul-01	\$20,000.00	08-Nov-01	\$81,500.00					
QLD Fishers	15-Nov-01	\$24,000.00	15-Nov-01	\$16,000.00					
QLD Fishers	15-Nov-01	\$15,000.00	15-Nov-01	\$23,000.00					
WA Fishers	06-Aug-01	\$13,000.00	06-Aug-01	\$10,000.00					
WA Fishers	06-Aug-01	\$13,000.00	06-Aug-01	\$1,000.00					
WA Fishers	06-May-02	\$7,272.73							
WA Fishers	06-May-02	\$7,272.73							
WA Fishers	16-Apr-02	\$16,500.00	18-Apr-02	\$2,059.31					
WA Fishers	17-Jul-01	\$37,000.00							
WA Fishers	26-Nov-01	\$15,000.00	26-Nov-01	\$50,000.00					
WA Fishers	04-Dec-01	\$80,000.00	01-Feb-02	\$15,000.00					
WA Others	17-Jul-01	\$5,400.00	04-Dec-01	\$60,000.00					
NSW Pastoralists / Farmers	11-Jul-01	\$10,156.50	01-Aug-01	\$12,500.00	10-Aug-01	\$9,591.47	06-Nov-01	\$3,864.55	01-May-02
VIC Fishers	05-Mar-02	\$25,000.00	05-Mar-02	\$30,000.00					

VIC Fishers	24-Jan-02	\$6,000.00							
Vic Miners	27-Feb-02	\$2,000.00							
VIC Fishers	18-Dec-01	\$500.00							
VIC Fishers	24-Aug-01	\$836.60	24-Aug-01	\$2,163.40	08-Jan-02	\$6,461.97	08-Jan-02	\$30,000.00	
NSW Fishers	03-Sep-01	\$1,179.00	03-Sep-01	\$40,000.00					
VIC Fishers	08-Jan-02	\$6,710.67	08-Jan-02	\$20,000.00					
VIC Fishers	24-Jan-02	\$2,789.32							
VIC Fishers	16-Mar-02	\$10,000.00							
VIC Fishers	17-Jan-02	\$15,000.00							
WA Miners	11-Feb-02	\$87,000.00							
WA Miners	22-Feb-02	\$4,000.00							
WA Miners	26-Feb-02	\$25,500.00							
WA Pastoralists / Farmers	30-Oct-01	\$21,363.64	23-Nov-01	\$8,000.00	12-Mar-02	\$7,272.72			
WA Local Govt	12-Mar-02	\$9,090.91							
WA Pastoralists / Farmers	02-Apr-02	\$21,818.18							
WA Pastoralists / Farmers	12-Mar-02	\$9,090.91							
WA Pastoralists / Farmers	12-Sep-01	\$8,000.00	12-Sep-01	\$16,818.18					
WA Pastoralists / Farmers	07-Aug-01	\$15,454.55	07-Aug-01	\$8,000.00					
WA Pastoralists / Farmers	12-Mar-02	\$9,090.91							
WA Pastoralists / Farmers	01-Nov-01	\$26,363.64							
WA Pastoralists / Farmers	12-Sep-01	\$8,000.00	12-Sep-01	\$28,727.27					
WA Pastoralists / Farmers	04-Apr-02	\$25,454.55							
WA Pastoralists / Farmers	12-Sep-01	\$8,000.00	12-Sep-01	\$22,090.91					
WA Pastoralists / Farmers	22-Oct-01	\$8,000.00	22-Oct-01	\$22,727.27					
WA Pastoralists / Farmers	27-Mar-02	\$27,272.73							
WA Pastoralists / Farmers	24-Jul-01	\$22,727.27	05-Apr-02	\$34,545.45	06-May-02	\$7,272.73			
WA Pastoralists / Farmers	12-Mar-02	\$9,090.91							
WA Pastoralists / Farmers	12-Mar-02	\$9,090.91							
WA Pastoralists / Farmers	04-Apr-02	\$50,000.00							
WA Pastoralists / Farmers	12-Mar-02	\$9,090.91							
WA Pastoralists / Farmers	24-Jul-01	\$26,363.64							
WA Pastoralists / Farmers	12-Mar-02	\$9,090.91							
WA Pastoralists / Farmers	16-Jan-02	\$300,000.00							
WA Pastoralists / Farmers	02-Apr-02	\$21,818.18							
WA Pastoralists / Farmers	25-Mar-02	\$45,454.55	25-Mar-02	\$12,727.27	06-May-02	\$7,272.73			
WA Local Govt	27-Mar-02	\$63,636.36							
WA Others	03-Apr-02	\$24,090.91							
WA Pastoralists / Farmers	30-Oct-01	\$17,272.73	23-Nov-01	\$8,000.00	12-Mar-02	\$7,272.72			
QLD Local Govt	22-Oct-01	\$27,000.00							
QLD Local Govt	20-Jul-01	\$15,000.00							
QLD Local Govt	20-Jul-01	\$15,000.00							
QLD Local Govt	20-Jul-01	\$15,000.00	06-Aug-01	\$15,000.00					
QLD Local Govt	30-Jul-01	\$15,000.00							
QLD Others	07-Aug-01	\$20,000.00							
QLD Local Govt	19-Mar-02	\$25,000.00							
QLD Local Govt	30-Oct-01	\$18,182.00							
QLD Others	21-Jan-02	\$9,000.00							
QLD Others	21-Jan-02	\$9,000.00							
QLD Others	21-Jan-02	\$9,000.00							
QLD Others	17-Aug-01	\$10,000.00							
QLD Others	17-Aug-01	\$10,000.00							
QLD Others	02-Nov-01	\$8,000.00							
QLD Others	14-Aug-01	\$15,000.00							
QLD Others	20-Jul-01	\$15,000.00							
QLD Others	14-Aug-01	\$15,000.00							
QLD Others	02-Nov-01	\$20,000.00							
QLD Others	14-Aug-01	\$15,000.00							

QLD Others	22-Aug-01	\$20,000.00					
QLD Others	14-Feb-02	\$20,000.00					
QLD Others	19-Jul-01	\$15,000.00	27-Mar-02	\$349.59			
QLD Others	24-Jul-01	\$15,000.00					
QLD Others	20-Jul-01	\$15,000.00					
QLD Others	14-Aug-01	\$15,000.00					
QLD Others	14-Aug-01	\$15,000.00					
QLD Others	02-Nov-01	\$8,000.00					
QLD Others	30-Jan-02	\$17,000.00					
QLD Others	16-Jul-01	\$17,000.00					
QLD Local Govt	29-Nov-01	\$20,000.00					
QLD Local Govt	06-Nov-01	\$20,000.00					
QLD Others	18-Jul-01	\$15,000.00	24-Jan-02	\$15,283.09			
QLD Pastoralists / Farmers	02-Oct-01	\$15,000.00	24-Jan-02	\$14,549.06			
QLD Miners	04-Oct-01	\$10,000.00					
QLD Miners	09-Jul-01	\$10,000.00	04-Oct-01	\$10,000.00	21-Feb-02	\$5,400.00	
QLD Miners	09-Jul-01	\$10,000.00	04-Oct-01	\$10,000.00	21-Feb-02	\$5,000.00	
QLD Miners	21-Feb-02	\$4,400.00					
	16-Jul-01	\$14,000.00					
QLD Local Govt	23-Nov-01	\$20,000.00					
QLD Local Govt	23-Nov-01	\$25,000.00					
QLD Local Govt	23-Nov-01	\$20,000.00					
QLD Local Govt	23-Nov-01	\$20,000.00					
QLD Local Govt	23-Nov-01	\$20,000.00					
QLD Local Govt	23-Nov-01	\$25,000.00					
QLD Local Govt	23-Nov-01	\$20,000.00					
QLD Local Govt	22-Jan-02	\$25,000.00					
QLD Local Govt	29-Jan-02	\$25,000.00					
QLD Local Govt	31-Jan-02	\$25,000.00					
QLD Local Govt	29-Jan-02	\$25,000.00					
QLD Local Govt	29-Jan-02	\$24,000.00					
QLD Local Govt	30-Jan-02	\$28,000.00					
QLD Local Govt	29-Jan-02	\$4,000.00					
QLD Local Govt	31-Jan-02	\$25,000.00					
QLD Local Govt	29-Jan-02	\$25,000.00					
QLD Local Govt	25-Aug-00	\$14,000.00					
QLD Local GovtQLD Local Govt	22-Aug-01	\$15,000.00					
QLD Local Govt	20-Jul-01	\$15,000.00					
QLD Local Govt	20-Jul-01	\$15,000.00					
QLD Local Govt	23-Nov-01	\$10,000.00					
QLD Local Govt	24-Jul-01	\$15,000.00					
QLD Local Govt	20-Jul-01	\$15,000.00					
QLD Local Govt	24-Jul-01	\$15,000.00					
QLD Local Govt	11-Jul-01	\$20,000.00					
QLD Local Govt	20-Jul-01	\$20,000.00					
QLD Local Govt	05-Jul-01	\$63,000.00					
QLD Local Govt	12-Jul-01	\$16,000.00					
QLD Local Govt	12-Jul-01	\$15,000.00					
QLD Local Govt	23-Nov-01	\$10,000.00					
QLD Local Govt	07-Nov-01	\$15,000.00					
QLD Local Govt	05-Jul-01	\$5,000.00	05-Mar-02	\$10,000.00			
QLD Local Govt	17-Sep-01	\$10,000.00					
QLD Local Govt	01-Aug-01	\$18,000.00					
QLD Local Govt	23-Aug-01	\$18,000.00	23-Aug-01	\$20,000.00	13-Sep-01	\$18,000.00	
QLD Local Govt	12-Jul-01	\$20,000.00					
QLD Local Govt	23-Aug-01	\$1,500.00					
QLD Local Govt	22-Aug-01	\$15,000.00					
QLD Local Govt	06-May-02	\$24,000.00					
QLD Local Govt	06-May-02	\$24,000.00					
QLD Local Govt	06-May-02	\$24,000.00					
QLD Local Govt	06-May-02	\$24,000.00					
QLD Local Govt	06-May-02	\$24,000.00					
QLD Others	01-Mar-02	\$10,000.00	19-Apr-02	\$10,000.00			
QLD Others	14-Feb-02	\$10,000.00					
QLD Local Govt	06-May-02	\$25,000.00					
QLD Others	15-Apr-02	\$10,000.00					
QLD Others	27-Mar-02	\$20,000.00					
QLD Others	15-Apr-02	\$10,000.00					
QLD Local Govt	19-Mar-02	\$25,000.00					
QLD Others	14-Feb-02	\$10,000.00					
QLD Local Govt	10-Apr-02	\$25,000.00					
QLD Local Govt	10-Apr-02	\$25,000.00					
QLD Local Govt	05-Mar-02	\$25,000.00					
QLD Others	15-Apr-02	\$4,000.00					
QLD Local Govt	10-Apr-02	\$25,000.00					

QLD Local Govt	10-Apr-02	\$8,000.00							
QLD Others	19-Apr-02	\$10,000.00							
QLD Others	19-Apr-02	\$10,000.00							
QLD Others	23-Apr-02	\$10,000.00							
QLD Local Govt	23-Nov-01	\$20,000.00							
QLD Local Govt	23-Nov-01	\$25,000.00							
QLD Others	04-Apr-02	\$10,000.00							
QLD Local Govt	19-Apr-02	\$30,000.00							
QLD Others	06-May-02	\$10,000.00							
QLD Local Govt	06-May-02	\$24,000.00							
QLD Local Govt	06-May-02	\$24,000.00							
WA Pastoralists / Farmers	21-Feb-02	\$746.70	21-Feb-02	\$10,000.00					
WA Local Govt	13-Aug-01	\$50,000.00							
WA Local Govt	12-Jul-01	\$919.15							
WA Others	19-Feb-02	\$70,000.00							
WA Local Govt	05-Jul-01	\$7,607.52	12-Jul-01	\$1,738.63	08-Aug-01	\$1,889.00	17-Sep-01	\$735.91	14-Dec-01
WA Local Govt	12-Jul-01	\$884.90	17-Sep-01	\$2,956.50	23-Nov-01	\$180.00	14-Dec-01	\$12,500.85	11-Feb-02
QLD Others	01-May-02	\$21,351.76							
WA Local Govt	28-Mar-02	\$150,000.00							
WA Local Govt	27-Feb-02	\$50,000.00							
WA Local Govt	25-Oct-01	\$50,526.00							
QLD Others	16-Nov-01	\$10,242.29							
VIC Fishers	11-Jan-02	\$4,000.00							
VIC Fishers	08-Jan-02	\$9,000.00							
	07-Aug-01	\$18,308.79							
QLD Fishers	26-Nov-01	\$17,000.00	26-Nov-01	\$8,000.00					
QLD Fishers	10-Aug-01	\$14,000.00	13-Aug-01	\$20,000.00					
QLD Fishers	13-Aug-01	\$14,000.00	13-Aug-01	\$20,000.00					
QLD Fishers	13-Aug-01	\$20,000.00	13-Aug-01	\$14,000.00					
QLD Fishers	28-Aug-01	\$90.75							
QLD Fishers	15-Nov-01	\$15,000.00	15-Nov-01	\$10,000.00					
QLD Fishers	03-Dec-01	\$3,000.00	03-Dec-01	\$13,000.00					
QLD Pastoralists / Farmers	20-Apr-02	\$82.50	05-Jul-01	\$19,000.00	29-Aug-01	\$241.00			
QLD Miners	22-Aug-01	\$3,879.20	05-Oct-01	\$20,000.00	22-Jan-02	\$10,000.00			
QLD Fishers	01-Feb-02	\$11,000.00	01-Feb-02	\$20,000.00					
SA Others	11-Dec-01	\$1,186.09							
SA Others	23-Oct-01	\$177.27							
QLD Local Govt	28-Mar-02	\$10,000.00							
QLD Local Govt	03-Apr-02	\$10,000.00							
SA Pastoralists / Farmers	18-Jul-01	\$322,485.00	31-Aug-01	\$27,000.00	11-Sep-01	\$322,485.00	03-Dec-01	\$300,000.00	17-Jun-02
SA Pastoralists / Farmers	11-Dec-01	\$1,053.10							
SA Local Govt	21-Feb-02	\$580.00							
SA Local Govt	18-Jan-02	\$20,000.00							
SA Local Govt	18-Jan-02	\$40,000.00							
SA Local Govt	25-Mar-02	\$25,000.00							
WA Local Govt	20-Sep-01	\$3,000.00	21-Dec-00	\$871.58					
NSW Pastoralists / Farmers	10-May-02	\$7,272.72	10-May-02	\$9,090.90					
VIC Pastoralists / Farmers	04-Sep-01	\$10,000.00							
NSW Pastoralists / Farmers	17-Apr-02	\$17,000.00							
VIC Pastoralists / Farmers	03-Sep-01	\$25,000.00							
VIC Pastoralists / Farmers	02-Oct-01	\$10,000.00							
VIC Pastoralists / Farmers	02-Oct-01	\$10,000.00							
VIC Others	13-Jul-01	\$11,500.00							
VIC Pastoralists / Farmers	17-Jan-02	\$20,000.00							
QLD Claimants	29-Nov-01	\$10,000.00							
QLD Others	29-Apr-02	\$1,000.00							
WA Others	18-Apr-02	\$64,157.00							
QLD Pastoralists / Farmers	22-Oct-01	\$1,175.40							
QLD Pastoralists / Farmers	22-Oct-01	\$1,768.75							
VIC Pastoralists / Farmers	22-Oct-01	\$587.60							

VIC Pastoralists / Farmers	22-Oct-01	\$12,665.75							
VIC Pastoralists / Farmers	22-Oct-01	\$648.00	21-Dec-01	\$15,000.00					
VIC Pastoralists / Farmers	02-Oct-01	\$180.00	22-Oct-01	\$180.00					
VIC Pastoralists / Farmers	01-May-02	\$45,000.00							
VIC Pastoralists / Farmers	03-Apr-02	\$10,000.00							
	29-Nov-01	\$15,000.00							
VIC Pastoralists / Farmers	16-Mar-02	\$6,000.00							
NSW Pastoralists / Farmers	03-Apr-02	\$15,000.00							
NSW Pastoralists / Farmers	06-May-02	\$15,000.00							
NSW Local Govt	25-Mar-02	\$15,000.00							
VIC Pastoralists / Farmers	21-Oct-01	\$148.50	26-Nov-01	\$520.70	21-Feb-02	\$973.50			
VIC Pastoralists / Farmers	11-Dec-01	\$15,000.00							
VIC Pastoralists / Farmers	22-Oct-01	\$5,901.95	26-Nov-01	\$3,791.80					
NSW Local Govt	24-Jan-02	\$40,000.00							
NSW Local Govt	24-Jan-02	\$2,814.92							
NSW Local Govt	12-Mar-02	\$10,000.00							
QLD Pastoralists / Farmers	03-Apr-02	\$10,000.00							
QLD Others	20-Nov-01	\$4,183.05	04-Dec-01	\$6,671.99	23-Jan-02	\$7,108.50	23-Jan-02	\$2,246.85	11-Mar-02

295 payments to individuals/companies

430 total payments

Payment Amount (ex GST) 4	Date 5	Payment Amount (ex GST) 5	Date 6	Payment Amount (ex GST) 6	Totals
					\$23,732.00
					\$57,000.00
					\$8,000.00
					\$80,000.00
					\$52,000.00
					\$45,000.00
					\$200,000.00
					\$15,000.00
					\$4,036.90
					\$5,385.70
					\$95,000.00
					\$27,000.00
					\$67,151.76
					\$12,000.00
					\$10,070.03
					\$62,580.00
					\$53,000.00
					\$11,000.00
					\$13,468.85
					\$16,500.00
					\$27,000.00
					\$23,641.74
					\$17,000.00
					\$17,000.00
					\$170,000.00
					\$10,000.00
					\$15,000.00
\$6,434.53					\$77,012.71
					\$10,000.00
					\$1,622.00
					\$20,000.00
					\$1,030.19

					\$30,000.00
					\$9,000.00
					\$4,732.00
					\$32,400.00
					\$15,709.10
\$10,000.00					\$42,980.97
					\$20,000.00
					\$373.10
					\$7,356.21
					\$5,581.11
					\$12,000.00
					\$12,000.00
					\$13,500.00
					\$12,000.00
					\$13,500.00
					\$12,000.00
					\$21,108.00
					\$12,000.00
					\$4,000.00
					\$12,000.00
					\$12,000.00
					\$12,000.00
					\$12,000.00
					\$13,500.00
					\$12,000.00
					\$8,000.00
					\$45,310.10
					\$5,000.00
					\$4,437.70
					\$250,000.00
					\$64,000.00
					\$32,000.00
					\$27,000.00
					\$32,000.00
					\$30,000.00
					\$30,000.00
					\$25,000.00
					\$30,000.00
					\$101,500.00
					\$40,000.00
					\$38,000.00
					\$23,000.00
					\$14,000.00
					\$7,272.73
					\$7,272.73
					\$18,559.31
					\$37,000.00
					\$65,000.00
					\$95,000.00
\$32,281.78					\$65,400.00
					\$68,394.30
					\$55,000.00

					\$6,000.00
					\$2,000.00
					\$500.00
					\$39,461.97
					\$41,179.00
					\$26,710.67
					\$2,789.32
					\$10,000.00
					\$15,000.00
					\$87,000.00
					\$4,000.00
					\$25,500.00
					\$36,636.36
					\$9,090.91
					\$21,818.18
					\$9,090.91
					\$24,818.18
					\$23,454.55
					\$9,090.91
					\$26,363.64
					\$36,727.27
					\$25,454.55
					\$30,090.91
					\$30,727.27
					\$27,272.73
					\$64,545.45
					\$9,090.91
					\$9,090.91
					\$50,000.00
					\$9,090.91
					\$26,363.64
					\$9,090.91
					\$300,000.00
					\$21,818.18
					\$65,454.55
					\$63,636.36
					\$24,090.91
					\$32,545.45
					\$27,000.00
					\$15,000.00
					\$15,000.00
					\$30,000.00
					\$15,000.00
					\$20,000.00
					\$25,000.00
					\$18,182.00
					\$9,000.00
					\$9,000.00
					\$9,000.00
					\$10,000.00
					\$10,000.00
					\$8,000.00
					\$15,000.00
					\$15,000.00
					\$15,000.00
					\$20,000.00
					\$15,000.00

					\$20,000.00
					\$20,000.00
					\$15,349.59
					\$15,000.00
					\$15,000.00
					\$15,000.00
					\$15,000.00
					\$8,000.00
					\$17,000.00
					\$17,000.00
					\$20,000.00
					\$20,000.00
					\$30,283.09
					\$29,549.06
					\$10,000.00
					\$25,400.00
					\$25,000.00
					\$4,400.00
					\$14,000.00
					\$20,000.00
					\$25,000.00
					\$20,000.00
					\$20,000.00
					\$20,000.00
					\$20,000.00
					\$25,000.00
					\$20,000.00
					\$25,000.00
					\$25,000.00
					\$25,000.00
					\$25,000.00
					\$25,000.00
					\$24,000.00
					\$28,000.00
					\$4,000.00
					\$25,000.00
					\$25,000.00
					\$14,000.00
					\$15,000.00
					\$15,000.00
					\$15,000.00
					\$10,000.00
					\$15,000.00
					\$15,000.00
					\$15,000.00
					\$20,000.00
					\$20,000.00
					\$63,000.00
					\$16,000.00
					\$15,000.00
					\$10,000.00
					\$15,000.00
					\$15,000.00
					\$10,000.00
					\$18,000.00
					\$56,000.00
					\$20,000.00
					\$1,500.00
					\$15,000.00
					\$24,000.00
					\$24,000.00
					\$24,000.00
					\$24,000.00
					\$24,000.00
					\$24,000.00
					\$20,000.00
					\$10,000.00
					\$25,000.00
					\$10,000.00
					\$20,000.00
					\$10,000.00
					\$25,000.00
					\$10,000.00
					\$25,000.00
					\$25,000.00
					\$25,000.00
					\$4,000.00
					\$25,000.00

					\$8,000.00
					\$10,000.00
					\$10,000.00
					\$10,000.00
					\$20,000.00
					\$25,000.00
					\$10,000.00
					\$30,000.00
					\$10,000.00
					\$24,000.00
					\$24,000.00
					\$10,746.70
					\$50,000.00
					\$919.15
					\$70,000.00
\$3,415.69	11-Feb-02	\$6,145.49	25-Feb-02	\$1,923.71	\$23,455.95
\$8,600.27	21-Feb-02	\$1,078.84			\$26,201.36
					\$21,351.76
					\$150,000.00
					\$50,000.00
					\$50,526.00
					\$10,242.29
					\$4,000.00
					\$9,000.00
					\$18,308.79
					\$25,000.00
					\$34,000.00
					\$34,000.00
					\$34,000.00
					\$90.75
					\$25,000.00
					\$16,000.00
					\$19,323.50
					\$33,879.20
					\$31,000.00
					\$1,186.09
					\$177.27
					\$10,000.00
					\$10,000.00
\$40,000.00					\$1,011,970.00
					\$1,053.10
					\$580.00
					\$20,000.00
					\$40,000.00
					\$25,000.00
					\$3,871.58
					\$16,363.62
					\$10,000.00
					\$17,000.00
					\$25,000.00
					\$10,000.00
					\$10,000.00
					\$11,500.00
					\$20,000.00
					\$10,000.00
					\$1,000.00
					\$64,157.00
					\$1,175.40
					\$1,768.75
					\$587.60

					\$12,665.75
					\$15,648.00
					\$360.00
					\$45,000.00
					\$10,000.00
					\$15,000.00
					\$6,000.00
					\$15,000.00
					\$15,000.00
					\$15,000.00
					\$1,642.70
					\$15,000.00
					\$9,693.75
					\$40,000.00
					\$2,814.92
					\$10,000.00
					\$10,000.00
\$4,335.00	04-Apr-02	\$3,929.00			\$28,474.39

Total **\$8,367,113.86**

Total

\$24,545.39

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.7
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 31 May 2002:

Prior to the Social Justice Commissioner's Native Title Report 2001, how many previous reports have been responded to where a press release has or has not been issued, and how many reports have been responded to by the Attorney-General or the Minister responsible for indigenous affairs at the time?

I am advised that the answer to the honourable Senator's question is as follows:

Since responsibility for most native title issues was transferred to this portfolio on 21 October 1998, a press release has been issued on the tabling of each of the annual Native Title Reports in Parliament:

Native Title Report 1998 – press release issued by the Attorney-General on 12 May 1999.

Native Title Report 1999 – press release issued by the Attorney-General on 6 April 2000.

Native Title Report 2000 – press release issued by the Attorney-General jointly with the Minister for Immigration and Multicultural Affairs, Reconciliation and Aboriginal and Torres Strait Islander Affairs on 28 March 2001.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.7
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearings of 31 May 2002.

In relation to Native Title funds :

- a) How many staff are located within the Native Title Unit of Attorney-Generals?
- a) Can you tell me what the \$5.3 million through the Native Title Division under native title within the Attorney General's Department was spent on in 2001-02? Can you detail the purpose of these funds?
- c) What will the \$5.4 million be allocated to in the coming year?

I am advised that the answer to the honourable Senator's question is as follows:

- a) As at 11 June 2002, a total of 21 staff members were working in the Native Title Division of the Attorney-General's Department. Of these, 17 staff were ongoing employees and four were non-ongoing employees. Three of the ongoing employees work part-time.
- b) The estimated actual expenditure in 2001-02 for Output 1.7 (legal services and policy advice on native title) of \$5.331m includes employee expenses, supplier expenses, property, information technology and other central support costs, and the costs associated with managing the Commonwealth's native title litigation and the costs associated with obtaining general legal advice on native title matters and comprised:

	\$m
Employee expenses	1.541
Supplier expenses	0.346
Legal services	2.555
Other costs	0.889
Total costs	5.331

- c) The estimated expenditure in 2002-03 for Output 1.7 (legal services and policy advice on native title) of \$5.478 includes employee expenses, supplier expenses, property, information technology and other central support costs, and the costs associated with managing the Commonwealth's native title litigation and the costs associated with obtaining general legal advice on native title matters and comprises:

	\$m
Employee expenses	1.642
Supplier expenses	0.270
Legal services	2.563
Other costs	1.003
Total costs	5.478

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.7
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002.

In relation to Native Title Financial Assistance Agreements with State and Territories:

- a) Have any states signed the Financial Assistance Agreements?
- b) What provisions are the States required to fulfil before they are reimbursed under the Financial Assistance Agreements? When does reimbursement begin – before or after a native title determination?
- c) What sort of information must the states provide to the Commonwealth Government in order to receive reimbursement?
- d) Can we have copy of the agreements.
- e) Last year \$500,000 was given as payment to the States – can you tell me which states it was given to and what this was spent on?
- f) Since 1996-97 and for each of the forward years to 2005-06 (including the 2001-02 part year) would you please provide the amounts spent on native title (or forward estimate) for each of the following: NNTT (appropriation only), Federal Court, AG (non claimant applications) and representative bodies.

I am advised that the answer to the honourable Senator's question is as follows:

- a) As at 26 June 2002, no State or Territory has signed an Agreement with the Commonwealth for the provision of financial assistance for native title compensation and costs associated with tribunals performing native title functions.
- b) The amounts that might be paid by the Commonwealth will be subject to conditions set out in financial assistance agreements being negotiated with the States and Territories. As negotiations are continuing it would be premature to speculate about the content of a final agreement. The Commonwealth position is reimbursement will only be made for payments which are paid by the States or Territories as compensation for the identified impact of an act on identified native title rights and interests. The Commonwealth position is, as a general rule, no reimbursement will be made in relation to compensation before a native title determination has been made in relation to the relevant recipients of the compensation payment for which reimbursement is sought.
- c) The information the States and Territories will be required to provide to the Commonwealth Government in order to receive reimbursement will be detailed in the financial assistance agreements. As the agreements are still being negotiated it would be premature to speculate about what will be in a final agreement. The agreements will, however, contain appropriate provisions to ensure that accountability obligations to the Commonwealth Parliament can be met.

- d) No agreements have been finalised.
- e) The estimated actual outcome for this program in 2001-02 was \$0.5m. The estimate was based on the possibility that a financial assistance agreement would be concluded with South Australia prior to the end of 2001-02 and that a request for reimbursement for costs associated with the operations of a tribunal performing native title functions would be received and processed. As at 26 June 2002, negotiations with South Australia are continuing and no money has yet been expended from the financial assistance program. Unspent moneys from this program are returned to the Budget.
- f) The actual outcomes for 1996-97 to 2000-01, estimated actual outcome for 2001-02, Budget estimate for 2002-03 and forward estimates for 2003-04 to 2005-06 for the amounts spent on native title by the National Native Title Tribunal (NNTT) are detailed in the answer to Question No 4 and for the Federal Court in the answer to Question No 100. The figures for the native title financial assistance (non-claimants) scheme administered by the Attorney-General's Department are as follows:

Year	Native title financial assistance (non-claimants) scheme \$m
1996-97	2.303
1997-98	4.057
1998-99	7.339
1999-00	7.033
2000-01	7.517
2001-02	11.066
2002-03	11.775
2003-04	10.142
2004-05	9.065
2005-06	7.630

The figures for native title representative bodies funded by ATSIC and the Torres Strait Regional Authority are as follows:

Year	ATSIC funding for representative body function (a) \$m	TSRA funding for representative body function (b) \$m
1996-97	40.758	0.361
1997-98	44.277	0.368
1998-99	47.144	0.373
1999-00	46.788	0.703
2000-01	51.172	1.351
2001-02	50.503(c)(d)	1.572
2002-03	51.763(c)(d)	1.487
2003-04	53.163(c)(d)	1.555
2004-05	50.763(c)(d)	1.587
2005-06	47.063	1.630

- (a) The information has been provided by the Aboriginal and Torres Strait Islander Commission.
- (b) The information has been provided by the Torres Strait Regional Authority.
- (c) Includes additional funding provided by the ATSIC board of \$3.940m in 2001-02 and \$3.400m for each year from 2002-03 to 2004-05.
- (d) The Government provided additional funding to ATSIC of \$2.9m in 2001-02, \$4.7m in 2002-03, \$6.1m in 2003-04 and \$3.7m in 2004-05 for representative body capacity building and priority claims resolution programs.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.7
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002.

Please provide a map of Australia of what areas the 20 representative bodies cover.

I am advised that the answer to the honourable Senator's question is as follows:

The National Native Title Tribunal has provided the map requested in its answer to Question on Notice 5.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.7
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearings of 31 May 2002.

In relation to the cost of ILUAs :

- a) Has there been any work done on how much it costs to register an ILUA with the NNTT, ie not just the NNTT cost but the total system cost (tribunal, court, rep body and non claimant money) and what the equivalent costs are for litigation through the courts?
- b) If there has been no formal work done across the board then can you please provide some examples of the costs of a particular case/negotiation?

I am advised that the answer to the honourable Senator's question is as follows:

The National Native Title Tribunal has answered a similar question to this from its own perspective.

There is no involvement by the Federal Court in the process for registering an ILUA. Costs incurred by the representative body and other parties to the ILUA include the cost of:

- making the application to the NNTT; and
- participating in mediation to resolve any objections to the registration of the ILUA.

There has been no work done on costing these items.

However, it is important to note that ILUAs are not a direct substitute for an approved determination of native title by the Federal Court. Under the *Native Title Act 1993* (the Act), native title rights and interests are recognised through an approved determination that native title exists made by the Federal Court. An approved determination may be made as a result of litigation or as a result of an agreement (usually through mediation conducted by the NNTT under the Act) between the relevant parties (a consent determination). Where the Federal Court is asked to make a consent determination, the Court is required to ensure that the determination in question meets the statutory requirements set out in the Act. An approved determination may be made in conjunction with an ILUA.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.7
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

- (a) How many Prescribed Bodies Corporate (PBCs) are there now in Australia?
- (b) Are they funded? How are they funded and through whom?
- (c) What financial provisions are made for the set up of PBCs to ensure that they can carry out the tasks that they are obligated to perform?
- (d) What is done to make sure that PBCs understand and have the capacity to deliver on their responsibilities?

I am advised that the answer to the honourable Senator's question is as follows:

The following is based on information provided by the Aboriginal and Torres Strait Islander Commission in response to Senator McKiernan's questions:

- (a) As at 20 June 2002, a total of 20 corporations have been determined to be Prescribed Bodies Corporate and registered on the National Native Title Register, thereby becoming Registered Native Title Bodies Corporate (RNTBCs).¹

Under the *Native Title Act 1993 (NTA)*, RNTBCs are the legal entity that hold or manage native title on behalf of native title holders after native title has been determined to exist by the Federal Court. While there are only a small number of RNTBCs at present the number will increase as there are more determinations of native title.

- (b) and (c) The Government currently provides, through ATSIC, funding to Native Title Representative Bodies (NTRBs) for the performance of NTRB statutory functions under Part 11, Division 3 of the NTA.

Part 11, Division 3 of the NTA allows NTRBs to provide certain services to RNTBCs (for example, facilitation and assistance services) if the RNTBC requests the NTRB to provide those services and their provision would be in accordance with the NTRB's prioritisation policy.

ATSIC grant conditions allow NTRBs to use ATSIC grant funding to perform their statutory functions in respect of RNTBCs and to assist with the establishment costs of new PBCs (ie corporations set up by native title holders to perform the functions of a RNTBC, but which have not yet been registered on

¹ Source: National Native Title Tribunal, National Native Title Register. It should be noted that due to occasional delays between the Federal Court making a determination in relation to a RNTBC, and it then notifying the NNTT of that determination for inclusion in the National Native Title Register, the Register itself *may* not be fully reflective of the total number of RNTBCs at any particular point in time.

the National Native Title Register). ATSIC grant conditions preclude NTRBs from meeting the ongoing operating costs of RNTBCs.

- (d) ATSIC is currently conducting a research project to obtain data on the structure and projected activity of RNTBCs Australia-wide. It is expected that this data will inform the development of strategies to assist RNTBCs to deliver on their responsibilities.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.8
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 27 May 2002:

Provide details on how Mr Cole's base salary of \$660,000 was actually determined?

I am advised that the answer to the honourable Senator's question is as follows:

Commissioner Cole's salary was determined on the basis that it was essential to attract someone of the highest calibre to accept the position of royal commissioner. In particular, the salary was determined by the Government in negotiation with the Commissioner having regard to the following considerations:

- (a) Commissioner Cole is a former judge of the New South Wales Court of Appeal and the New South Wales Supreme Court and, prior to his appointment to the Bench, had been a Queen's Counsel for many years;
- (b) after his retirement from the Bench, and before his appointment as a royal commissioner, Commissioner Cole was working as a mediator and arbitrator;
- (c) top ranking arbitrators, mediators and Queen's Counsel, particularly those with extensive judicial experience, are able to command fees in the order of \$5,000-\$10,000 per day;
- (d) the salary is significantly less than the amount that would have been payable at the normal rate for an arbitrator, mediator or Queen's Counsel of Commissioner Cole's seniority.

See also the answer to question 248.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 27 May 2002:

Which minister was responsible for approving the initial budget for the royal commission?

I am advised that the answer to the honourable Senator's question is as follows:

The Government approved the budget for the Royal Commission into the Building and Construction Industry following consultation with all relevant Ministers, including the Prime Minister.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.8
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 27 May 2002:

Have there been any contracts let by the department in relation to the royal commission that involve ministerial intervention; ie, legal service providers or any other expenses associated with the commission?

I am advised that the answer to the honourable Senator's question is as follows:

See the answer to question 21.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 27 May 2002:

- (a) Did the negotiations (between Justice Cole) occur before he was appointed or after?
- (b) When were those negotiations undertaken?
- (c) Which ministers were involved in the negotiations?
- (d) Was it a cabinet decision?
- (e) If there was a cabinet decision, what was the date of the cabinet meeting determine the salary of the royal commissioner?
- (f) Was the contract put before cabinet or was it just the commissioner's salary?
- (g) What was the date of the commissioner's appointment?

I am advised that the answer to the honourable Senator's question is as follows:

- (a) The Prime Minister announced on 26 July 2001 that he would recommend to the Governor-General that Terence Cole QC be appointed to head a royal commission into the building and construction industry. The Governor-General appointed Mr Cole as royal commissioner by letters patent made on 8 August 2001. These were replaced on 29 August to correct a drafting oversight. Negotiations with Commissioner Cole regarding his remuneration commenced in July 2001, in the week before the Prime Minister's announcement. The negotiations continued after the Commissioner's appointment.
- (b) See (a).
- (c) The Prime Minister, the Attorney-General and the Minister for Employment, Workplace Relations and Small Business were consulted in relation to the negotiation of the terms of Commissioner Cole's engagement as royal commissioner.
- (d) The negotiation of Commissioner Cole's terms of engagement was not the subject of a Cabinet decision.
- (e) See (d).
- (f) See (d).
- (g) See (a).

SENATE ESTIMATES COMMITTEE
ROYAL COMMISSION INTO THE BUILDING AND CONSTRUCTION INDUSTRY
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 27 May 2002:

Is it the case that Mr Williamson's solicitors have already been told that Mr Williamson will be examined in relation to secret tape recordings already referred to?

I am advised that the answer to the honourable Senator's question is as follows:

Refer to the answer to Question on Notice 32.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.2
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 27 May 2002:

The advice of 20 February this year from the Department of Employment and Workplace Relations [was] that Mr Lloyd and Dr Shergold of that department provided Mr Thatcher's name as the person that should be the secretary of the commission.

- (a) Was the department involved at all in those discussions on the appointment of the secretary in any way?
- (b) Was Mr Govey involved in any way?
- (c) When did Mr Govey first hear that Mr Thatcher was to be appointed as the secretary?

I am advised that the answer to the honourable Senator's question is as follows:

- (a) See (b).
- (b) Mr Govey took part in a meeting with Mr Thatcher in July 2001. That meeting was convened by the Department of Finance and Administration as part of the process adopted in considering Mr Thatcher's appointment.
- (c) Mr Govey became aware earlier in July 2001 of the proposal to appoint Mr Thatcher as secretary to the commission.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 1.3
QUESTIONS ON NOTICE

Senator Carr asked the following question at the hearing of 27 May 2002:

Why can't organisations apply for legal assistance? What reasons can be given for that?

I am advised that the answer to the honourable Senator's question is as follows:

The criteria for financial assistance are that:

- (a) the applicant's personal interests could be exposed to prejudice, as a result of appearing before the Commission; or
- (b) the applicant is a central figure in the proceedings and thus is likely to be involved to a major degree in those proceedings; or
- (c) cross examination of the applicant is likely to assist the Commission in its task.

These are the same criteria as the pre-existing scheme for financial assistance for legal costs before Commissions and Inquiries which has been in place for over fifteen years. Each of these criteria relate to natural persons only. A key purpose in establishing financial assistance schemes for Royal Commissions is to ensure that individuals subject to the coercive powers of the Commissions, who may therefore be exposed to prejudice as a result of their appearance, are able to obtain legal assistance.

Officials of organisations can apply (and have been granted) assistance under the scheme as individuals.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 2.4
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Provide explanation on how decisions about the level and type of security services provided to key Commonwealth buildings and assets such as Defence establishments are made?

I am advised that the answer to the honourable Senator's question is as follows:

The Commonwealth's functions and official resources must be safeguarded from sources of harm that would weaken, compromise or destroy them. As such, each agency must create and maintain an appropriate security environment for the protection for its functions and official resources.

Determining the degree of protection required by an agency, program, function or individual resource should be part of every agency's risk management strategy. The Commonwealth Protective Security Manual (PSM) sets out the policies, practices and procedures that will provide the necessary safeguards.

Each agency head is responsible to his or her Minister for ensuring the functions performed, the resources held, the people employed and the clients served by the agency are protected against unacceptable risk. Compliance with the minimum mandatory requirements of the PSM should ensure a uniform protective security regime across government.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 2.4
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Who provides these services to the Commonwealth?

I am advised that the answer to the honourable Senator's question is as follows:

The Protective Security Policy Committee advises the Government on protective security policy for the Commonwealth. Protective security policies, practices and procedures are detailed in the Commonwealth Protective Security Manual (PSM). The PSM is a living document under ongoing review to ensure it remains current and provides agencies with guidance and support needed to accommodate emerging work practices.

Agencies are able to obtain guidance on specific aspects of protective security from specialist areas within government. Protective security policy advice is available from the Protective Security Coordination Centre within the Attorney General's Department. Security risk assessments are available from the Australian Security Intelligence Organisation (ASIO). Criminal risk assessments are available from the Australian Federal Police (AFP) and/or the local State or Territory police service. Specialist advice on IT matters is available from the Defence Signals Directorate.

The Australian Protective Service (APS) provides guarding services to Government agencies and there are a number of commercial security companies that provide security services to the Government. It is the responsibility of the individual agency to identify and employ an appropriate guarding service, if required.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 2.4
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

What is the process undertaken?

I am advised that the answer to the honourable Senator's question is as follows:

Decisions as to the process that should be undertaken, should be made in accordance with the principles of risk assessment and management as laid out in the Commonwealth Protective Security Manual.

To ensure the protection of critical assets, agencies should undertake regular risk reviews and implement treatment options as appropriate. ASIO and the APS can provide advice and a risk assessment service for Commonwealth agencies.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 2.4
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Why doesn't this "market decides" decision-making create security risks?

I am advised that the answer to the honourable Senator's question is as follows:

The protective security standards that apply to Commonwealth departments and agencies are detailed in the Commonwealth Protective Security Manual (PSM). Individual agency heads determine what protective security arrangements are required for his or her agency based on risk management methodology.

There are a number of minimum mandatory requirements that must be satisfied. There are also a number of agency and circumstance specific factors to be considered.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 2.4
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Isn't the Government in a better position to be informed about particular security risks than the agency being guarded?

I am advised that the answer to the honourable Senator's question is as follows:

The Government, through its intelligence and law enforcement agencies, is in a position to assess threats (whether political or criminal). Threat assessment information is currently provided to other agencies on an on-going basis. Agencies are better placed to then identify vulnerabilities and treatment options for their particular functions and resources, in the light of the threat assessments. Agencies have an in-depth knowledge of their physical environment and their clients, stakeholders and local business environment.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 2.4
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

How are the private providers of security services linked into and coordinated with Commonwealth security services?

I am advised that the answer to the honourable Senator's question is as follows:

Private security providers and Commonwealth security services are linked generally by professional association and common standards. However, Commonwealth security providers are normally trained to a higher level and have statutory powers (eg, the Australian Protective Service).

There is generally no operational link between Commonwealth and private security providers unless both are engaged in providing a service for a single agency or department, in which case the latter needs to ensure adequate coordination of the security function.

It is more usual that a security service is provided by a single service provider, either Commonwealth or private.

It is the responsibility of the individual agency head to ensure that private security services employed by their agency are adequately briefed and meet the standards to enable them to provide an effective response to any security situation.

SENATE ESTIMATES COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT
OUTPUT 2.4
QUESTIONS ON NOTICE

Senator McKiernan asked the following question at the hearing of 31 May 2002:

Is there scrutiny of the private providers recruitment and training processes?

I am advised that the answer to the honourable Senator's question is as follows:

The Australian National Training Authority has set a training standard (PRS98, Asset Security Training Package) comprising eight compulsory and five elective subjects that must be completed to obtain Certificate 2 in Security Guarding.

Most of the private security providers require their officers to possess Certificate 2 as a minimum.

It is the responsibility of the agency head to stipulate in any contract between an agency and a security provider as to the level of training, clearance and re-certification that maybe required.