

# Introduction

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The 1996–97 Annual Report of the Attorney-General’s Department details performance against objectives for each program, sub-program and, as appropriate, component, focusing on performance measures approved by the Board of Management. Performance information on which performance outcomes detailed in this report are based were subject to a detailed study during the year as part of the service-wide Performance Information Review coordinated by the Department of Finance.

Before the review commenced the Department had taken steps towards improving its performance information, with particular attention being given to enhancing the quality and relevance of performance measures.

In the interests of presenting a more meaningful report of performance in the Department’s 1996–97 Annual Report, it was decided to adopt the performance information developed as part of the Performance Information Review. The formal report to the Government on the outcomes of the review was to be presented jointly by the Attorney-General’s Department and the Department of Finance in July 1997.

This Annual Report is formatted in accordance with the approved portfolio program structure as it stood at 30 June 1997.

Certain information not included in the Annual Report is available on request from the Director, Secretariat Section, Attorney-General’s Department, Robert Garran Offices, National Circuit, Barton ACT 2600. Phone number: (02) 6250 6171; fax number: (02) 6250 5948. This information includes details relating to statutory and non-statutory portfolio bodies and certain social justice, staffing and financial matters.

Further information about the Annual Report can be obtained by contacting the Director, Corporate Planning, Attorney-General’s Department, Robert Garran Offices, National Circuit, Barton ACT 2600. Phone number: (02) 6250 6162; fax number: (02) 6250 5948.

As soon as practical after tabling in Parliament, the Annual Report will be accessible through *Window on the Law* at <http://law.gov.au>.



*The Attorney-General and Minister for Justice, the Hon. Daryl Williams, and the Prime Minister, the Hon. John Howard, after receiving Australian Institute of Criminology Violence Prevention Awards in October 1996 for their role in the formulation of national gun laws.*

*Photograph courtesy of the Canberra Times.*

# Portfolio Overview

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The Attorney-General's portfolio comprises the Attorney-General's Department and a number of statutory and non-statutory bodies. The Department is the central policy and coordinating element of the portfolio for which the Attorney-General and Minister for Justice is responsible.

For the reporting period, the Department and the various portfolio agencies were grouped into six programs with the following objectives:

## *Program 1 – Legal Services to the Commonwealth*

To advance and protect the interests of the Commonwealth, its ministers and agencies and other persons and bodies as appropriate, by the provision of sound, constructive and timely legal services and legal policy advice.

## *Program 2 – Business Affairs*

To achieve a fair balance between creditors, debtors and the community in the administration of bankruptcies.

## *Program 3 – Community Affairs*

To enhance and promote the rights of individuals and their reasonable access to justice.

## *Program 4 – Administration of Justice*

To promote the effective and timely adjudication of disputes and resolution of questions of law in courts and tribunals with appropriate jurisdictions.

## *Program 5 – High Court of Australia*

To interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court in Australia.

## *Program 6 – Maintenance of Law, Order and Security*

To contribute to the maintenance of law and order, to combat crime and to respond effectively to acts of politically motivated violence; to maintain effective measures against espionage and subversive activities and against attacks directed at individuals, information and assets.

## Changes to the portfolio program structure effected within the reporting period

Several changes were made to the portfolio structure during the reporting period to accommodate administrative decisions. Following government acceptance of the recommendations of the Wood Review of Security for Commonwealth Holders of High Public Office, the Protective Security Coordination Centre was removed from the Security Division (as it was then known) and assumed divisional status outside the Attorney-General's Legal Practice. The Protective Security Coordination



*The Australian Protective Service won the open category of the Australian Public Service Equality Awards in October 1996 with its workplace planning initiative Changing the Culture. The awards were presented by the Minister for Workplace Relations, the Hon. Peter Reith. From left: Sandra Peisley, Acting General Manager of Professional Development; Jo Campbell, Australian Federal Police; Mr Reith; Stephen Skehill, Secretary; Pam McGilvary, Australian Protective Service; Dr Margaret Browne, special adviser on gender issues to the Department's Board of Management; Trevor Robertson, Director of the Australian Protective Service.*

Centre became component 6.5.4 within the Community Protection sub-program (6.5) in August 1996.

The National Firearms Program was also added to the program structure as component 6.5.6. in August 1996.

The divisional structure within the Attorney-General's Legal Practice (sub-program 1.1) was further altered in January 1997 with the creation of the Information and Security Law Division and the redistribution of the functions of the former Security Division and the International Trade Law and Intellectual Property Branch.

Because of the significant Executive Government role performed by the Commonwealth Law Enforcement Board (CLEB) Support Group, that organisational element was moved from sub-program 6.1 – Commonwealth Law Enforcement Board. The CLEB Support Group became the Office of Law Enforcement Coordination, component 6.5.7 within the Community Protection sub-program 6.5, from 1 January 1997.

## Program structure changes effective 1 July 1997

Although the Industrial Relations Court ceased operations on 25 May 1997, it appears on the portfolio program structure chart current to 30 June 1997 as sub-program 4.4. In relation to the Overseas Services component of the Legal Practice, the Department withdrew its overseas representation from Brussels and Washington during the reporting period. These program elements will not appear in the portfolio program structure from 1 July 1997.

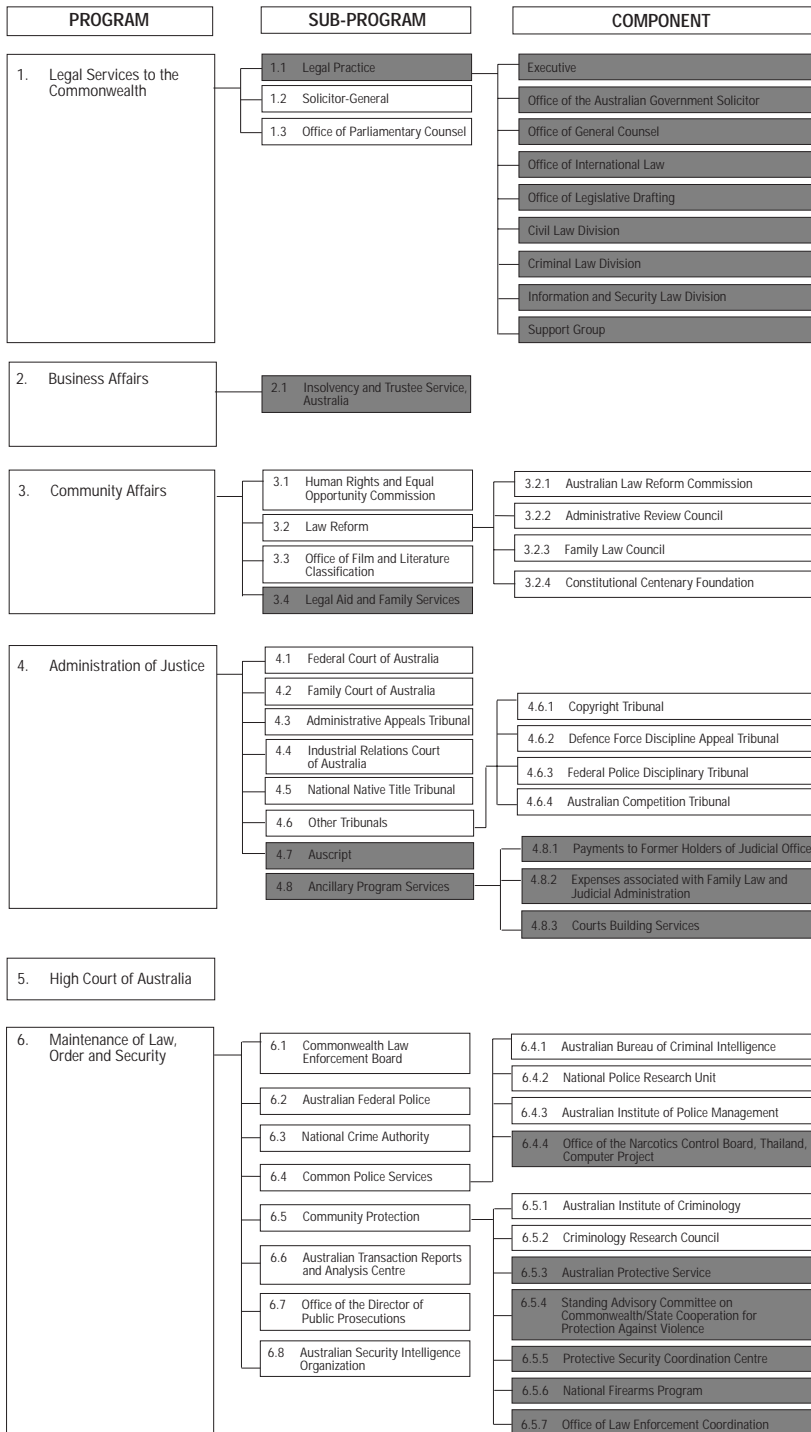
As a result of a review of the Legal Practice, from 1 July 1997 the commercial elements of the Legal Practice will be placed in a new program 2 – Legal Services to the Commonwealth – as a discrete sub-program 2.1 – Australian Government Solicitor. This is a transitory step to the Australian

Government Solicitor becoming a statutory corporation from 1 July 1998. From that date, the remaining elements of the Legal Practice will form program 1.1 – Legal Policy and Services to the Commonwealth.

The sole sub-program currently within program 2 – Insolvency and Trustee Service, Australia – will be placed in program 3 (Community Affairs) from 1 July 1997.

The following chart indicates the program structure as at 30 June 1997. The shaded areas represent sub-programs and components of the Attorney-General’s Department which are the subject of this report. Annual Report requirements and arrangements for portfolio elements not covered by the report are set out at Appendix 15.

# Attorney-General's Portfolio Program Structure



■ Program elements covered by the Attorney-General's Department Annual Report

### Reconciliation of Programs and Appropriations for 1996–97 (\$'000)

Program Number	Approp Bill Nos 1 and 3	Approp Bill Nos 2 and 4	Special Approps	Annotated Approps*	Program Approps (i)	Adjustments	Program Outlays
1	52 690	874	—	1 668	55 232	(6 948)	48 285
2	26 196	413	—	138	26 747	(11 375)	15 372
3	73 840	144 325	551	1 449	220 165	(2 088)	218 076
4	205 672	1 656	7 308	2 083	216 719	(3 142)	213 578
5	7 799	—	1 678	—	9 477	—	9 477
6	371 869	3 371	311 524	70 193	756 957	(70 810)	686 147
<b>TOTALS</b>	<b>738 067</b>	<b>150,639</b>	<b>321 060</b>	<b>75 531</b>	<b>1 285 297</b>	<b>(94 362)</b>	<b>1 190 935</b>

\* Annotated Appropriations are a form of special appropriation which allow a department access to the money it earns.

(i) Adjustments to derive outlays, including receipt items classified as outlays, net movements in trust account balances etc.

## Summary Table of Outlays by Program Elements

Program	Sub-Program	Component	Outlays		
			1995–96 Actual \$('000)	1996–97 Estimate \$('000)	1996–97 Actual \$('000)
1. Legal Services to the Commonwealth	<b>1.1 Legal Practice</b>		<b>30 056</b>	<b>56 319</b>	<b>42 341</b>
	1.2 Solicitor-General		626	587	575
	1.3 Office of Parliamentary Counsel		5 502	6 828	5 369
<b>Program total</b>			<b>36 184</b>	<b>63 734</b>	<b>48 285</b>
2. Business and Consumer Affairs	<b>2.1 Insolvency and Trustee Service, Australia</b>		<b>20 799</b>	<b>16 320</b>	<b>15 372</b>
	2.2 Business Affairs		201 858	–	–
	2.3 Federal Bureau of Consumer Affairs		6 371	–	–
<b>Program total</b>			<b>229 028</b>	<b>16 320</b>	<b>15 372</b>
3. Community Affairs	3.1 Human Rights and Equal Opportunity Commission		18 866	19 327	19 299
	3.2 Law Reform		5 696	5 093	4 983
	<b>3.3 Office of Film and Literature Classification</b>		<b>3 404</b>	<b>5 808</b>	<b>5 267</b>
	<b>3.4 Legal Aid and Family Services</b>		<b>181 392</b>	<b>197 939</b>	<b>188 527</b>
<b>Program total</b>			<b>209 358</b>	<b>228 168</b>	<b>218 076</b>
4. Administration of Justice	4.1 Federal Court of Australia		37 692	40 707	39 903
	4.2 Family Court of Australia		98 422	106 766	99 566
	4.3 Administrative Appeals Tribunal		22 599	26 558	24 065
	4.4 Industrial Relations Court of Australia		12 779	11 969	10 477
	4.5 National Native Title Tribunal		14 588	17 858	15 852
	4.6 Other Tribunals		174	246	238
	4.7 Auscript		1 898	(869)	(869)
	<b>4.8 Ancillary Program Services</b>		<b>25 260</b>	<b>29 842</b>	<b>24 346</b>
<b>Program total</b>			<b>213 411</b>	<b>233 075</b>	<b>213 578</b>

Program	Sub-Program	Component	Outlays			
			1995–96 Actual \$('000)	1996–97 Estimate \$('000)	1996–97 Actual \$('000)	
5. High Court of Australia	5.1	Management of High Court Business	6 508	6 527	6 355	
	5.2	Corporate Services	3 336	3 122	3 122	
<b>Program total</b>			<b>9 844</b>	<b>9 649</b>	<b>9 477</b>	
6. Maintenance of Law, Order and Security	6.1	Commonwealth Law Enforcement Board	–	–	–	
	6.2	Australian Federal Police	204 938	188 926	188 666	
	6.3	National Crime Authority	37 726	38 577	36 440	
	6.4	Common Police Services	6.4.1 to 6.4.3	5 723	6 887	6 251
			<b>6.4.4 Office of the Narcotics Control Board</b>	<b>496</b>	<b>401</b>	<b>360</b>
	6.5	Community Protection and Security	6.5.1 to 6.5.2	15 803	3 235	3 235
			<b>6.5.3 Australian Protective Service</b>	<b>2 759</b>	<b>(1 259)</b>	<b>(1 259)</b>
			<b>6.5.4 Standing Advisory Committee on Commonwealth / State Cooperation for Protection against Violence (SAC-PAV)</b>	<b>3 410</b>	<b>3 457</b>	<b>3 442</b>
			<b>6.5.5 Protective Security Coordination Centre</b>	<b>12 507</b>	<b>24 124</b>	<b>18 132</b>
			<b>6.5.6 National Firearms Program</b>	<b>–</b>	<b>500 000</b>	<b>311 524</b>
			<b>6.5.7 Office of Law Enforcement Coordination</b>	<b>4 652</b>	<b>17 716</b>	<b>4 766</b>
			6.6	Australian Transaction Reports and Analysis Centre	9 920	8 366

Program	Sub-Program	Component	Outlays		
			1995–96 Actual \$('000)	1996–97 Estimate \$('000)	1996–97 Actual \$('000)
	6.7	Office of the Director of Public Prosecutions	52 195	58 276	53 771
	6.8	Australian Security Intelligence Organization	51 502	64 757	52 566
<b>Program total</b>			<b>401 631</b>	<b>913 462</b>	<b>686 147</b>
<b>Total Portfolio</b>			<b>1 099 455</b>	<b>1 464 408</b>	<b>1 190 935</b>

# The Department

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The Attorney-General's Department serves the Government and through it all Australians by achieving excellence in providing legal and law-related services.

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

The Department has been providing high-quality legal services and legal policy advice to the public sector since Federation. The Department's clients include:

- the Attorney-General and the Government;
- federal government departments and agencies;
- the wider community and business.

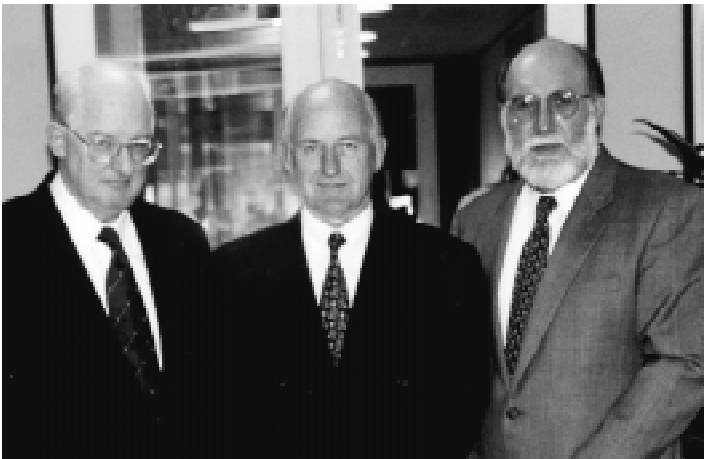
As outlined earlier in reference to the program structure, substantial changes to the structure of the Department were implemented on 1 July 1997. However, for the 1996–97 reporting period the Department comprised the following major components:

- the Attorney-General's Legal Practice;
- the Insolvency and Trustee Service, Australia;
- Legal Aid and Family Services;
- Auscript;
- the Australian Protective Service;
- the Protective Security Coordination Centre;
- the Office of Law Enforcement Coordination.

The **Attorney-General's Legal Practice**, which comprises the regional offices of the Australian Government Solicitor and a number of specialist offices and divisions, provides a broad range of legal services and legal policy advice, legal professional development and legal information and publishing services. The Legal Practice, through the Support Group which comprises Practice Development, Resources and Information Technology, also provides management support services to the rest of the Department and some portfolio agencies.

Structural changes within the Legal Practice were effected from 1 January 1997 with the creation of the Information and Security Law Division and the redistribution of the functions of the former Security Division and International Trade Law and Intellectual Property Branch.

The Legal Practice began operating on a user pays basis from 1 July 1992. Since then the Practice has been progressively opened up to competition from the private sector and from in-house legal service providers within certain other Commonwealth departments and agencies. Since 1 July 1995 clients have had choice of provider for a range of legal services, and from 1 July 1997 certain legal services previously provided exclusively by the Legal Practice are to be opened up to competition.



*Members of the review team which set a new, competitive direction for the Legal Practice. From left: David Wicks QC, Basil Logan and the Secretary, Stephen Skehill.*

The commercialisation of the Legal Practice's operations has enhanced the standing of the Practice as a provider of legal services. Client needs are now the prime determinant of resource allocation within the Practice. This emphasises the client's overriding importance and ensures that client needs for high-quality professional performance receive priority at all times.

The **Insolvency and Trustee Service, Australia (ITSA)** administers estates under the *Bankruptcy Act 1966*, acting as trustee of last resort, and provides trustee services under the *Proceeds of Crime Act 1987* and the *Customs Act 1901*. ITSA handles about 94 per cent of personal bankruptcies in Australia.

The office of **Legal Aid and Family Services** is responsible for the development and implementation of Commonwealth policy on legal aid and family services, and for coordinating the provision of such services nationally.

**Auscript** provides integrated information and communication management services to the courts and other targeted markets on a commercial basis.

The **Australian Protective Service (APS)** operates under the *Australian Protective Service Act 1987* and provides a range of services on a cost recovery basis. These include guarding buildings and establishments occupied by many Commonwealth agencies throughout Australia, including sensitive defence and scientific establishments and the residences of the Prime Minister and Governor-General. The APS also provides diplomatic and consular security at more than 400 locations throughout Australia.

The **Protective Security Coordination Centre (PSCC)** was removed from the Security Division and assumed divisional status outside the Attorney-General's Legal Practice following government consideration of the Wood Review of Security for Commonwealth Holders of High Public Office. The PSCC supports the Attorney-General by providing policy advice on protective security and national security matters. It coordinates protection arrangements for high-risk persons, premises and facilities, including ministers and their staff, visiting foreign dignitaries and foreign diplomats.

Having regard to the significant Executive Government role performed by the Commonwealth Law Enforcement Board (CLEB) Support Group that organisational element was moved from the sub-program 6.1 – Commonwealth Law Enforcement Board. The CLEB Support Group became

the Office of Law Enforcement Coordination, a component of Sub-program 6.5 – Community Protection from 1 January 1997.

The **Office of Law Enforcement Coordination (OLEC)** is responsible for policy matters relating to the operational law enforcement agencies, the national firearms program and administration of the National Campaign Against Violence and Crime. It also provides secretariat support to the Ministerial Council on the Administration of Justice and support to CLEB.

Each substantive organisation element of the Department is designated as a Treasury Centre, with each Treasury Centre manager having a range of responsibilities and obligations in relation to human, financial and physical resources and, in most cases, revenue collection. The Legal Practice as a whole, and Treasury Centres within the Legal Practice, ITSA and several other organisational elements, develop and pursue business plans which establish the commercial direction and strategies for that part of the organisation. The policy direction for the Department is outlined in the departmental Corporate Plan, which also sets out strategies and targets for each component of the Department.

A number of semi-autonomous units were also within the Secretary's overall responsibility for staffing and funding during the reporting period. They were:

- the Administrative Review Council (ARC);
- the Family Law Council Secretariat;
- the Joint Thai/Australian Computer Project at the Office of the Narcotics Control Board, Thailand;
- the Office of Film and Literature Classification.

The ARC was established under the *Administrative Appeals Tribunal Act 1975* to provide advice to the Attorney-General and Minister for Justice on strategic and operational matters relating to the Commonwealth system of administrative law. The ARC provides a separate report to Parliament.

The Family Law Council Secretariat supports the Family Law Council, a statutory authority, in its role of advising the Minister and making recommendations concerning the working of the *Family Law Act 1975* and matters relating to family law. The activities of the secretariat are covered by this report.

As a member of the Joint Management Committee of the Thai Office of the Narcotics Control Board (ONCB) since 1982, the Australian Government has provided assistance to computerise the ONCB's intelligence-gathering and related functions under the Joint Thai/Australian Computer Project. Activities under the project are covered by this report.

The Office of Film and Literature Classification (OFLC) applies public classification standards and pre-set conditions of sale and exhibition to films and publications. It assists adults to make informed decisions about films and publications which they, and those in their care, may view or read by providing classification advice which is consistent with community standards. The OFLC reports separately to Parliament.

## Performance Information

Within the reporting period a comprehensive review of departmental performance information was undertaken as part of a three-year program to improve the quality of performance information across the Australian Public Service. The Department, having recognised shortcomings in the quality of existing performance information through the 1994–95 annual report process, had already commenced a review of its performance information prior to the announcement of the service-wide Performance Information Review coordinated by the Department of Finance.

The performance information emanating from that review has been adopted for the 1996–97 Annual Report. The Department's performance information will be refined and enhanced through a process of continuous improvement, but the Performance Information Review has proved an effective stimulus to accomplishing a significant cultural change within the Department towards achieving greater transparency and accountability in program management.

## Board of Management

The Department is administered under the Attorney-General and Minister for Justice, by the Secretary acting with the advice of a Board of Management. The Board of Management comprises the Secretary, the Australian Government Solicitor and the two Deputy Secretaries. The Board is assisted by a special adviser on gender issues.

The Board advises on overall management strategy and provides a forum for considering strategic issues, priorities, and major resource management and performance matters.



**Stephen Skehill**, Secretary. Appointed 23 May 1994. BEc. LLB (Hons). Barrister and Solicitor. He is currently also the Official Trustee; Member of the Commonwealth Law Enforcement Board; Member of the Administrative Review Council; Chair of the Ministerial Advisory Committee on Cash Transaction Reporting; Co-chair of the Joint Project Coordinating Committee, Office of the Narcotics Control Board, Thailand; Member of the Board of Management and Council of the Australian Institute of Judicial Administration; Councillor, Constitutional Centenary Foundation Inc; Member of the Advisory Council, Law Foundation of New South Wales; Member of the Advisory Board of the National Institute for Law, Ethics and Public Affairs, Griffith University; Member of the Advisory Board, Asian Law Centre, Melbourne University; Member of the Consultative Committee of the ANU Centre for Advanced Legal Studies in International and Public Law.



**Dale Boucher**, Australian Government Solicitor. Appointed July 1993. LLB; Graduate Management Qualification, AGSM. Barrister and Solicitor. Member of the ACT Law Society and the Institute of Public Administration, Australia. Vice-chairman of the International Bar Association Working Group for Government Lawyers.



**Norman Reaburn**, Deputy Secretary. Appointed June 1989. LLB (Hons). Barrister. Chairman of the OECD Group of Experts on Security, Privacy and Protection of Intellectual Property on the Global Information Infrastructure and the OECD Ad Hoc Group of Experts on Cryptography Guidelines. Member of the Boards of Law Courts Limited, the Australian Institute of Criminology, Victoria Legal Aid, the National Criminal Statistics Unit and the National Criminal Courts Statistics Unit. Commonwealth representative on the Criminology Research Council, on the Legal Aid Commission of Tasmania and on Legal Aid Western Australia.



**Richard Moss PSM**, Deputy Secretary. Appointed 25 July 1996. Acting Deputy Secretary from 8 January 1996. Barrister and Solicitor. Member of the National Alternative Dispute Resolution Advisory Council. Chair of the Bankruptcy Reform Consultative Forum and Co-chair of the Intellectual Property Consultative Committee.



## Chief General Counsel

**Henry Burmester**, Chief General Counsel. Appointed 2 November 1995. BA. LLB (Hons). LL.M. Barrister and Solicitor. Member of the International Law Association, the American Association of International Law, the Australia-New Zealand Society of International Law, the Australian Study of Parliament Group and the Maritime Law Association of Australia.

The following organisational chart shows the structure of the Department as it stood at 30 June 1997.

# Attorney-General's Department - Organisation Chart

**Attorney-General and Minister for Justice**  
The Hon. Daryl Williams AM QC MP

**Solicitor-General**  
Dr Gavan Griffith AO QC

**Secretary**  
Stephen Skehill

**Australian Government Solicitor**  
Dale Boucher

**Chief General Counsel**  
Henry Burmester

**Deputy Secretary**  
Richard Moss

**Deputy Secretary**  
Norman Reaburn

Legal Practice

Community Affairs

Community Protection

Other Departmental Elements

- Central Practice
  - Office of General Counsel
  - Office of Litigation
  - Business and Commercial
  - Special Counsel
  - AGS Regional Offices
  - Office of International Law
  - Office of Legislative Drafting
- Civil Law Division
- Criminal Law Division
- Information and Security Law Division
- Support Group
  - Practice Development
  - Resources
  - Information Technology
- Legal Aid and Family Services
- Insolvency and Trustee Service, Australia
- Australian Protective Service
- Protective Security Coordination Centre
- Office of Law Enforcement Coordination
- Auscript
- Family Law Council Secretariat
- Administrative Review Council Secretariat
- Joint Thai/Australian Computer Project at the ONCB