
Management and accountability

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Corporate governance

Corporate governance refers to the processes by which organisations are directed, controlled and held to account. It encompasses authority, accountability, leadership, direction and control exercised in the organisation.

The governance framework

THE EXECUTIVE

The departmental Executive comprises the Secretary, two deputy secretaries, three general managers, the Executive Adviser and an Executive member (a female at the Senior Executive Service Band 1 level, nominated by the Secretary). Its role is to set strategic direction and maintain a general oversight of performance. The Executive considers and decides on matters of corporate and governmental significance subject to any specific legal obligations imposed on the Secretary.

Executive appointments

Mr Robert Cornall AO, Secretary
Appointed 24 January 2000

Mr Ian Govey, Deputy Secretary, Civil Justice and Legal Services Group
Appointed 17 May 2000

Mr Miles Jordana, Deputy Secretary, National Security and Criminal Justice Group
Appointed 2 August 2004

Mr Richard Oliver, General Manager, Corporate Services Group
Appointed 29 July 2002

Ms Jan Blomfield, Acting General Manager, Corporate Services Group
From 12 October 2005 to 21 July 2006

Mr Graham Fry, General Manager, Information and Knowledge Services Group
Appointed 19 August 2004

Ms Sue-Ellen Bickford, General Manager, Financial Services Group
Appointed 4 April 2005

Executive Adviser

Throughout the course of the year the following people occupied this role:
Ms Rachel Bacon, Ms Belinda Barry,
Mr Richard Glenn and Mr Anthony Coles

Ms Rebecca Irwin, Executive Member
From 29 March to 19 August 2005

Ms Katherine Jones, Executive Member
Appointed 22 August 2005

AUDIT COMMITTEE

The Department's Audit Committee is appointed by the Secretary. It is responsible to the Secretary for providing advice on:

- management of risk
- review of financial reporting
- control of public money and assets, and
- compliance with relevant laws, rules, regulations and directions.

The Audit Committee comprises a Chair, who is external to the Department, and three members, one of whom is external to the Department. The Audit Committee met five times during the financial year. The Secretary, the General Manager, Corporate Services Group, the Chief Finance Officer and representatives of the Australian National Audit Office (ANAO) were present at all meetings.

Since 1 July 2002, the internal audit and evaluation function has been performed by Deloitte Touche Tohmatsu under an outsourced arrangement, overseen by the Audit Committee.

The internal audit reports considered by the Audit Committee during 2005–06 included:

- *Internal audit of cost-recovery procedures* – This audit assessed the efficiency and effectiveness of all aspects of the Department’s cost-recovery procedures, including recording of billable time, issuing of invoices and management of debtors. The audit report made a number of recommendations for improvement that are being actioned.
- *Internal audit of ministerial correspondence* – The volume of ministerial correspondence actioned by the Department continues to increase significantly each year. The audit assessed the effectiveness of the Department’s processes for responding to ministerial correspondence. A number of recommendations for improvement were made. However, the overall finding was that the Department’s processes are efficient and effective.
- *Internal audit of the critical infrastructure protection modelling and analysis program – planning phase* – This audit examined the adequacy of the program and made recommendations for improvements that can be implemented in future CIP projects. The audit also provided recommendations for improving Department-wide project management guidelines. The recommendations are being actioned.
- *Internal audit of the selection processes for the application of funding for Family Relationship Centres* – The Australian Government’s package of family law reforms includes the establishment of 65 Family Relationship Centres. The audit examined the process to select organisations to run the first 15 Centres, with a view to assisting the planning for the next process. The audit report made a number of recommendations concerning project documentation but overall the audit found no significant issues regarding the adequacy of the selection processes.

- *Internal audit of IT purchasing* – The audit assessed the effectiveness of the policies and procedures for information technology (IT) purchasing. The audit report made a number of recommendations for improvement that are being actioned.

The Department uses a database to monitor the implementation of recommendations made in audit reports. The Audit Committee uses the database to assess the nature and timeliness of action on audit recommendations.

INFORMATION TECHNOLOGY GOVERNANCE

The departmental Executive manages IT using a formal governance framework, based on the internationally recognised CobiT standard. The Information Technology Executive Committee (ITEC) monitors IT activities from a business perspective.

ITEC membership comprises senior management from Information and Knowledge Services Group, members of the Executive, and other selected senior members from across the Department.

The committee met on four occasions during the year in accordance with the ITEC charter. The Department adopted a new Enterprise Architecture (EA) and associated plan. Enterprise Architecture is a process which looks at the functions of an organisation (the ‘business architecture’), the applications which are used to support those functions (the ‘applications architecture’), the data stores used to conduct business (the ‘data architecture’) and the technical infrastructure which underlies and delivers the systems and data (the ‘technology architecture’). EA seeks to identify overlaps, redundancies or other inefficiencies, and gaps or business needs, and set standards and policies to inform decision making.

Accountability framework – integrated performance management

The Department's approach to performance management integrates planning, accountability, reporting and evaluation activity. The approach links individual performance with corporate goals, and includes a system of performance review at several levels – from individual staff members through to broad organisational elements.

The Department's budgeting, accountability and reporting mechanisms are aligned with the Government's accrual-based outcomes and outputs framework. The Executive and managers are supported by financial and human resource management systems and ministerial and parliamentary support systems.

STRATEGIC PLANNING

As part of the integrated performance management approach, the Executive's role is to set the broad strategic direction for the Department. This broad strategic direction is supported by business/operational plans that detail activities and associated resource and performance information for each organisational element within the Department. All activities are related to an output within the outcomes and outputs framework. Area work plans are developed as appropriate, in line with the business/operational plans.

LINKS TO INDIVIDUAL PERFORMANCE

Individual performance agreements are linked to the performance targets in business or area work plans. Individual performance is appraised twice a year against the performance agreement as part of the Department's Program for Performance Improvement.

EXECUTIVE PERFORMANCE REVIEWS

The departmental Executive conducts performance reviews of organisational elements twice a year. These reviews focus on organisational performance against business/operational plan performance measures or, in relation to routine activities, departmental performance standards.

PERFORMANCE INFORMATION AND REPORTING

The strategic direction of the Department is reflected in the Attorney-General's Portfolio Budget Statements (PBS). The PBS follow the Australian Government's accrual-based outcomes and outputs framework, and the Performance Management Principles, which guide performance reporting and management. The PBS contain performance measures for each item of administered expenditure and each output within the framework.

The Department's annual report publishes performance information against measures contained in the PBS. It complies with the *Requirements for annual reports for departments, executive agencies and FMA Act bodies* issued by the Department of the Prime Minister and Cabinet and approved by the Joint Committee of Public Accounts and Audit. A compliance index identifies the location in this report of the information specified in the Requirements (see page 306).

During the year, the Department conducted a review of its performance reporting against the Government's Performance Management Principles. A new set of performance indicators was developed for the Department's Portfolio Budget Statements 2006–07. The Department's 2006–07 annual report will report against these indicators. In addition, the departmental Executive endorsed these performance indicators as the basis of performance measurement for the Executive performance reviews of organisational elements from 1 July 2006.

Conduct and ethics

The Australian Public Service (APS) Values and Code of Conduct are contained in the *Public Service Act 1999* and apply to all employees of the Department.

Our current collective workplace agreement also contains a commitment by the parties to uphold the APS Values and to comply with the APS Code of Conduct.

The Department has introduced online training on the APS Values and Code of Conduct, which is available to all staff.

All people who are to become employees of the Department are provided with a copy of the APS Values and Code of Conduct as well as excerpts from the *Crimes Act 1914*. They are required to sign a statement that they have read and understood these provisions before beginning employment with the Department.

All new employees are expected to undertake the 'Accountabilities for a Public Servant' internal training program, which informs staff of their obligations for proper conduct and ethical behaviour. During the year, 157 employees attended this program. Since the introduction of this ongoing program, 787 employees have attended.

All Senior Executive Service (SES) employees are provided with a copy of the *APS Values and Code of Conduct in practice: a guide to official conduct for APS employees and agency heads*.

The APS Values, Code of Conduct, Chief Executive's Instructions and other material relevant to ethical conduct are incorporated, as appropriate, into relevant departmental policies, guidelines and instructions and are available on our intranet.

SES remuneration

All Senior Executive Service employees of the Department have their remuneration and other conditions of employment established by Australian Workplace Agreements made under the *Workplace Relations Act 1996*. Further information about SES remuneration appears on page 174.

Risk management

RISK MANAGEMENT PLANS

During the year, the risk management plan was updated and was once again endorsed by the departmental Executive and Audit Committee. There is agreement with divisions that twice-yearly, at the March and September Audit Committee meetings, division heads will re-certify the risks that relate specifically to their area of the Department. This re-certification process was successfully completed. The Department also sought the assistance of its internal auditors, Deloitte, in ensuring that the plan provided the appropriate guidance in relation to risk management within the Department. Accordingly, the Department is currently undertaking a simplification process for its risk management plan and risk treatment plan.

Senior-level support for risk management remains visible and strong across the Department. Key personnel throughout the Department act as risk management contact officers within their business areas.

BUSINESS CONTINUITY MANAGEMENT

Business continuity management, which is designed to maintain critical departmental operations should a disaster or major disruption arise, is an integral element of the Department's corporate governance and risk management framework. The Department's

business continuity plan has in the last year been revised and updated. It includes:

- identified business critical functions
- contingency plans, and
- procedures and guidance for the activation of crisis management arrangements, should this be considered necessary by the Secretary.

The revised arrangements have been developed using the ANAO better practice guide on business continuity management. The Department continues to review and refine its business continuity plans on an ongoing basis to ensure that our work in this area remains current and takes account of developing scenarios such as avian influenza.

REVIEW OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) INFRASTRUCTURE RISK

The ICT disaster recovery plan covers:

- regular and systematic backup of data, stored both on- and off-site
- disaster recovery kits secured and stored at three separate off-site locations
- backup site remote from the main computer centre in Robert Garran Offices
- validation of and training in disaster recovery procedures through a series of rolling exercises
- risk management procedures and templates, compliant with AS/NZA4360:1999, for information and communications technology projects and activities, and
- enhanced power management for mission-critical systems.

The ICT disaster recovery plan continues to be tested against identified risks and is exercised at least once per year, where possible in conjunction with operational areas. Testing includes using alternate

facilities for set periods. During 2005–06, a transfer to the Department’s alternative site was conducted from 4 to 19 August 2005.

Fraud control

In accordance with the requirements of the Commonwealth Fraud Control Guidelines, the Department has in place fraud risk assessments and a fraud control plan. It also has in place appropriate procedures and processes for fraud prevention, detection, investigation, reporting and data collection that meet the specific needs of the Department and comply with the Commonwealth guidelines.

Service charters

The Department’s service charter articulates the nature and level of services provided to its clients and provides a reference point against which those clients can comment on organisational performance. The service charter also refers clients to information about how to make complaints or comment on performance. The service charter is available on the Department’s web site at <www.ag.gov.au>.

The charter is supplemented by charters covering the activities of the International Family Law Section of the Civil Justice Division, and the Trade Measures Review Secretariat.

A report of service charter operations is at Appendix 3.

Corrections to errors

The following statements in the 2004–05 annual report were identified as being incorrect:

- Table 1 on page 52 showed that nine matters were still being investigated at the end of the 2004–05 financial year. Ten matters were in fact under investigation at 30 June 2005.
- On page 152, it was stated that details of performance payments for the performance cycle that ended on 30 June 2005 are shown in Table 7. The statement should have read ‘Details of performance payments made in 2004–05 are shown in Table 7’. Performance payments made within a financial year relate to performance during the previous financial year.

External scrutiny

The Department's operations are subject to external scrutiny from a range of sources as part of the overall accountability framework.

Reports by the Australian National Audit Office

During the reporting period, the Auditor-General issued eight reports that included information on the operations of the Department:

- *Report no 12 – Review of the evaluation methods and continuous improvement processes for Australia's national counter-terrorism coordination arrangements*
- *Report no 21 – Audit of financial statements of Australian Government entities for the period ended 30 June 2005*
- *Report no 22 – Cross portfolio audit of green office procurement*
- *Report no 23 – IT security management*
- *Report no 27 – Reporting of expenditure on consultants*
- *Report no 28 – Management of net appropriation agreements*
- *Report no 45 – Internet security in Australian Government agencies, and*
- *Report no 48 – Interim phase of the audit of financial statements of general government sector entities for the year ending 30 June 2006.*

The Department provided responses to each report and agreed with relevant recommendations. The reports as tabled by the Auditor-General in Parliament and the Department's responses are available on the ANAO web site <<http://www.anao.gov.au>>.

In May 2006, the ANAO commenced an audit to examine progress in the development of a

whole-of-government approach and guidance for the management of the Australian Government's intellectual property (IP) (Recommendation No 2 of audit report no 25 of 2003-04).

The Department is the agency with primary responsibility for this framework, which, when completed, will consist of a Statement of IP Principles and an IP better practice manual (see also page 66).

Judicial decisions

EX-CHRISTMAS ISLANDERS ASSOC INC & ORS V ATTORNEY-GENERAL [2005] FCA 1867

The Ex-Christmas Islanders Association and several individual members brought proceedings in the Federal Court of Australia. The application sought judicial review of a delegate's decision to approve only limited financial assistance funding under the Commonwealth Public Interest and Test Cases Scheme. The application was dismissed.

French J found that administration of the scheme was not amenable to review under the *Administrative Decisions (Judicial Review) Act 1977* as it was not done pursuant to any statute or delegated legislation. French J also found that mandamus was not available because there was no relevant public legal duty.

We have in place appropriate procedures for processing applications under the Commonwealth Public Interest and Test Cases Scheme and this decision does not raise any issues to suggest a change in procedures.

PROSECUTIONS ARISING FROM CHARGES LAID AGAINST THE TERRORISM OFFENCES IN THE *CRIMINAL CODE ACT 1995* (THE *CRIMINAL CODE*)

■ *R v Thomas*

Mr Thomas was convicted and sentenced for

- receiving funds from a terrorist organisation (5 years imprisonment)
- falsified passport (1 year imprisonment).

The total effective sentence was five years imprisonment with a non-parole period of two years.

At the time of reporting, Mr Thomas had successfully appealed against his conviction but the Court of Appeal is yet to consider whether he should be tried again.

■ *R v Lodhi*

On 19 June 2006, the NSW Supreme Court found Mr Faheem Lodhi guilty on charges of collecting documents connected with preparation for a terrorist act contrary to s 101.5(1) of the Criminal Code, doing an act in preparation for a terrorist act contrary to s 101.6(1) of the Criminal Code, and possessing a thing, namely, a document, connected with preparation for a terrorist act contrary to s 101.4(1) of the Criminal Code.

At the time of reporting, Mr Lodhi had been sentenced for 20 years imprisonment, with a non-parole period of 15 years.

■ *R v Ul-Haque*

Mr Ul-Haque has been charged with receiving training from a terrorist organisation contrary to s 102.5(1) of the Criminal Code. The defendant raised a constitutional challenge pursuant to section 78B of the *Judiciary Act 1903* relating to the validity of the offence provision. This was heard on 21 November 2005 along with a further application that the indictment

be quashed or permanently stayed. On 8 February 2006 His Honour Bell J dismissed both the constitutional challenge and the application to quash the indictment or for the indictment to be permanently stayed.

Mr Ul-Haque filed an appeal on 21 February 2006 against the decision of Bell J, which was due to be heard by the NSW Court of Criminal Appeal on 28 July 2006.

These cases touch on the operation of new provisions and are therefore important in shaping the Government's legislative response to the threat of terrorism (see page 119). The Department will continue to follow and review the cases and respond appropriately to any legislative and other issues that arise.

Parliamentary committee reports

During the reporting period, the Joint Committee of Public Accounts and Audit issued one report that was relevant to the operation of the Department:

- *Report no 404 – Review of Auditor-General's reports 2003–2004 third and fourth quarters; and first and second quarters of 2004–2005.*

The Department provided responses agreeing in principle with relevant recommendations. The report as tabled in Parliament and the Department's responses are available at <<http://www.aph.gov.au/house/committee/jpaa/reports.htm>>.

Further information on parliamentary committee consideration of other matters affecting the Department appears in the chapter 'Performance reports' and is shown against relevant departmental outputs.

Administrative tribunals and Ombudsman

PROCESSING OF APPLICATIONS FOR FINANCIAL ASSISTANCE

The Commonwealth Ombudsman conducted enquiries into two complaints about the processing of applications for financial assistance. The Ombudsman discontinued one enquiry, in relation to a non-statutory scheme application, on the basis that the actions taken by us were reasonably open to us. The Ombudsman discontinued the other enquiry in relation to a statutory scheme application on the basis that we had already addressed the concerns expressed by the applicant.

In light of the Ombudsman's decision to discontinue both enquiries, no specific actions were required.

FREEDOM OF INFORMATION (FOI) DECISION MAKING

On 14 March 2006, the Commonwealth Ombudsman released a report of his 'own motion' investigation into freedom of information (FOI) decision making in Australian Government agencies entitled *Scrutinising government: administration of the 'Freedom of Information Act 1982' in Australian Government agencies*. The investigation looked at timeliness, consistency and quality of decision making in relation to FOI requests. The report made two recommendations (both of which are not specifically directed to the Attorney-General or the Department). The recommendations are:

- that each agency head issue a clear statement to staff expressing a commitment to sound FOI practice and the goals of the *Freedom of Information Act 1982*, having regard to the kinds of good and bad practice identified in the Ombudsman's report, and

- that the Government consider establishing an FOI Commissioner, possibly as a specialised and separately funded unit in the office of the Commonwealth Ombudsman.

The Government is considering the Ombudsman's report.

Reports by the Human Rights and Equal Opportunity Commission

In June 2006 the Attorney-General tabled report no. 32 by the Human Rights and Equal Opportunity Commission (HREOC) titled *Report of an inquiry into a complaint on behalf of federal prisoners detained in New South Wales correctional centres that their human rights were breached by the decision to ban distribution of the magazine 'Framed'*. The report was a result of a complaint that the banning of the magazine constituted a breach of article 19 of the International Covenant on Civil and Political Rights relating to the right to receive and impart information.

In the report, HREOC recommends that the ban imposed by the NSW Commissioner of Corrective Services be removed, and any decision to restrict distribution only be considered in certain circumstances. HREOC expresses the view that the detention of federal offenders is dependant on authority from Commonwealth law, which is administered by the Department, but acknowledges that day-to-day decisions concerning treatment or conditions are made by State or Territory correctional authorities.

Financial management

Analysis of financial performance

Section 57 of the *Financial Management and Accountability Act 1997* (the FMA Act) requires a copy of the audited financial statements and the Auditor-General's report to be included in each department's annual report tabled in Parliament. The financial statements have been prepared on an accrual basis in accordance with Australian Accounting Standards.

Financial performance is reported separately for administered items and departmental outputs. Administered items are those items that are controlled by the Government and managed by the Department on behalf of the Government. These items include grants, subsidies and personal benefits payments. Departmental outputs are the goods and services the Department provides for, or on behalf of, the Government.

DEPARTMENTAL OUTPUTS

For the 2005–06 financial year, the Department had approval from the Minister for Finance and Administration to budget for a deficit of \$10.0 million. The budgeted

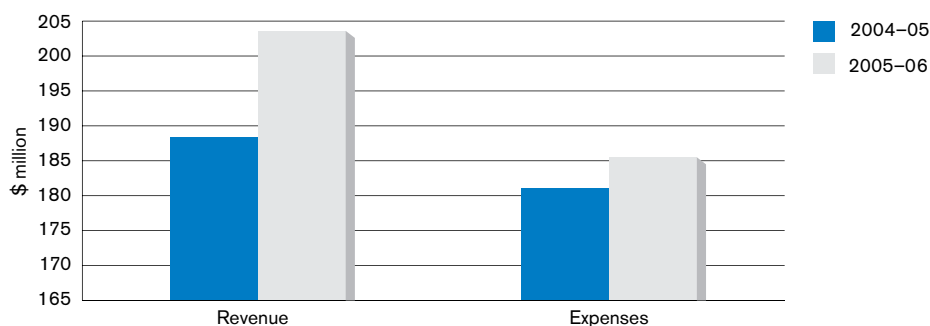
deficit was primarily for program expenses deferred from previous years. During the course of the financial year the projected result was revised and an estimated surplus of \$12.2 million for 2005–06 was published in the 2006–07 Portfolio Budget Statements.

The actual operating result for the Department was a surplus of \$18.4 million, comprising a surplus of \$9.2 million for the core Department and a surplus of \$9.2 million for major programs managed as part of departmental outputs.

For the core Department, the surplus was because actual independent revenue receipts were greater than had been budgeted for, and employee expenses were lower due to difficulties in recruiting staff to new and vacant positions. For major programs, the lower actual expenses compared to budget were primarily due to changes in the timing of implementing programs and of associated asset acquisitions.

Total revenues increased by \$15.2 million or 8.1 per cent, from \$188.4 million in 2004–05 to \$203.6 million in 2005–06 (see Figure 8). The increase was due to additional appropriation funding for new measures in 2005–06. Total expenses increased

Figure 8: Departmental revenues and expenses, 2004–05 and 2005–06



by \$4.4 million, or 2.4 per cent, from \$181.1 million in 2004–05 to \$185.5 million in 2005–06. The increase in expenses reflected the implementation of new measures.

As at 30 June 2006, the Department had total equity of \$102 million compared to \$68.5 million for the previous year. The increase in equity was due to funding provided for capital projects, the 2005–06 operating surplus and asset revaluation increases.

ADMINISTERED EXPENSES

The Department’s administered expenses decreased by \$339.5 million in 2005–06 to \$386.8 million, compared to \$726.3 million in 2004–05 (see Figure 9). Of this reduction, \$359.2 million represents the recording of an asset write off in 2004–05 to remove the Appropriation Receivable for judges’ pensions following a change in the government’s accounting policy. After taking account of this adjustment, the Department’s administered expenses increased by \$19.7 million, or 5.4 per cent, from \$367.1 million in 2004–05 to \$386.8 million in 2005–06. The major factors affecting the level of administered expenses in 2005–06 were the implementation of new measures and the full-year effect on Indigenous law and justice programs transferred from Aboriginal and Torres Strait Islander

Services to the Department from 1 November 2004.

EVENTS OCCURRING AFTER THE BALANCE DATE

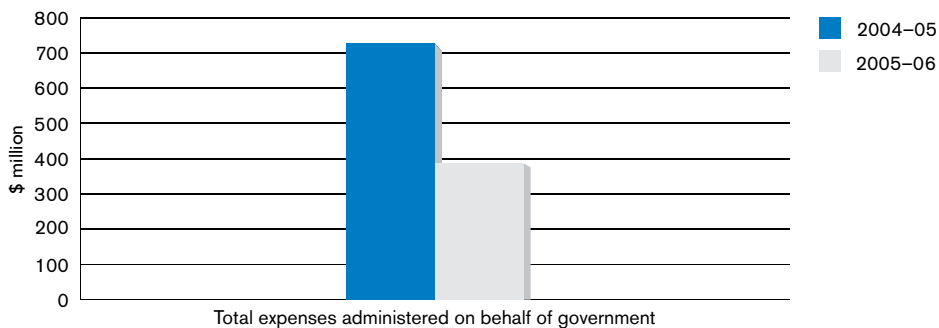
The appropriation receivable as at 30 June 2006 includes \$15 million in undrawn capital funding for the establishment of an amalgamated administrative review tribunal. The establishment of the tribunal did not proceed and the funding is no longer required. On 28 July 2006 the Minister of Finance and Administration approved the reduction of the equity injection appropriation. This will be included in the 2006–07 financial statements.

Competitive tendering and contracting

Competitive tendering and contracting is the contracting out of the delivery of government activities, previously performed by an Australian Government agency, to another organisation. It may be undertaken for the provision of either goods or services.

The Department appointed the Australian Government Solicitor and Blake Dawson Waldron to provide legal services under a deed of standing offer for a three-year term commencing 1 July 2006, with two options to renew for one year each, for an estimated value of up to \$40 million.

Figure 9: Administered expenses, 2004–05 and 2005–06



Benefits to the Department include access to expertise and greater flexibility to meet the Department's legal services requirements. In addition, the deed of standing offer allows the Department's portfolio agencies to access legal services from the providers under certain conditions. This will enable portfolio agencies to rely on the terms in the Department's deed in appropriate circumstances without the need for a separate full procurement process.

During the reporting period, no IT-related services were market-tested for the first time. Since October 2002, KAZ Group Pty Ltd have provided a major component of the Department's software applications and other technical work. Lange Consulting and Software provided an independent review of the KAZ contract in August 2005. Their report concluded the contract was continuing to offer value for money. The pricing benefits will continue into the future as prices are fixed at the base date in 2002.

There was one activity, departmental IT training, that was market-tested for the second time due to the completion of the initial contract. Total Learn was awarded the contract to provide training services. The total value of the contract is \$582,249 over three years. The ongoing savings of approximately 20 per cent are expected to be maintained.

Consultancy services

A consultant is defined as an entity – whether an individual, a partnership or a corporation – engaged to provide professional independent and expert advice or services. The key characteristics of a consultancy are that the services involve the development of an intellectual output that assists with the Department's decision making, and that the output reflects the independent views of the service provider.

During 2005–06, 53 new consultancy contracts were entered into, involving total actual expenditure of \$2,935,611. In addition, nine ongoing consultancy contracts were active during the year, involving total actual expenditure of \$1,139,283.

The main categories of purposes for which consultants were engaged were:

- reviews of processes and mechanisms
- independent assessments, analyses, advice, and application of high-level expertise
- development of briefs and plans, and
- research into, studies of, and modelling of activities.

Further information about consultancy services appears at Appendix 4.

Advertising and market research

The Department is required to disclose expenditure made to specific types of organisations under section 311A of the *Commonwealth Electoral Act 1918*. The categories of organisations are advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising organisations. Details of payments are provided at Appendix 5.

Legal services expenditure

On 1 March 2006, the *Legal Services Directions 2005*, issued by the Attorney-General under the *Judiciary Act 1903*, came into effect. A significant new provision in the Directions is paragraph 11.1(ba), which requires chief executives of departments and agencies to ensure that legal services expenditure is appropriately recorded and monitored. Chief executives must also ensure that, by 30 October each year, their agencies make records of their

legal services expenditure for the previous financial year publicly available. The provision was included to enhance the quality of data available about legal services expenditure by the Australian Government, and to improve the accessibility of that data.

The amount spent on outsourced legal services provided to the Department has remained relatively steady over recent years, at between approximately \$5 million and \$8 million. The Department's external legal services expenditure for 2005-06 was approximately \$6.1 million. A more detailed breakdown of both internal and external legal expenditure is at Appendix 6.

Discretionary grants

Discretionary grants are payments where the portfolio minister or paying agency has discretion in determining whether a particular applicant receives funding. They may or may not impose conditions in return for the grant.

The Department has eight programs involving discretionary grants:

- Grants to Australian Organisations
- National Community Crime Prevention Programme
- National Emergency Volunteers Support Fund
- Local Grants Scheme
- Legal aid for Indigenous Australians
- Law and justice advocacy services for Indigenous Australians
- Prevention, diversion, rehabilitation and restorative justice services for Indigenous Australians, and
- Family violence prevention legal services for Indigenous Australians.

Details of grant recipients during 2005-06 appear at pages 32-36 and 106-110.

Purchasing

The Department undertakes a range of purchasing activities that vary in complexity and value. All staff must adhere to the Commonwealth Procurement Guidelines and the Department's Chief Executive's Instructions when they undertake purchasing activities. Staff involved in procurement activities have access to a departmental intranet site specifically developed to help them with their procurement responsibilities and to give them easy reference to purchasing documentation and links to other information.

Stores and stationery items are purchased centrally. This enables the Department to reduce costs through bulk purchasing. Cost benefits and efficiency gains continue to be realised as a result of Department-wide contracts for the provision of other services – for example, travel, building maintenance and the collection of recyclable waste material.

Assets management

The Department's major assets are office fit-out, internally developed software, commercial off-the-shelf software – including the electronic document management system and information systems for managing human resource and finances – and centrally held library materials. Asset stocktakes were conducted during the year to maintain the accuracy of asset records.

Revision of Chief Executive's Instructions

During 2004–05, the Secretary requested a major revision of the Chief Executive's Instructions (CEIs). The CEIs are the primary source of information and advice on the internal financial management practices of the Department.

Although the CEIs then in effect served the purpose they were designed for, their structure and format had not been changed since their inception. Since this time, there had been significant policy changes in areas such as procurement and cost-recovery user charging.

During 2005–06, the Financial Services Group undertook a consultative process within the Department that resulted in the complete revision of the CEIs. The consultation process identified a number of key requirements for the CEIs — namely, that they:

- clearly define responsibilities
- be user-friendly
- be more intuitive (easy for users to search and find what they are looking for)
- reflect current business practice
- maximise the use of information technology
- include a responsibility matrix
- reflect new Commonwealth Procurement Guidelines, and
- formalise future review processes.

Each chapter of the old CEIs was reviewed for its relevance and appropriate location within the document. The instructions were then rewritten in a clear, concise and consistent format. The document makes use of current 'electronic data' practices such as hyperlinks to internal and external information.

Draft CEIs were reviewed by all groups and divisions within the Department prior to internal auditors' review and final sign-off by the Secretary. The new CEIs took effect on 1 July 2006 and are now subject to a six-monthly review cycle.

Financial Services Group conducted a series of information sessions to ensure an effective implementation of the new CEIs.

The successful revision of the CEIs can be attributed to the cooperative working environment and constructive feedback received throughout the review process.

Human resource management

Overview of performance

At 30 June 2006, we had a total workforce of 1,098 employees, of whom 968 were ongoing employees. Our workforce is diverse, reflecting the wide range of services the Department provides (see Staff profile and Workplace diversity headings below). Departmental staff numbers for the last five years are shown in Figure 10.

Growth in staffing requirements and challenges with attracting, developing and retaining employees in a contracting labour market were key areas of attention during the year. There was also a continued focus on work-life balance and improved injury management and prevention strategies to build on previous success in improving workers' compensation performance. A number of initiatives established as commitments under our certified agreement (Agreement 2004) were also implemented.

The key initiatives progressed during the year fell into five broad categories.

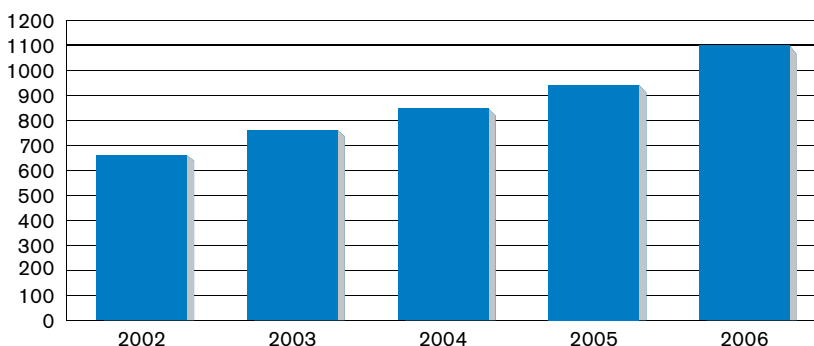
In **recruitment**, we:

- reviewed recruitment strategies
- launched e-recruitment and developed recruitment guidelines
- completed tender process for panel of scribing services providers
- completed tender process for removals and relocation services, and
- increased the number of graduates recruited by 150 per cent.

In **occupational health and safety**, we:

- coordinated the analysis, communication of results and follow-up from an all-staff Work and Wellbeing survey conducted in May 2005, and
- completed tender process for Employee Assistance Program services.

Figure 10: Departmental staff numbers (head count) at 30 June, from 2002 to 2006





Canberra-based departmental staff 2006

In **workplace relations**, we:

- established arrangements to meet new superannuation choice option for eligible current and new employees
- established a new Workplace Relations Committee for the purposes of developing a new collective workplace agreement in 2006-07
- coordinated the integration of APS employees from the Office of Film and Literature Classification into our Department from 1 July 2006, and
- established administrative arrangements for the Department's administration of Classification Board and Classification Review Board office holders' remuneration and other conditions.

We also varied Australian Workplace Agreement templates to meet the requirements of the *Workplace Relations Amendment (Work Choices) Act 2005*.

In **performance management**, we upgraded our performance management system, the Department's Program for Performance Improvement.

In **people development**, we:

- finalised tender process for a panel of human resources learning and development providers
- developed this year's theme for the learning and development strategy – 'whole of government'
- designed and delivered a tailored 360-degree feedback tool against the Executive-Level Capabilities
- piloted traineeship program, and
- conducted a compulsory managing workloads development program for all staff at Executive Level to support working smarter principles.

Staff profile

As measured on a full-time equivalent basis, our staff numbered 1,074.82 at 30 June 2006, up by 12.5 per cent compared with 30 June 2005 when full-time equivalent staffing numbers were 941. The increase is due to the Department's policy role in Australia's escalating security involvement. Additional funding will provide for a continuing increase in staff numbers to support initiatives over the next few years. Appendix 7 provides a detailed breakdown of these numbers by location, classification, gender, and employment.

Geographically, our staff are highly concentrated in the nation's capital: 94.5 per cent are located in Canberra, 4 per cent work at Mt Macedon, near Melbourne, Victoria, and the remaining 1.5 per cent are located across the other States and the Northern Territory.

Most staff (95 per cent) work full-time and 5 per cent work part-time hours. We also employed 46 casual staff as at 30 June 2006. Of these, 36 were employed in the area responsible for the National Security Hotline.

Employees who self-identify as being from a non-English speaking background make up 4 per cent of our workforce. Employees who self-identify as being of Aboriginal or Torres Strait Island background constitute 1.2 per cent of our staff. People who self-identify as having a disability represent 2 per cent of our workforce. Sixty per cent of staff are female.

Workforce planning

Workforce planning undertaken at our Department during 2005–06 focused on workforce data reporting and analysis. As part of this work, business groups were regularly provided with staffing information to assist them in their business planning and performance monitoring. This information helped managers to understand how

they were performing in order to identify workforce issues having an impact on their business performance.

An online survey for separating employees was implemented during the course of the year. Other workforce reports were presented to the Executive on a monthly and/or quarterly basis. We measure and report on our people performance in a number of ways:

- progress of key human resource and people management activities and outcomes in quarterly corporate reports
- staffing numbers, personal leave usage and workers' compensation in the quarterly reports
- working hours reports, based on attendance information recorded by employees through the Department's automated Personal Diary system
- development of strategies in response to the Management Advisory Committee report *Managing and sustaining the APS workforce*
- introduction of a benchmarking facility into workforce planning and participation using a best-practices benchmarking program on people management conducted by info HRM, and
- annual reporting to the Executive on the performance of people management at group and departmental levels.

Business managers were provided with the capability to independently generate staffing information reports directly from the human resources information system. The recurring themes that emerged from these reports assisted the Department to determine priority areas for policies and practices relating to human resource management.

Analysis of workforce requirements during the year led to an expansion of our graduate recruitment program from 16 in 2005 to 39 in 2006. Recruitment action also commenced during the year for 40 more graduates to be offered placements to commence in 2007. Bulk recruitment exercises and orders of merit were also utilised to address identified requirements across a number of work areas.

Staff retention and turnover

The Department made a commitment in the Agreement 2004 to conduct an early examination of the factors affecting the rate of separation of staff in our Department. It further committed to use our best endeavours to achieve a separation rate no higher than the APS average, unless operational reasons justify that different rate.

The Department measures its turnover primarily as employee-initiated separation, consistent with ANAO methodology. Employee-initiated separation occurs when an employee leaves the Department of their own accord during the reporting period. This includes resignation from the APS, moving to another APS agency, retirement and voluntary early cessation of a non-ongoing contract. The employee-initiated separation in the Department for 2005-06 was 16.22 per cent. This is calculated as follows:

$$\frac{\text{Number of employee-initiated separations in 2005-06}}{\text{Headcount at 30 June 2006}} \times 100$$

For the whole Department, approximately one-third of all separations are a result of mobility within the APS. The Department

supports the concept of the APS as a 'career service'.

Workload survey

During the year, the Department began the final implementation phase of a survey designed to assess workloads. The survey is intended to provide information on the types and levels of different work undertaken by the Department's employees, with a view to identifying areas where improvements can be made to operational performance and productivity and assisting in achieving appropriate work-life balance.

A pilot of the survey was conducted in May 2006. Once feedback and reporting outcomes are available, these will be reviewed with a view to finalising any modifications to the system with the aim for Department-wide implementation in 2006-07.

Staff recognition

From time to time departmental employees receive awards in the Australian system of honours and awards, such as the Order of Australia or Public Service Medal.



2006 Australia Day Awards recipients

The Secretary, Robert Cornall, was appointed an Officer in the General Division of the Order of Australia in the Australia Day Honours List in 2006. Geoff McDonald, Assistant Secretary, Security Law Branch, was awarded a Public Service Medal in the Queen's Birthday Honours List.

The Department has its own rewards and recognition program that acknowledges and celebrates the outstanding efforts and contributions of employees.

The annual Secretary's Award recognises individuals or teams who have demonstrated excellence in achieving outcomes above and beyond general expectations. Other awards for excellence are presented by the deputy secretaries and general managers. The Secretary also presents an annual academic achievement award to an employee who excelled in an approved course of study.

Some examples of excellence recognised during 2005–06:

- individual excellence in strengthening the role of the Public Affairs Branch on national security issues and expanding the Department's media and communications capability
- outstanding contribution to the efficiency and expansion of the Family Violence Prevention Legal Services program, and
- outstanding contribution to the effectiveness of the federal civil justice system over many years.

The non-salary reward and recognition program gives formal recognition to achievement and acknowledges the importance of giving informal feedback on performance. Recognition awards can also be given throughout the year for achievement, innovation, outstanding service or leadership, or consistently high performance.

The recipients of awards during 2005–06 are listed at Appendix 8.

Workplace diversity

WORKPLACE DIVERSITY PLAN

We continued to implement initiatives and programs from our Workplace Diversity Plan 2004–06. The plan aims to create an inclusive work environment that embraces and values the individual differences between people, offering opportunities for all employees to achieve their full potential.

Implementation seeks to maximise the benefits of a diverse workforce by identifying actions that will accommodate and make use of the differences in the background, talents, perspectives and family responsibilities of our staff.

The plan assists the Department in taking all reasonable steps to ensure we foster a workplace environment that encourages effective teamwork, that is supportive, fair and equitable, and that will not tolerate discrimination or harassment. The plan is available on the Department's Internet and intranet sites, and included in our staff induction program and other relevant in-house training courses.

Implementation of the plan in 2005–06 included:

- training for harassment contact officers (HCOs)
- continuing support for the HCO network, and
- promotion of the Department's online bullying prevention videos for managers and employees and provision of further online training modules (see p. 173).

WORK AND LIFE BALANCE

Support and flexibility in work arrangements were made available to enable employees to balance their work and life responsibilities. The Agreement 2004 introduced initiatives to assist employees to balance work and care responsibilities.

During the year, we compiled a series of working hours reports from attendance records and analysed them to identify trends in working hours. The results show that the work-life balance initiatives have generally been successful, with only a small number of areas where working hours and workload require further examination. Information from the reports was provided to all division heads for monitoring and follow-up action.

FAMILY-FRIENDLY FACILITIES

The Department continues to operate the Carers' Room, which provides employees with the option of temporary care at work for dependants while continuing to fulfil work commitments. In addition, our Employee Assistance Program provides employees with confidential and professional counselling services to assist them in resolving work and other issues that may have an impact on their work.

ONLINE TRAINING

The Department continued to provide access to a wide range of learning and development opportunities to foster diversity in the workplace. During the year, Human Resources Branch developed and implemented a suite of five online courses that assist the Department to meet its duty-of-care commitments and ensure that all employees are aware of their obligations. The following training courses were offered:

- workplace behaviour – APS Values and Code of Conduct
- occupational health and safety (OH&S) – legal compliance
- workplace discrimination and harassment – legal compliance and prevention for managers and supervisors, and
- cultural diversity – cultural awareness.

Over 474 staff have completed the programs.



Walk to Work Day, 7 October 2005

Part of the Attorney-General's Department delegation with the Governor-General, His Excellency Major General Michael Jeffery: (left to right, front) Michael Piotrowicz, John Panneman, Ian Govey, Sally Aplin with daughter Aisha Elsarrag, Nicole Holden and Sandra Purser; (left to right, centre) James Graham, Tracey Pearce and Andreana Manifold; (left to right, back) Matt Madin, Rachel Field, Sophie Charles and Gregory Parkhurst

Occupational health and safety

As a result of improved injury management and prevention strategies, our workers' compensation and regulatory contribution for 2006-07 is 1.62 per cent of payroll. This is down from 1.69 per cent of payroll for 2005-06 and 1.99 per cent of payroll for 2004-05. Our performance in this area compares favourably with the average premium rate for all Commonwealth agencies, which has remained at 1.77 per cent of payroll for 2006-07.

In addition, we received a bonus of \$219,669 in respect of the premium for 2005-06 due to improved performance in the areas of injury management, incident reporting, risk management, and safety training.

During 2005-06, we conducted a work and wellbeing survey to gauge the environmental health of the Department. Workshops for SES officers then discussed the results and worked on developing an appropriate response. A follow-up survey is to be undertaken in 2006-07 that will allow us to measure changes.

We continued to conduct regular workplace inspections throughout 2005-06. Reports were provided to division heads containing recommendations for improvements, where necessary. There was continual improvement across the Department, with divisions displaying an ongoing commitment to eliminating OH&S hazards.

We also introduced online training on legal compliance with OH&S. As a consequence, employee awareness of OH&S issues has increased, resulting in improved prevention of, and early intervention for, workplace injuries and illnesses. Most OH&S representatives have been trained to enable them to conduct workstation assessments for new employees.

The number of long-term compensation cases also declined in 2005-06. In addition, new

injuries that have the potential to become long-term injuries continued to be a focus of our attention. This resulted in injured employees generally returning to work within the earliest possible timeframe.

A range of injury prevention and management activities were carried out. These involved improvements to injury prevention, incident reporting, risk management and safety training. Workstations of 367 employees were assessed, four OH&S representatives were trained and 421 employees were vaccinated against influenza.

Information on the Department's OH&S performance required under the *Occupational Health and Safety (Commonwealth Employment) Act 1991* is at Appendix 9.

Certified agreement and Australian Workplace Agreements

AUSTRALIAN WORKPLACE AGREEMENTS

Australian Workplace Agreements (AWAs) provide for the remuneration and other conditions for all our SES employees. All AWAs are developed within the framework of our SES remuneration policy.

This policy contains a set of principles on which remuneration is based, including accountability, flexibility, equity, reward for excellence and encouragement of individual growth. It outlines the elements of the SES remuneration package. The main features include:

- a salary band for each SES classification, and possible performance pay

Progress through the salary band and the awarding of performance pay are linked to performance appraisal under our Program for Performance Improvement.

- superannuation coverage under the *Superannuation Act 2005*, *Superannuation Act 1990* or *Superannuation Act 1976* or, for eligible employees, choice to join other complying superannuation funds or retirement savings accounts
- access to a Commonwealth-leased privately plated vehicle, or allowance in lieu of a vehicle, in accordance with the Department's Executive Vehicle Scheme Guidelines
- vehicle parking space at, or in the vicinity of, the workplace, and
- access to flexible remuneration packaging on a salary-sacrifice basis.

AWAs also cover 45 non-SES employees. AWAs were required to support payment of penalty rates for shift work for 33 employees engaged as casual National Security Hotline operators. The remaining non-SES AWAs support a range of additional employment conditions such as overseas posting allowances for employees on the PNG Enhanced Cooperation Program, a different salary specified for superannuation purposes, an enhanced rate of remuneration for specific work or skills, or variation of normal leave conditions.

We undertook work in the latter half of the year to update our AWA templates to conform with new requirements introduced under the *Workplace Relations Amendment (Work Choices) Act 2005*.

CERTIFIED AGREEMENT 2004

We have 1,017 employees covered by the Attorney-General's Department Agreement 2004, a certified agreement made under section 170LK of the *Workplace Relations Act 1996*. This agreement was made on 12 August 2004 and has a nominal expiry date of 1 August 2007. Key provisions under this agreement were detailed in the Department's 2004-05 annual report. The agreement is available on the Department's web site.

We have recently formed a new Workplace Relations Committee for the purposes of consulting about a replacement collective agreement. Consultation will commence in earnest in late 2006.

SALARY RANGES

The salary ranges for employees under the Attorney-General's Department Agreement 2004 and Australian Workplace Agreements are shown in Table 6.

Performance pay

Performance pay is not available under the Attorney-General's Department Agreement 2004. Access to performance pay may be available to an employee under arrangements negotiated through an AWA.

For employees with access to performance pay, the Secretary may determine that an employee is entitled to a performance bonus of up to 15 per cent of the employee's salary. Performance pay is awarded after the final performance appraisal for the year under our Program for Performance Improvement. All decisions concerning performance pay are based on achievement against agreed performance criteria.

Details of performance payments made in 2005-06 are shown in Table 7. Note that these payments relate to performance during the financial year 2004-05. Also, classifications are grouped together to ensure payments to individuals cannot be identified.

The aggregate bonus payment for the Department as a whole was \$509,137.

Training and development

PEOPLE DEVELOPMENT STRATEGY

The Department's People Development Strategy promotes a corporate culture that fosters and supports learning and

Table 6: Salary ranges under Attorney-General's Department Agreement 2004 and Australian Workplace Agreements, at 30 June 2006

Classification	Salary rates (\$)
SES Band 3	168,180 – 179,475
SES Band 2	134,342 – 143,367
SES Band 1	109,313 – 116,243
Executive Level 2	82,167 – 98,730
Principal Legal Officer	82,167 – 98,730
Executive Level 1	71,242 – 86,684
Senior Legal Officer	71,242 – 86,684
APS Level 6	55,840 – 64,145
APS Level 5	51,702 – 54,823
APS Level 4	46,353 – 50,329
Legal Officer	41,590 – 64,145
APS Level 3	41,590 – 44,887
Graduate APS	39,505 – 40,491
APS Level 1–2	32,265 – 40,491
Cadet APS (practical training)	32,265 – 35,658
Cadet APS (full-time study)	17,602

Table 7: Performance payments made in 2005–06

	Classification level	
	Non-SES & SES Band 1	SES Bands 2 and 3
Number of employees receiving payment	32	14
Aggregated amount of payments	\$294,335	\$214,802
Average bonus payment	\$9,198	\$15,343
Range of payments	\$3,464 – 13,785	\$6,459 – 20,709

development, with initiatives to be aligned with and integrated into business group activities and priorities.

The strategy focused this year on considerations to be taken into account when approaching a whole-of-government task. This included developing and conducting a range of new programs to assist employees to gain the capabilities necessary to work in a whole-of-government context. A 360-degree feedback tool was designed and delivered against the Executive Level Capabilities.

Implementation of the strategy during the year included:

- assessment of learning needs
- open tender for a panel of providers to provide training under the strategy
- development and piloting of a new traineeship program, and
- development of a compulsory managing workloads program for all staff at executive level to support the 'working smarter' principles.

INFORMATION TECHNOLOGY TRAINING

Training in information technology (IT) is a fundamental component of the Department's strategy of maximising the use and benefits of technology. There were 2660 attendances at the Department's IT training centre. Training was provided on a range of IT-related topics, including desktop applications, IT security awareness, IT for new starters, electronic document and records management and Web authoring. The IT training team also delivered formal training to Family Relationship Centre staff during the period.

Information and knowledge management

The Information and Knowledge Services Group (IKS) provides the Department with IT services, communication systems, electronic information services, knowledge management and library services.

In line with the Government's priorities for counter-terrorism, IKS provides secure communications between various Commonwealth and State/Territory entities through the Australian Secure Network (ASNET).

IT infrastructure

The Department's Wide Area Network (WAN) comprises links between seven Canberra locations, the EMA facility in Mount Macedon, Victoria and offices in Sydney and Perth.

In August 2005, IKS upgraded the IT and communications facilities for the PSCC's Watch Office, its National Security Hotline and its media liaison area. The upgrade improved the effectiveness of these facilities to perform their role during exercises and crises.

IKS provided IT and secure communications support to two major national security events, the multi jurisdictional exercise *Mercury 05* in October 2005 and the Melbourne 2006 Commonwealth Games in March 2006. This work involved the deployment of equipment and staff to locations across Australia to support the conduct of these events.

In November and December 2005, we set up the required ICT and facilities, including the hearing room facilities, to support the Cole

Commission of Inquiry into the Oil-for-Food Programme in Sydney.

We introduced new secure mobile computing tools, including wireless e-mail and a Virtual Private Network. This technology assists staff working away from their usual work environment.

In April 2006, IKS deployed 560 new personal computers. This process was completed over two weekends, minimising interruption to business areas.

IT sourcing

The Department uses a managed sourcing model for IT services and equipment. Switchboard operator services are provided by Sirius Telecommunications Limited. Total Learn provides information technology training. Business applications and some overflow infrastructure support are provided by KAZ Group Pty Ltd, now a part of Telstra. Other contractors include those for software licensing (Data #3) and for data and communications (Northshore Communications). All providers were selected on a value-for-money basis. An Australian supplier was the successful tenderer in each case.

Pacific 'twinning'

Officers from the Information Services Branch evaluated the 'twinning' arrangements between the Department's Lionel Murphy Library and the law libraries in Samoa and Tonga. Two officers travelled to Samoa and Tonga from 21 March to 5 April 2006 to report on the management

Staying connected – the Blackberry pilot

Participants in Information and Knowledge Services' Blackberry pilot program have reported efficiency gains and a decrease in the incidence of work cutting into personal time.

In September 2005, Information and Knowledge Services initiated a small-scale pilot of Blackberry devices for the Department's SES officers. The Blackberry is a secure, small, user-friendly device that allows users to access their email, calendar and contacts when they are away from the office.

Dr Dianne Heriot, AS Community Safety and Justice Branch, participated in the Blackberry pilot. Dianne travels both domestically and internationally for work and is always keen to find efficient ways of communicating while she is away. She reports that using the Blackberry was so positive that it actually altered her workday.

'The Blackberry has changed the way I work and it gives me more control over my day', Dianne said. 'If I'm out of the office I can quickly scan for new messages on the run, deal with urgent matters and delete junk emails. I don't have to wait till I'm back at my desk, or sit at my computer at home and dial in to the Department.'

Dianne is happy with the Blackberry's design and user-friendly features and enjoys being able to stay connected to the day-to-day operation of the Department while she is travelling.

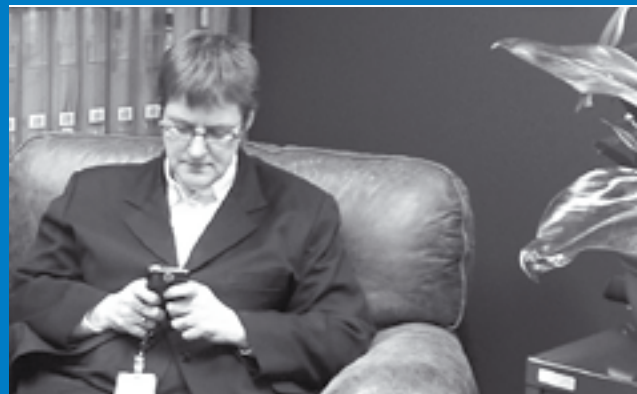
'When I'm away I feel like I am keeping in touch and on top of business matters back at work', she said. 'I particularly like not returning to the office to find 800 unread emails and a clogged system.'

One of the Blackberry's best functions, according to Dianne, is remote access to her travel itinerary and diary.

'And, it can be reset remotely if you're like me and forget your password and accidentally wipe the data.'

Dianne reports that she still takes her laptop when travelling to gain access to classified email as well as applications like MS Word and TRIM.

'Usually, though, I only use the laptop once a day in my hotel', she said. 'I think the Blackberry has definitely provided me with efficiency gains and reduces the impact work has on my personal time.'



Dianne Heriot, Assistant Secretary Community Safety and Justice, using her Blackberry



Mark Carpenter, Assistant Secretary, Information Services (right), with George Aho, then Tonga Attorney-General, in the Ministry of Justice Office, Tonga

of the 'twinned' law libraries and on ways to improve the management of information and knowledge within these countries. The Lionel Murphy Library has been 'twinned' with law office libraries in the South Pacific since 1992. The evaluation was an activity sponsored by AusAID's Pacific Governance Support Program.

Web collaboration

The Department is implementing facilities to promote secure and efficient collaboration with other organisations. This year, IKS delivered 16 collaboration web sites (allows communication over the Internet) using a product called QuickPlace. Various divisions within the Department used these QuickPlaces to work with 26 Australian Government agencies, 16 State and Territory agencies, 15 non-government organisations and four international bodies on issues such as anti-money laundering, emergency management, counter-terrorism, international child abduction and support for the Melbourne 2006 Commonwealth Games.

Electronic Document Management System

IKS upgraded the Department's electronic document management system (EDMS) in June 2006. The latest version assists visually impaired staff using the EDMS, enabling them to customise the appearance of the desktop interface to suit their needs.

Other key outcomes

IKS delivers some 10 projects per month of varying sizes that improve the efficiency of the Department's program areas and the delivery of IKS services. A typical example was the Legal Aid Reporting Initiative (LARI). LARI is a business intelligence tool used by State, Territory and Commonwealth staff to analyse Commonwealth legal aid allocations. LARI has provided senior managers with a flexible tool to evaluate trends in their respective constituencies.

Social equity impacts

Social justice

In pursuing its mission of achieving a just and secure society, the Attorney-General's Department works to implement an extensive social justice agenda. The agenda is founded on the principles of access and equity and the rights of all citizens to live in a just and secure society. It accords with the *Charter of public service in a culturally diverse society*. Most areas of the Department are involved in this work.

A primary responsibility of the Department is the maintenance and development of a federal system of justice that serves individuals, families, business and the community. In addition, numerous initiatives progress particular social justice objectives; these are documented in the chapter 'Performance reports' of this annual report. Furthermore, the objective of promoting social justice more generally is supported by many of the programs and activities undertaken by the Department. Some of these are set out below.

FAMILY RELATIONSHIP CENTRES

In establishing the new Family Relationship Centres (see page 41), we needed to ensure that the new services would be accessible to everyone who needed them, including Indigenous people, people from culturally and linguistically diverse communities, and people in rural and regional parts of Australia. The operational framework developed for the new Centres requires them to have service-delivery practices that are sensitive to the needs of different cultures and to use interpreters when needed. The Centres are also required to provide outreach to people in the community who cannot easily access the Centres, because

of distance, cultural or language barriers. The new Family Relationship Advice Line also uses interpreters and helps overcome barriers of distance by providing, through the telephone, many of the services available at Family Relationship Centres (see page 41).

FAMILY LAW VIOLENCE STRATEGY

The Department is taking steps to improve the handling of family violence and child abuse allegations in the family law system. The Government will fund the Australian Institute of Family Studies to conduct independent research on how allegations of family violence and child abuse are raised and addressed in the family law system. The Government will also ask the Family Law Council – the Government's advisory body on family law – to examine strategies to ensure Commonwealth and State and Territory laws and agencies can work together better in these cases.

The Family Law Violence Strategy will:

- provide a better understanding of how allegations of family violence and child abuse are dealt with in family law proceedings
- work with the responsible State and Territory agencies to ensure allegations of violence and abuse are promptly and thoroughly investigated
- work with the courts to improve court processes for cases where family violence and child abuse allegations are raised, and
- ensure that the family law reforms and proper screening at the new Family Relationship Centres help people experiencing violence or abuse to access appropriate support and services.

INDIGENOUS-SPECIFIC PROGRAMS AND SERVICES

We administer a number of Indigenous-specific programs that support a range of culturally appropriate services for Indigenous Australians. These services include projects in the Prevention, Diversion, Rehabilitation and Restorative Justice program; Law and Justice Advocacy program; Family Violence Prevention Legal Services (FVPLS) program; and Legal Aid for Indigenous People program (see page 92). In 2005–06, we administered over \$69 million in funding assistance to organisations for the provision of these services to Indigenous Australians.

In 2004–05, we began implementing the Government's decision to expand the number of FVPLS units from 13 to 26. In 2005–06, we completed the tendering arrangements for the provision of these services. All 26 FVPLS units are now operational, increasing access to these services by Indigenous Australians in rural and remote locations across Australia.

We also provide funding for casework that meets a number of objectives: promoting the review of laws and administrative practices that have the effect of discriminating against Indigenous Australians; promoting the recognition of Indigenous Australians' rights through the conduct of litigation; and promoting the resolution of inconsistencies and ambiguities in the application of existing laws to Indigenous Australians.

LEGAL AID AND LEGAL SERVICES

We administer the Commonwealth legal aid program through which the Australian Government funds legal aid commissions in each State and Territory to provide legal assistance to disadvantaged Australians in matters arising under Commonwealth laws. The commissions use the services of both salaried lawyers and the private legal profession to provide legal representation. Other services provided by commissions

include information, community legal education and legal advice (including advocacy and minor assistance such as preparation of documentation, advice on process), and duty lawyer services. In 2005–06 a total of \$148.591 million was spent to achieve the objectives of the legal aid program.

We administer the Commonwealth Community Legal Services program, which supports and funds community legal services as part of the Australian Government's contribution to legal aid in Australia. Community legal centres (CLCs) are community-based, independent, non-profit organisations that provide a range of assistance on legal and related matters to people on low incomes and those with special needs. In 2005–06, \$23.7 million was appropriated to the Community Legal Services program. Of this total, \$21.7 million was allocated to the 127 community legal centres across Australia for direct service provision. The remainder was spent on state program manager functions, regional law hotline, general program support, and data system maintenance. The program provides funding for generalist as well as specialist community legal services. Specialist services include those that provide assistance for women (including Indigenous and rural women) and youth, and assistance with child support, environmental law, the *Disability Discrimination Act 1992* and welfare rights.

PROGRESSING THE PRINCIPLES AGREED AT THE PRIME MINISTER'S SUMMIT WITH MUSLIM LEADERS

The Prime Minister held a summit with Muslim community leaders in August 2005. It was subsequently agreed that all Australian governments and the Muslim community will work together to produce positive outcomes that protect Australia against violence, terrorism and intolerance and promote the common goals of harmony and understanding.

The Government is working closely with Muslim leaders to develop a national action plan to build on these principles, and the Department participates through the Inter-departmental committee and the Muslim Community Reference Group that are developing the plan. The measures being developed, and those already under way, will help combat extremism and promote tolerance. They include educative measures being undertaken by the Department and HREOC to enable the Muslim community to respond to emerging issues, including national security and law enforcement issues, as well as discrimination and intolerance.

STREAMLINING ACCESS TO CONCESSIONS FOR PEOPLE IN RECEIPT OF GOVERNMENT BENEFITS

The Privacy (Private Sector) Amendment Regulations (2005 and 2006) authorise the use and disclosure of Centrelink's Customer Reference Number and the DVA File Number, by certain private-sector organisations, as a means of authentication and to verify the customer's entitlement to an Australian Government benefit and thereby to a concession offered by the relevant organisation.

The Regulations enable service providers to access Centrelink's Confirmation eServices, with the customer's consent, and determine a customer's eligibility to concessional entitlements. This removes the need for customers to go into a Centrelink or DVA office to get proof of their eligibility for these concessions, making it easier for them to obtain concession entitlements. The verification occurs online in real time, providing up-to-date eligibility information.

LEGISLATIVE INSTRUMENTS

The Department contributes to the achievement of social justice by improving the standard of legislative instruments, by making available printed copies of Commonwealth legislation and by providing

free public access to the legislation on the Internet through the Federal Register of Legislative Instruments and the ComLaw system. The Register came into existence on the commencement of the *Legislative Instruments Act 2003* on 1 January 2005.

CRIME PREVENTION

The National Community Crime Prevention Programme (NCCPP) provides practical support to grassroots projects that aim to enhance community safety and crime prevention by preventing or reducing crime and anti-social behaviour, improving community safety and security, and reducing the fear of crime. The program is designed to provide the additional resources often needed by communities to develop their own projects and find ways to work together for the shared goal of enhancing community safety.

The first two funding rounds of the NCCPP committed \$2,029,306 under the Indigenous Community Safety stream for 16 projects. In addition, six projects with an Indigenous focus, amounting to \$1,641,294, have been funded under the Partnership and Community Safety streams of the NCCPP.

Nine projects totalling \$1,055,867 have been funded in the first two rounds of the NCCPP specifically targeted to benefit recently arrived migrants as well as other individuals from non-English-speaking backgrounds and their broader communities. Funded projects can focus on individuals, through the provision of activities such as employment assistance, or assistance with breaking down the intergenerational divide. Projects may also focus on working with a broader community of interest through the development of culturally appropriate resources to raise public awareness.

Commonwealth Disability Strategy

The Australian Government is committed to bringing about a society in which people with a disability can participate fully as valued and equal citizens in the community.

In 1994, the Commonwealth Disability Strategy was introduced to provide a planning framework to help Australian Government organisations meet their obligations under the *Disability Discrimination Act 1992*. The strategy recognises that Government programs, services and facilities have an impact on the lives of people with disabilities, and is ultimately about enabling full participation of people with disabilities.

Under the strategy, agencies are obliged to remove barriers that prevent people with disabilities from having access to these policies, programs and services. This means ensuring that people with disabilities have the same access to buildings, services, information, employment, education, sport and recreational activities as everyone else in the community.

The reporting framework for the strategy incorporates five key roles that government may play in implementing the strategy: policy adviser, regulator, purchaser, provider and employer. The Attorney-General's Department reports on its role as a policy adviser and employer, and that report appears at Appendix 10.

Ecologically sustainable development and environmental performance

The Attorney-General's Department is required to report on a number of matters under section 516A of the *Environment Protection and Biodiversity Conservation Act 1999*. These matters relate to the manner in which the Department's activities accord with the principles of ecologically sustainable development (ESD) and its outcomes contribute to ESD, and the effect of the Department's activities on the environment.

The Department's principal function is to provide policy advice to government. Its activities are consistent with the first of the ESD principles – that 'decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations'. Its activities have less direct relevance to the remaining principles. (For more information on ESD, see the Department of the Environment and Heritage web site at <www.ea.gov.au/esd>.)

The previous segment of this report – Social equity impacts – presents examples of the Department's achievements in relation to social and equitable considerations in the ESD principle quoted above. In relation to the first two aspects – economic and environmental considerations – the Department also achieved positive impacts.

Following are several examples of these positive impacts.

- We play an active role in the whole-of-government effort to increase economic opportunities for Indigenous Australians

through greater utilisation of Indigenous land. Home ownership can be an important contributor to generating economic independence and intergenerational wealth. Enabling long-term leases can assist economic development in ways beyond home ownership by enabling businesses to have security of tenure. As part of our ongoing role in addressing barriers to home ownership, we will continue to work with the Office for Indigenous Policy Coordination to consult with State and Territory governments about possible land tenure reform to facilitate suitable leaseholds.

- The coordination activities and leadership role of Emergency Management Australia help minimise the environmental and economic effects of emergencies, including natural disasters, and aid in recovery processes.
- Our approach to critical infrastructure protection increasingly realises the relationships and dependencies across the economy. This holistic view is important as an incident in one part of Australia's critical infrastructure can have a cascading effect across the entire economy.
- The legal services and advice provided by the Department on international law – in particular, international environmental law and law of the sea – can have an impact on offshore native title, illegal foreign fishing and whaling, for example.

The Department strives to limit the impact of its activities on the environment by ensuring the efficient use of natural resources

and effective waste management. The Department works to introduce initiatives that will complement existing strategies.

A range of practical strategies are in place to address environmental management issues. They include:

- educating staff in ways to reduce energy consumption
- recycling paper and toner cartridges
- promoting double-sided printing and photocopying where possible
- turning equipment off after hours
- down-rating fluorescent tubes, and
- buying energy-efficient equipment.

The Department's electronic document management system minimises the need to print and retain paper copies of most documents. As a result, we continue to use less paper, less toner and fewer similar consumables.

We recently upgraded to LCD computer monitors. These use less power and create a lower heat load, providing savings in air conditioning costs.

In accordance with the Government's energy policy, action has been taken to develop an environmental management system (EMS) to identify ways of improving environmental performance by setting environmental targets and taking a systematic approach to tackling these issues. When negotiating leases, consideration is given to leasing energy-efficient buildings. When renewing leases, building owners are canvassed about improving the efficiency of buildings occupied by the Department.

We are due to move into a purpose-built building in 2009 and a decision has been taken to defer fully implementing the EMS until that time. However, steps have been taken to pilot some environmental initiatives recommended in the EMS, in the Department's current premises, prior to the relocation.

The lease developed for the new building is the first Commonwealth 'green lease' to be negotiated. The lease provides for the base building and fit-out to have a 4.5 star energy rating and for that rating to be maintained throughout the term of the lease.