
Departmental overview

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Role and mission

The Attorney-General's Department serves the people of Australia by providing essential expert support to the Government in the maintenance and improvement of Australia's law and justice and its national security and emergency management systems.

The Department is the central policy and coordinating element of the Attorney-General's portfolio, for which the Attorney-General and the Minister for Justice and Customs are responsible.

The mission of the Attorney-General's Department is *achieving a just and secure society*.

Outcomes and outputs framework

In pursuing its mission, the Department works towards achieving two outcomes:

Outcome 1: An equitable and accessible system of federal civil justice

Outcome 2: Coordinated federal criminal justice, security and emergency management activity, for a safer Australia

The Department's outcomes and outputs structure and performance targets are set out each year in the Portfolio Budget Statements (PBS) and the Portfolio Additional Estimates Statements (PAES). This annual report responds directly to the performance measures established in those accountability documents and strives to give a clear indication of the Department's intended and actual performance for the year.

Since our 2004-05 report there have been changes to our output structure that took effect on 1 July 2005. The total number of outputs has been reduced from 13 to 11, and component functions rearranged to keep associated activities together.

Organisational structure

The Department's organisational structure is aligned as closely as possible with the outcomes and outputs structure, as shown in Figure 1 on pages 24-25.

The Deputy Secretary, Civil Justice and Legal Services Group, has responsibility for outputs within Outcome 1.

The Deputy Secretary, National Security and Criminal Justice Group, is responsible for outputs falling under Outcome 2.

Three general managers support the two deputy secretaries in producing all the Department's outputs. They are the General Manager, Information and Knowledge Services Group, the General Manager, Corporate Services Group and the General Manager, Financial Services Group.

An implementation team has been set in place to establish a new division of the Department to be known as AusCheck – with the additional descriptor, the Australian Background Checking Service, to be used as appropriate. AusCheck will coordinate background checks on people who work in the secure areas of air and sea ports. The Division will formally take on these functions on 1 July 2007, and will operate on a cost-recovery basis once the agency is fully established and operational.

Division and office responsibilities

The functions of the divisions and offices, within broad structural groupings, are described below. The descriptions reflect the Department's structure at 30 June 2006.

CIVIL JUSTICE AND LEGAL SERVICES GROUP

The **Civil Justice Division (CJD)** is responsible for legal and policy advice on family law, marriage law, administrative law, evidence, service and execution of process, legal practice and procedure, private international law, and courts and tribunals.

CJD is also responsible for the development and promotion of services that assist separating or separated families to resolve disputes and reach agreements that are in the best interests of their children.

CJD administers the Marriage Celebrants Program; an officer of the Division is the Registrar of Marriage Celebrants.

Further, CJD promotes international cooperation on civil legal procedure and family law matters and handles requests for judicial assistance in international civil legal matters and international access and child abduction cases.

The Division provides research and support services to the Administrative Review Council, the National Alternative Dispute Resolution Advisory Council and the Family Law Council.

The **Indigenous Justice and Legal Assistance Division (IJLAD)** is responsible for the development, implementation and administration of Australian Government policy on legal aid, including management of the legal aid program and the Community Legal Services program.

The Division is responsible for the administration of various law and justice programs to assist Aboriginal and Torres Strait Islander people. The Division also manages financial assistance programs in matters arising under a number of statutory and non-statutory schemes.

The **Information Law and Human Rights Division (ILHRD)** provides legal and policy advice relating to privacy and freedom of information as well as to parliamentary privilege, defamation, and electronic commerce. The Division participates in international discussions and negotiations on privacy and electronic commerce issues and is currently actively involved in relevant APEC and OECD groups.

The Division provides advice on domestic human rights policy, including anti-discrimination legislation, the implementation of Australia's international obligations and policy issues arising in relation to the Human Rights and Equal Opportunity Commission.

The Division gives policy advice to the Government about copyright and related rights on a range of new technology and enforcement issues, and participates in international forums on these subjects.

The Division includes the Commonwealth Copyright Administration, which is responsible for the management of copyright in published written materials on behalf of Australian Government agencies. The Division also negotiates and administers agreements with copyright collecting societies for government use of published written materials and copying of broadcasts on behalf of Australian Government agencies.

The Division also carries out administrative functions relating to the Australian Law Reform Commission.

The **Legal Services and Native Title Division** (LSNTD) supports the Attorney-General in the performance of his role as First Law Officer, providing advice on litigation policy and guidance on the performance of the Australian Government's legal work.

The Division is responsible for advising the Attorney-General on constitutional policy issues and, with the Insolvency and Trustee Service Australia, on bankruptcy policy.

Until 30 June 2006, the Division was responsible, with the Office of Film and Literature Classification, for advising the Attorney-General on policy issues related to the classification of films, computer games and publications. In February 2006 the Government decided to integrate the Office of Film and Literature Classification into the Attorney-General's Department, and from 1 July 2006 the Division assumed sole responsibility for advice to the Attorney-General on classification policy.

The Division coordinates the Australian Government's involvement in the Standing Committee of Attorneys-General.

The Division provides the International Legal Services Advisory Council with a secretariat and with advice on international trade in legal services.

The Division is responsible for the formulation and provision of policy advice on native title and for assisting the Attorney-General in the administration of the *Native Title Act 1993*. This includes advising on the operation of the Native Title Act and the native title system, assisting Australian Government agencies to carry out future acts under the Native Title Act, and managing Australian Government involvement in native title mediation and litigation.

The **Office of International Law** (OIL) provides legal advice and advocacy services on issues involving international law. It assists with the development and implementation of international law projects and undertakes international human rights report writing and complaints work. It assists in the negotiation of treaties, including bilateral free trade agreements, and in the conduct of international litigation, including World Trade Organization litigation.

The Trade Measures Review Secretariat (TMRS) was transferred from Corporate Services Group to OIL in February 2006. The TMRS provides administrative support to the Trade Measures Review Officer (TMRO), a statutory function under the *Customs Act 1901*. This function was performed by the Senior Counsel from February 2006. The TMRO undertakes reviews of decisions relating to anti-dumping and countervailing duties and provides strategic policy advice on issues relating to anti-dumping and countervailing matters.

The **Office of Legislative Drafting and Publishing** (OLDP) is responsible for drafting Regulations and other legislative instruments; giving advice to the Attorney-General, ministers, and departments and agencies about drafting and interpreting legislative instruments; operating the Federal Register of Legislative Instruments (FRLI); compiling Commonwealth Acts and Regulations; publishing Commonwealth legislation in electronic form on the ComLaw and FRLI web sites; printing and distributing Acts and Select Legislative Instruments; and publishing the Government Notices series of the *Commonwealth of Australia Gazette*.

NATIONAL SECURITY AND CRIMINAL JUSTICE GROUP

The **Criminal Justice Division** (CrJD) is responsible for policy advice, and for the administration and improvement of legislation and international arrangements (bilateral and multilateral), relating to criminal law and the criminal justice process, including issues that address the challenges that terrorism has brought to the criminal justice system.

CrJD is also responsible for policy matters relating to operational law enforcement agencies, illicit drugs, identity security, emerging financial-sector crime and firearms.

It administers the National Community Crime Prevention Programme and programs of expenditure funded under the *Proceeds of Crime Act 2002*.

CrJD is responsible for managing casework requests for, and negotiating bilateral treaties on, extradition, mutual assistance and the international transfer of prisoners, and federal prisoners' administration.

It also provides secretariat support to the Ministerial Council on the Administration of Justice and provides law and justice assistance in the South Pacific.

Emergency Management Australia (EMA) – in conjunction with a wide range of Australian Government authorities, State and Territory agencies, local government and industry bodies – develops strategic policy in support of emergency management initiatives, sponsors partnerships between emergency management and other sector stakeholders, develops State and Territory capability in the emergency management sector to protect life and property, and facilitates the process of developing resilient and sustainable communities.

EMA coordinates Australian Government physical assistance to States and Territories upon request during major disasters, and delivers senior-level emergency management education and training programs.

In conjunction with AusAID, EMA has a significant relationship with the countries of the South Pacific region.

The **Protective Security Coordination Centre** (PSCC) coordinates and manages, in cooperation with federal, State and Territory agencies, Australia's protective security and counter-terrorism and crisis management arrangements. It coordinates protection arrangements for high-risk persons, premises and facilities, including ministers and their staff, foreign diplomats and visiting foreign dignitaries, as well as special event security. The PSCC Watch Office channels communications between the Australian Government and States and Territories on national security and counter-terrorism matters, including time-critical information reported by the public through the National Security Hotline. Both the Watch Office and National Security Hotline operate 24 hours a day.

The PSCC also supports the Attorney-General and the Minister for Justice and Customs by providing policy advice and implementing government decisions in the field of protective security. This includes the provision of security awareness training and security vetting services.

During 2005–06, the PSCC oversaw and implemented a number of initiatives related to crisis management planning for the Australian Muslim community, as part of a program operated by the Department of Immigration and Multicultural Affairs. It also became responsible for establishing and leading the Australian Government Spatial Information for National Security

working group and the National Spatial Information for National Security working group. The working groups were established to consider and facilitate the use of geospatial information in support of counter-terrorism, critical infrastructure protection and emergency management across and within Australian Government agencies and jurisdictions.

The PSCC supports the operational and related policy programs of the National Counter-Terrorism Committee (NCTC), including:

- coordinating the NCTC training, exercise, development and equipment procurement programs
- providing executive and secretariat support to a number of NCTC subcommittees and working groups, and
- administering the NCTC Special Fund.

APEC 2007 Security Branch coordinates arrangements for the security of the Asia-Pacific Economic Cooperation 2007 series of meetings to be held in Australia throughout 2007. It provides leadership to Australian Government agencies with responsibilities for APEC security in a whole-of-government partnership approach and ensures that the activities of agencies are fully integrated both with each other and with the activities of Australian Government host departments.

The **Security and Critical Infrastructure Division** (SCID) is responsible for the administration and development of legislation and the provision of legal and policy advice with respect to counter-terrorism, national security, surveillance devices, telecommunications interception and critical infrastructure protection.

On national security and counter-terrorism, the Division undertakes a central coordinating role across the Department and the portfolio, as well as interfacing with other departments and agencies in the whole-of-government context.

The Division also provides legal development assistance to countries in South-East Asia on counter-terrorism laws.

The Division provides national leadership and coordination in the protection of Australia's critical infrastructure. To achieve this objective, SCID works closely with the business sector to identify critical infrastructure protection strategies. This close and productive working partnership with business is a unique characteristic of Australia's critical infrastructure protection methodology. The Division develops and coordinates a range of critical infrastructure protection policies and provides associated legal advice to the Australian Government.

The **AusCheck** implementation team is designing and implementing a high-performing background-checking process that utilises a high degree of systems automation to provide accurate and efficient background checking services. The process will be developed initially for the aviation and maritime industries. AusCheck will coordinate background checks on people who work in the secure areas of air and sea ports – namely, those who are required to have an Aviation Security Identification Card (ASIC) or Maritime Security Identification Card (MSIC). It will maintain an accurate, up-to-date database of all ASIC and MSIC applicants and cardholders and, when fully operational, will have the potential to be used for other background checking purposes.

CORPORATE SERVICES GROUP

Corporate Services Group (CSG) provides administrative advice and services to the Executive, the Attorney-General and the Minister for Justice and Customs. It also provides general support to the Department, including advice and services relating to human and physical resources, ministerial and parliamentary matters, public affairs, freedom of information, international travel, and corporate governance and performance.

AusCheck – the Australian Background Checking Service

AusCheck – the Australian Background Checking Service – is being established as a new division in the Attorney-General's Department. The division will be responsible for undertaking background checks on people who require an Aviation Security Identification Card (ASIC) or Maritime Security Identification Card (MSIC) to be able to work in the secure areas of air and sea ports.

The AusCheck implementation team is researching its own answers to the unique problems presented by high-volume background checking and inventing new IT systems and new business processes. AusCheck has few, if any, counterparts in other countries that may be utilised as potential models.

The systems being developed by the team will assist the aviation and maritime industries to identify high-risk individuals by implementing the relevant statutory requirements and recommending whether an ASIC or MSIC should be issued.

It is anticipated that over 200,000 individuals will need to hold an ASIC or MSIC to obtain or retain employment in the aviation and maritime industries.

When operational on 1 July 2007, AusCheck will be the sole division in the Department whose core function is to provide services to specific industries and individuals as its core function. AusCheck's IT system will need to interface with numerous existing systems used by both industry and government. The implementation team is working to resolve the resultant connectivity problems by conducting extensive pre-operational testing.

The implementation team is developing a communications and consultation strategy to promote AusCheck and allow it to smoothly take over the coordination of ASIC and MSIC background checking.

The expertise gained by AusCheck in developing background-checking solutions will not be restricted to the aviation and maritime industries for which it has been initially designed. It will be available to government agencies with a current or future need to operate background checks to help ensure the security of Australian society.

The organisational structure of CSG was reviewed in February 2006 in order to provide efficient and effective governance, coordination and travel services to the Department. Sections were reorganised to give greater prominence to corporate governance and coordination activities. These functions were previously handled by the Coordination and Support Services Section, which also had responsibility for the Freedom of Information Unit.

A Public Affairs Branch was created in March 2006 in place of the former Public Affairs Unit to appropriately recognise the important departmental and whole of government responsibilities of that area.

In February 2006, the functions of the Trade Measures Review Officer (TMRO) and the Trade Measures Review Secretariat (TMRS) transferred to the Office of International Law. The TMRS provides administrative support to the TMRO, a statutory function that was performed by the General Manager, Corporate Services Group, until the transfer.

FINANCIAL SERVICES GROUP

Financial Services Group (FSG) manages the Department's financial systems, including financial budgeting and reporting for both departmental and administered funds, and coordination and preparation of portfolio Budget documents and the annual audited financial statements.

FSG is also responsible for the development and maintenance of the Chief Executive's Instructions, financial policy and delegations.

The Group manages centralised accounts processing, including the Collector of Public Moneys, treasury and credit card functions.

Financial monitoring of agencies within the Attorney-General's portfolio is also an FSG responsibility.

INFORMATION AND KNOWLEDGE SERVICES GROUP

Information and Knowledge Services Group (IKS) provides services and support in the areas of information technology, information systems development and information management (including knowledge management, records management and archival services). The Group is responsible for library services, voice and data communications, the Australian Secure Network (ASNET), information technology security matters, IT contract management, intranet services and Internet services.

Some examples of the Department's Internet services are Australian Law Online at <<http://www.law.gov.au>>; the Attorney-General's Department web site, <<http://www.ag.gov.au>>; and ComLaw, a searchable list of Commonwealth legislation and legislative instruments, at <<http://www.comlaw.gov.au>>.

New building project

Accommodation planning for the Department has intensified greatly during this reporting period. This is primarily due to the increase in staff – from approximately 710 in 2003–04 to around 1,200 at 30 June 2006. This has prompted a rethink on the part of the Property and Services team on ways staff are accommodated and has renewed the focus on the Department's new accommodation project, scheduled for completion in 2009.

After an extensive property search and assessment, which commenced in 2003, the Department agreed, in collaboration with the Industry Superannuation Property Trust, to commit to a new building to be constructed on the existing site of the Department of Prime Minister and Cabinet, at 3–5 National Circuit, Barton, which would soon be vacated.

In the earliest planning stages, guiding principles were established that have formed the basis of design and preparations for the new building. These principles will result in a building that will meet stakeholder and staff expectations, offer flexibility and adaptability in relation to its work spaces, meet the highest level of Australian Standards, satisfy requirements under disability discrimination legislation, enhance staff performance and assist in making the Department an employer of choice, and represent good value for money for the Australian Government.

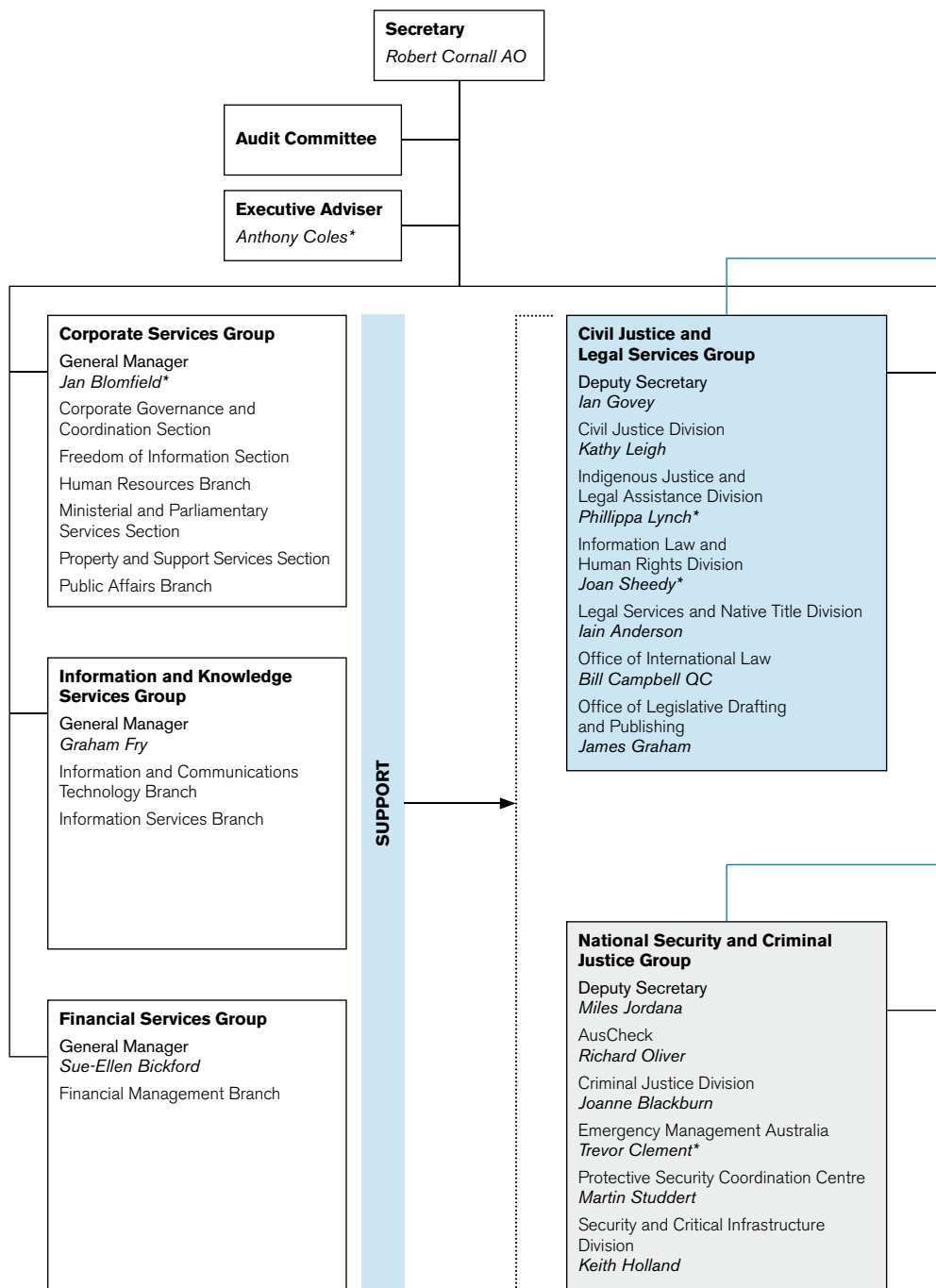
The New Building Consultative Committee was formed in October 2005; it comprises representatives from each Division who will work with the project team. Focus groups have been formed and have contributed to planning in areas such as the building environment, work point design, location and design of the café and crèche, staff amenity and meeting and conference facilities. Through these

groups, all staff will have the opportunity to contribute to the design elements of the building. Information sessions have been held to inform staff, and feedback to date is very positive. A web site has been established to provide regular staff updates in conjunction with a range of other media.

Some key milestones have been reached this reporting period. In April, the Department and the new building owner signed the Agreement to Lease and competitive tender processes were conducted for the appointment of a design team and building services advisers. The departmental team and these advisers are now working to finalise some of the key ingredients for the new building such as the user specifications and storage requirements, after which the design can be finalised, ready for construction to commence in 2007.



Members of the New Building Consultative Committee (NBCC) and project team exploring possibilities for the new building fitout: (L–R) Nan Lecomte, Kerri-Ann Smith, Susan Cochrane, Cathy Rossiter, Brian Day, Andrew Lawrence, Mandy Williams and Nicola Colbran



* Acting as at 30 June 2006

Figure 1: Organisational structure, outcomes and outputs

Outcome 1: An equitable and accessible system of federal civil justice

Output 1.1

Legal services and policy advice on family law, federal courts and tribunals, civil procedure, alternative dispute resolution, administrative law and administration of related government programs

Civil Justice Division

Output 1.2

Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally

Legal Services and Native Title Division

Output 1.3

Legal services and policy advice on information law and human rights

Information Law and Human Rights Division

Output 1.4

Legal services and policy advice on international law

Office of International Law

Output 1.5

Drafting of legislative and other instruments, maintenance of the Federal Register of Legislative Instruments (FRLI), publication of legislative materials and provision of related legal services

Office of Legislative Drafting and Publishing

Output 1.6

Legal services and policy advice on native title

Legal Services and Native Title Division

Output 1.7

Legal services and policy advice on Indigenous law and justice and legal assistance, and the administration of related government programs

Indigenous Justice and Legal Assistance Division

Outcome 2: Coordinated federal criminal justice, security and emergency management activity, for a safer Australia

Output 2.1

Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention; and meeting Australia's obligations in relation to extradition and mutual assistance

Criminal Justice Division

Output 2.2

National leadership and coordination of legal and policy advice on national security and counter-terrorism laws and critical infrastructure protection

Security and Critical Infrastructure Division

Output 2.3

Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters

Emergency Management Australia

Output 2.4

Development and promotion of protective security policy advice and common standards and practices; the coordination of protective security services, including counterterrorism and dignitary protection; the provision of security for special events; the development of counterterrorism capabilities; and the coordination of national security crises and information through the Watch Office and National Security Hotline

Protective Security Coordination Centre

Snapshots: finance and staffing

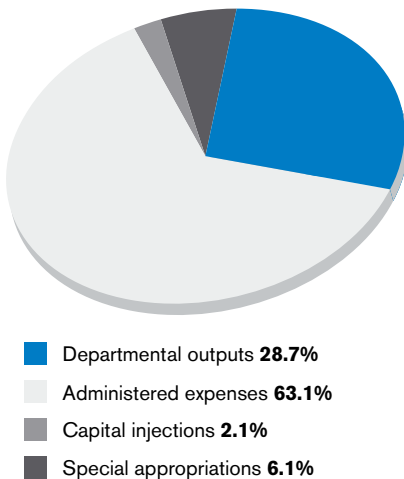
FINANCIAL PERFORMANCE

The total annual appropriation funding for the Department for 2005–06 was \$608.8 million, comprising \$190.4 million for departmental outputs and \$418.4 million for administered expenses (see Figure 2).

In addition, the Department was also funded for \$13.7 million for equity injections and for \$40.6 million for special appropriations. These special appropriations relate to the handgun buyback program, judges' pensions, High Court Justices' salaries and allowances, and parliamentary entitlement payments.

See page 163 for more information on the Department's financial performance.

Figure 2: Appropriations, 2005–06



STAFFING

The Department took on increased responsibilities – especially in the national security area – and its staffing complement also grew accordingly. At 30 June 2006 the Department had a workforce of 1,098, of whom 926 were ongoing employees. Nearly 47 per cent of staff work at a Senior Executive or Executive level.

- About 94.5 per cent of employees work in Canberra; 4 per cent work at Mount Macedon, near Melbourne, Victoria; and 1.5 per cent are located in the remaining States and Territory.
- Most staff work full-time; 5 per cent work part-time hours and 46 are employed on a casual basis. A small number of contractors work in specialist roles.
- The workforce age profile is younger than that of the broader Australian Public Service (APS).
- About 60 per cent of staff are female.
- Employees from a non-English speaking background make up 4 per cent of the workforce. Staff identifying as Indigenous make up 1.2 per cent and people with a disability represent 2 per cent.
- The average length of service for employees in the Department is 4.2 years.
- Around one-third of staff who leave the Department move to other APS agencies on promotion or transfer.