

## Overview

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PART 1

# (CHAPTER1)



## Secretary's review

The fundamental role of the Attorney-General's Department is to promote and preserve the rule of law in accordance with the priorities of the Government of the day. The Attorney-General and the Minister for Home Affairs have identified their key priorities for the Department as:

- adopting an 'all hazards' approach to national security
- tackling the causes and outcomes of organised crime
- developing a holistic and user-focused system of justice, including in the areas of native title and family law
- protecting individuals' rights
- harmonizing and simplifying laws both federal and across jurisdictions, and
- improving governance and service provision in Australia's external territories.

I instituted an audit of the Department as soon as I took up the position of Secretary in September last year to see if there were ways in which we could improve our capacity to respond to the Government's priorities. Roger Beale AO, Senior Associate with the Allen Consulting Group, recommended a number of structural changes to achieve three objectives:

- 1 improving the ability of the Department to respond to the Government's priorities
- 2 enhancing portfolio leadership in terms of significant policy and budget, and
- 3 enhancing the role of the Department in providing whole-of-government advice and guidance on major issues of legal policy.

Beale's recommendations resulted in a range of changes to the Department's structure and the way we do business. We reconfigured the Department's resources to address security and natural catastrophes to align with the Smith Review and the Prime Minister's statement on National Security. This merged the parallel functions of responding to terrorism and responding to natural disasters. It also created a division to deal exclusively with crisis management and a third to deal with capacity building, training, crisis planning and exercises. We have adopted a state-of-the-art all-hazards approach to events and circumstances that threaten Australia's national security.

We established a division to address Access to Justice—a key priority of the Attorney-General and the Government. Another division was formed which focuses on Social Inclusion and, specifically, pursuing the Attorney-General's and the Government's aim to reform our approach to issues of native title and Indigenous law and justice and to take charge of the Government's human rights agenda.

Most significantly, we established a new group of divisions focused on Strategic Policy Coordination with a new Deputy Secretary position specifically to address the three key objectives identified by Beale. The new Group will ensure that key policy initiatives are identified and prosecuted. Constitutional Policy and Constitutional Law functions have also been brought within this Group in recognition of the centrality of these issues to the Attorney-General and the Department. To support better coordinated and more strategic outcomes, we have significantly improved our strategic planning processes—meaning that, from 2009–10, there will be a direct link from the key priorities of the Attorney-General and Minister for Home Affairs, to business plans at all levels in the Department, right through to individual work plans for all staff.

We have adopted an issue-specific taskforce model to progress complex policy projects. In 2008–09 this approach was used to develop major reforms in the areas of access to justice, organised crime and maritime law enforcement. The taskforce model allows officers to be drawn from across the Department to contribute to policy development on these complex issues with defined outcomes and timelines.

We are placing an increased emphasis on our role in leading the portfolio by instituting regular meetings of the Chief Executives from all agencies within the portfolio. We have also created regular forums at Chief Information Officer, Chief Financial Officer, human resource manager and Deputy Secretary levels to facilitate information sharing, promote collaboration and improve policy and budget coordination across the portfolio. The benefits of closer cooperation are already being felt, for example, through the greater sharing of services and systems by agencies.

With these changes in place, the Department is now better placed to respond to emerging priorities and to develop flexible, agile and innovative approaches to policy development and service delivery. The evidence of this can be seen through the significant policy initiatives the Department has progressed this year. Among the many, which are highlighted in this report, these include:

- Australia signing the Optional Protocol to the Convention against Torture
- Australia ratifying the Convention on the Rights of Persons with Disabilities
- implementing the same-sex reforms

- improving processes for resolving native title issues and introducing the Native Title Amendment Bill
- developing the National Indigenous Law and Justice Framework
- releasing the second edition of the Emergency Warning—Choosing your words guide
- reforming evidence law to promote uniformity across Australia in this area
- negotiating a commitment from all Australian Governments to developing a national personal property securities system
- drafting the Fair Work package of regulations
- developing an industry-based self-assessment scheme for classifying films and computer games for advertising purposes
- developing proposals for major reform of Australia’s laws on extradition and mutual assistance
- developing a package of reforms to improve the accountability and transparency of decision making by the Norfolk Island Government and its administration
- leading a whole-of-government review of Australia’s e-security arrangements, and
- coordinating implementation of recommendations made in the Smith Review of Homeland and Border Security arrangements.

These achievements provide a small sample of the varied work the Department undertakes.

Our staff are motivated, ethical and capable public servants and I thank them for their hard work and dedication over the past year.

The changes we have instituted in 2008–09 will enable the Department to be more strategic and better focused on achieving the Government’s and the portfolio’s priorities as we go forward.

As is always the case, it is the professionalism and commitment of people that really counts and changes to structures without that achieves very little. I have been delighted with the enthusiasm and commitment of staff in the Department and the portfolio more generally—the professionalism and intellectual capacity and the way in which they have continued to progress the Government’s reforms while embracing and bedding down the structural changes in the department.

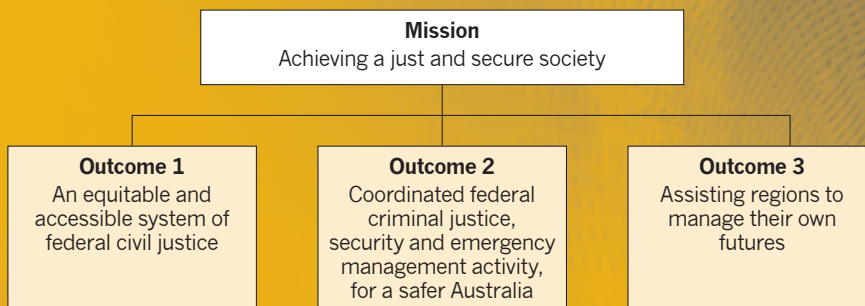
## (CHAPTER 2)

### 2008–09 snapshot

#### Our role

The Attorney-General's Department serves the people of Australia by upholding the rule of law and providing essential expert support to the Australian Government in maintaining and improving Australia's system of law and justice, its national security, criminal justice and emergency management policy and systems, natural disaster relief and administration of Commonwealth Territories.

Figure 1: Attorney-General's Department Mission and Outcomes



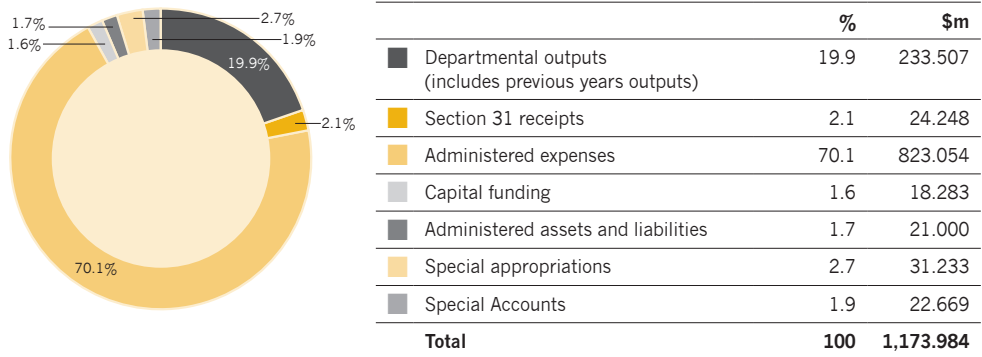
## Our financial performance

The total annual appropriation funding for the Department for 2008–09 was \$1,173.9 million, comprising \$233.5 million for departmental outputs and \$823.0 million for administered expenses (Figure 2).

The Department also received appropriation funding of \$18.3 million in equity injections for departmental capital projects, \$21.0 million for administered assets and \$31.2 million for special appropriations.

See Chapter 11 for information on the Department’s financial performance.

**Figure 2: Appropriations, 2008–09**



### Our people

As at 30 June 2009, the Department's workforce comprised 1,547 people. Of this workforce, 1,387 were ongoing employees and 123 were non-ongoing; 92.2 per cent of employees were working full-time hours, and 7.8 per cent were working part-time hours. Thirty-seven employees were employed on a casual basis.

The Department primarily operates from Canberra, where 93.6 per cent of the workforce is located. The remainder of the staff work from Mount Macedon, Victoria (2.6 per cent); Sydney, New South Wales (2.5 per cent); and regional locations throughout Australia (1.3 per cent).

The Department employs a diverse workforce. The number of females in the Department accounts for 64 per cent of the workforce; this is consistent with the Australian Public Service (APS) average. The workforce age profile is comparatively younger than for other APS agencies; the bulk of the workforce is aged between 21 and 40 years.

The number of employees from non-English speaking backgrounds remained constant and represented 3.5 per cent of the workforce. The Department experienced a fall in both the number of staff identifying as Indigenous to 0.8 per cent and people with disabilities to 1.1 per cent. The Department's employment of Indigenous people and people with disabilities is consistent with APS levels.

Staff turnover decreased by 36 per cent in 2008–09, with 339 staff (ongoing and non-ongoing) ceasing employment, compared with 537 in the previous year. The average length of service for staff is 4.1 years. Of the 193 ongoing staff who ceased employment with the Department, 98 transferred to other APS agencies on promotion or ongoing transfer.

Chapter 12 discusses management of the Department's human resources and a full staffing profile, excluding casual employees, is at Appendix 7.

## Highlights

- The Department led the development of the Commonwealth Organised Crime Framework which provides clear direction and coordination in mobilising Commonwealth law enforcement resources against serious and organised crime. To compliment the framework the Department worked with the States and Territories to develop a national response to organised crime, including coordination of the Senior Officers' Group on Organised Crime, which implements the resolutions of the April 2009 meeting of the Standing Committee of Attorneys-General. The Department also developed two substantial Bills to implement law reform to allow Australian Government agencies to more effectively enforce criminal law, including confiscation of criminal assets and unexplained wealth. The Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 was introduced into Parliament on 24 June 2009.
- The Access to Justice Taskforce was established to develop a strategic framework for access to justice issues. Additionally, a number of initiatives were developed to improve access to justice through improved case management within the federal courts. Legislation to implement improved court processes was introduced into Parliament in the Efficiency Measures Bill (No1) and the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009.
- We led the Commonwealth facilitation of the development of the national telephone-based emergency warning capability, including brokering national agreement on the development of a single national warning system. The Australian Government has provided funding to the States and Territories who will own and operate the warning system to distribute targeted emergency warnings.
- The National Human Rights Consultation was launched by the Attorney-General in December 2008. The Attorney-General appointed a Committee of eminent Australians to conduct the Consultation. During the first half of 2009, the Committee held 66 community roundtables in more than 50 locations throughout regional and remote Australia, as well as in capital cities.
- The Department is leading a whole-of-government review of Australia's e-security arrangements to ensure a secure and trusted electronic operating environment for both the public and private sectors.
- During the year, the Australian Government provided an injection of more than \$26 million in one-off additional funding for legal assistance programs. These programs provide important support for the Government's broader social inclusion agenda by helping people resolve legal problems and disputes before they escalate and lead to entrenched disadvantage. The additional resources will help address pressing legal assistance needs, including those of Indigenous Australians and families experiencing separation.
- The Department led implementation of the Government's decision to remove differential treatment of same-sex couples and their families in Commonwealth laws. The reform package amended 84 Commonwealth laws and successfully passed through Parliament in November 2008.

- The Department developed the Advertising of Unclassified Films and Computer Games Scheme, due to commence on 1 July 2009. Previously advertising of unclassified products was prohibited (unless provided an exemption) and this industry-based self-assessment scheme means an authorised industry assessor will assess the likely classification of a film or computer game for the purpose of advertising the film or computer game before it is classified. The new scheme provides a consistent national approach to advertising unclassified products and improves the quality of information provided to consumers.
- The Department coordinated the Australian Government security and emergency management arrangements for the Papal visit and World Youth Day event in July 2008. This included the largest overnight public gathering (150,000 Australian and international attendees at Randwick Racecourse) in Australian history and was conducted without any significant issues arising.
- Over the past 12 months a significant number of incidents have required activation of our crisis response and/or disaster relief mechanisms. For events such as the Mumbai Terror Attacks, the Department provides whole-of-government coordination and support to the executive committees of Government, as well as incident reporting including to the States and Territories. The Victorian Bushfires, floods in Queensland and Northern New South Wales, the Ashmore Reef Incident and the H1N1 influenza (human swine flu) pandemic have, due to their nature, magnitude or complexity, required flexible response arrangements. Each of these incidents required activation of Australia's emergency management plans. These plans are activated to support the relevant State and/or Territory to provide Australian Government resources to supplement response and recovery activities. Examples of support provided include aero medical transport of victims, provision of potable water and pumping capability, and bushfire detection and suppression equipment.
- An intergovernmental agreement on personal property securities reform was agreed by the Council of Australian Governments (COAG) on 2 October 2008, representing a commitment by all governments to implement a national personal property securities system. New South Wales became the first State to refer legislative power in relation to personal property securities to the Commonwealth on 17 June 2009. The Personal Property Securities Bill 2009 was introduced into the Commonwealth Parliament on 24 June 2009.
- In August 2008, the Department's Australian Background Checking Service (AusCheck) was selected as a finalist in the government category of the inaugural Australian Privacy Awards. The awards recognise and reward businesses and government agencies that engage in good privacy practices.
- The Department relocated to a new building in April 2009: 3–5 National Circuit is the first Commonwealth building with a green lease, and in fact the green lease was a world first for commercial office buildings. The project was delivered on time and under budget, and consolidated accommodation from several older buildings to one energy efficient building.

## Areas for improvement

- We are strengthening our capability on whole-of-government issues. For example, we are boosting our capacity to provide assistance across government on constitutional issues. We are also developing a national crisis coordination capability to improve whole-of-government responses in the times of crisis.
- We will continue to focus on improving the coordination and leadership of the portfolio by the Department, building upon the work we have done to further strengthen our relationships with all portfolio agencies.
- The Department will continue to play an active role in supporting the Attorney-General and Minister for Home Affairs on the reform of portfolio ministerial councils such as the Standing Committee of Attorneys-General, to ensure a focus is maintained on achieving concrete outcomes on issues of national significance.
- We will improve the timely and effective development and implementation of policy and programs by the Department. Our Project Management Office is developing a range of scaleable project management tools for application to all projects, and will provide advice on project management and monitor progress against project plans across the Department.
- We are developing new ways of working so we can identify and act upon strategic issues with greater agility, flexibility and innovation. This includes a greater use of taskforces to quickly pull together people with the skills required, from across the Department and portfolio.
- The Department will continue to communicate with stakeholders to improve their understanding of how the Department's new organisational structure reflects the all-hazards definition of national security and what this means for how we interact with them. This will be supported by updating the appropriate frameworks, plans and procedures.
- A strategic planning framework is being introduced for 2009–10 and we will continue to refine our planning processes as we bed down this new framework.

# (CHAPTER 3)

## About the portfolio

### The Attorney-General's portfolio

The Attorney-General's portfolio provides expert advice and services on a range of law and justice issues to the Attorney-General, the Minister for Home Affairs and the Australian Government.

The portfolio's responsibilities are diverse. By providing expert advice and services in the areas listed below, the portfolio contributes to the Government's long-term reform agenda for a stronger, more secure and fairer Australia and an Australia capable of meeting new challenges.

### Portfolio ministers

#### Attorney-General



The Hon Robert McClelland MP

#### *Responsibilities*

- Administrative law
- Appointments
- Alternative dispute resolution
- Australian Security Intelligence Organisation
- Bankruptcy law

- Border Protection Sub-Committee of Cabinet
- Copyright
- Community legal services
- Constitutional issues
- Courts, Tribunals and the Judiciary
- Director of Public Prosecutions
- Electronic transactions regulation
- Emergency Management Australia
- Evidence Act
- Family law, including marriage celebrants
- Human rights
- Identity security
- Indigenous justice
- Indigenous legal aid
- Insolvency Trustee Service Australia
- Intercountry adoption
- International law
- International Criminal Court
- Law reform
- Legal aid
- Legal profession and legal services coordination
- Ministerial Council for Police and Emergency Management—Emergency Management
- National security and counter-terrorism
- National Security Hotline
- Native title
- Office of Parliamentary Counsel
- Organised crime
- Portfolio Budget
- Pro bono legal assistance
- Protection of critical infrastructure and national information infrastructure
- Protective security coordination
- Security coordination
- Royal Commissions
- Standing Committee of Attorneys-General
- Telecommunications interception, and
- Tracking and listening devices.

### Minister for Home Affairs



The Hon Bob Debus MP between  
3 December 2007 and 9 June 2009



The Hon Brendan O'Connor MP  
since 9 June 2009

#### *Responsibilities*

- Airport physical security (to the extent that it is not the responsibility of the Minister for Infrastructure, Transport, Regional Development and Local Government)
- Anti-money laundering strategy
- Australian Crime Commission
- Australian Customs and Border Protection Service
- Australian Federal Police
- Australian Institute of Criminology
- Australian Protective Service, including Air Security Officers
- Australian Transaction Reports and Analysis Centre (AUSTRAC)
- Border protection
- Border Protection Sub-Committee of Cabinet
- Classification
- Conference of Corrective Services Ministers
- Criminal law
- Criminology
- Crime prevention
- CrimTrac
- Cybercrime
- Drugs strategy
- Extradition (to the extent that it is not concerned with terrorism, which is with the Attorney-General)
- Federal prisoners

- Firearms
- Forensics
- Fraud policy
- Intergovernmental Committee on the Australian Crime Commission
- International Transfer of Prisoners Scheme
- Juvenile diversion program
- Ministerial Council on Drugs Strategy
- Ministerial Council for Police and Emergency Management—Police
- Model Criminal Code
- Mutual Assistance (to the extent that it is not concerned with terrorism, which is with the Attorney-General)
- Police and police liaison
- Proceeds of crime
- Protective security
- Remission of fines
- Territories, and
- Witness protection.

## Portfolio structure

The portfolio comprises the Attorney-General's Department and 22 statutory and non-statutory bodies, listed below in alphabetical order. The portfolio includes the statutory office of the Solicitor-General, who is the Second Law Officer of the Commonwealth (the Attorney-General being the First Law Officer). Annual reporting requirements and arrangements for portfolio elements not covered by this report are set out in Appendix 1.

The Attorney-General's Department is the central policy and coordinating element of the portfolio and provides leadership on a range of issues critical to effective delivery of the portfolio's responsibilities. Following the January 2009 organisational audit,<sup>1</sup> the Department adopted a number of strategies to ensure provision of high quality and well coordinated portfolio-wide advice to the Attorney-General and the Minister for Home Affairs. Particular emphasis has been placed on driving key cross-portfolio policy priorities, coordinating areas of priority work for Ministers and Cabinet and providing strategic leadership of the portfolio's Budget processes.

<sup>1</sup> Roger Beale AO, Senior Associate with the Allen Consulting Group, conducted the audit.

### Portfolio agencies

Administrative Appeals Tribunal <<http://www.aat.gov.au>>

Australian Crime Commission <<http://www.crimecommission.gov.au>>

Australian Commission for Law Enforcement Integrity <<http://www.aclei.gov.au>>

Australian Customs and Border Protection Service <<http://www.customs.gov.au>>

Australian Federal Police <<http://www.afp.gov.au>>

Australian Government Solicitor <<http://www.ags.gov.au>>

Australian Human Rights Commission <<http://www.hreoc.gov.au>>

Australian Institute of Criminology <<http://www.aic.gov.au>>

Australian Law Reform Commission <<http://www.alrc.gov.au>>

Australian Security Intelligence Organisation <<http://www.asio.gov.au>>

Australian Transaction Reports and Analysis Centre (AUSTRAC) <<http://www.austrac.gov.au>>

Criminology Research Council <<http://www.criminologyresearchcouncil.gov.au>>

CrimTrac <<http://www.crimtrac.gov.au>>

Family Court of Australia <<http://www.familycourt.gov.au>>

Federal Court of Australia <<http://www.fedcourt.gov.au>>

Federal Magistrates Court <<http://www.fmc.gov.au>>

High Court of Australia <<http://www.hcourt.gov.au>>

Insolvency and Trustee Service Australia <<http://www.itsa.gov.au>>

National Capital Authority <<http://www.nationalcapital.gov.au>>

National Native Title Tribunal <<http://www.nntt.gov.au>>

Office of the Commonwealth Director of Public Prosecutions <<http://www.cdpp.gov.au>>

Office of Parliamentary Counsel <<http://www.opc.gov.au>>

# (CHAPTER4)

## About the Department

### What we do

The Attorney-General's Department serves the people of Australia by providing essential expert support to the Government in maintaining and improving Australia's system of law and justice and its national security and emergency management systems, natural disaster relief and administration of Commonwealth Territories.

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

The mission of the Attorney-General's Department is **achieving a just and secure society**. In pursuing this mission, the Department works towards achieving three outcomes, namely:

- **Outcome 1:** An equitable and accessible system of federal civil justice.
- **Outcome 2:** Coordinated federal criminal justice, security and emergency management activity, for a safer Australia.
- **Outcome 3:** Assisting regions to manage their own futures.

The Department's outcomes and outputs structure and performance targets are set out each year in the Portfolio Budget Statements and the Portfolio Additional Estimates Statements. This Annual Report responds directly to the performance measures set out in these documents, giving a clear indication of the Department's intended and actual performance for the year.

## Our organisational structure

The Attorney-General's Department was restructured in early 2009. The new organisational structure was implemented following the Beale audit in late 2008. The review aimed to ensure the Department is able to deliver on the Government's current and emerging priorities and provide high quality and well coordinated portfolio-wide advice to the Attorney-General and the Minister for Home Affairs.

The new structure is consistent with, and will better support, the Government's priorities, as outlined by the Prime Minister in his inaugural National Security Statement 2008 and the outcomes of the Review of Homeland and Border Security (the Smith review), which take an all-hazards approach to national security.

The Department's organisational structure as at 30 June 2009 is shown in Figure 3 on page 18.

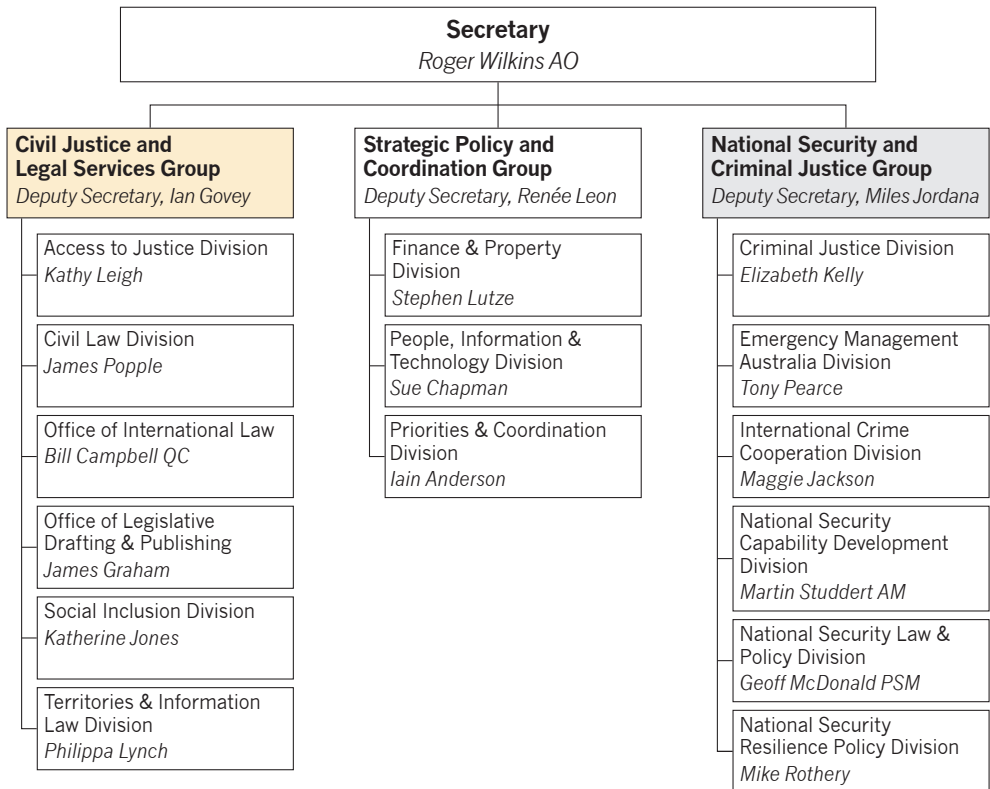
The Deputy Secretary, Civil Justice and Legal Services Group, is responsible for outputs within Outcome 1 and the output within Outcome 3 relating to services to the Territories. The Divisions in this Group have been realigned to the Government's priorities, particularly the access to justice and social inclusion agendas.

The Deputy Secretary, National Security and Criminal Justice Group, is responsible for outputs within Outcome 2 and the output within Outcome 3 relating to natural disaster relief and mitigation. Following the restructure, the Divisions in the National Security and Criminal Justice Group were reorganised so that they are no longer hazard-specific structures. The new Divisions take an integrated all-hazards approach, focusing on:

- national security policy development
- developing resilience to and prevention of all-hazards
- developing capability to deal with all-hazards, and
- managing emergency response, disaster relief and mitigation for all-hazards.

The Deputy Secretary, Strategic Policy and Coordination Group, and this new group, is responsible for driving key cross-departmental and cross-portfolio initiatives; enlivening law reform; managing media and communications; Departmental governance arrangements and business planning; coordinating the portfolio budget; and providing finance, property, human resource and information and communications technology services.

Figure 3: Organisational structure, at 30 June 2009



<b>Outcome 1: An equitable and accessible system of federal civil justice</b>
Output 1.1: Family law, federal courts and tribunals, civil procedure and alternative dispute resolution
Output 1.2: Support for the Attorney-General as First Law Officer, constitutional policy, personal insolvency and international legal services
Output 1.3: Classification, copyright and human rights
Output 1.4: International law
Output 1.5: Legislative instruments
Output 1.6: Native title
Output 1.7: Indigenous law and justice and legal assistance
Output 1.8: Personal property securities

<b>Outcome 2: Coordinated federal criminal justice, security and emergency management activity, for a safer Australia</b>
Output 2.1: Criminal justice and crime prevention
Output 2.2: International criminal justice cooperation
Output 2.3: National security and critical infrastructure protection
Output 2.4: National emergency management
Output 2.5: Protective security and national security crisis coordination
Output 2.6: AusCheck

<b>Outcome 3: Assisting regions to manage their own futures</b>	
Output 3.1: Services to territories	Output 3.2: Natural disaster relief and mitigation

## Our functions

The functions of the divisions and offices in each of the three groups, as at 30 June 2009, are outlined below.

### Strategic Policy and Coordination Group

The **Priorities and Coordination Division** gives focus to whole-of-department initiatives, drives key cross-portfolio policy priorities and advances the Government's law reform agenda, coordinates areas of priority work for Ministers including Cabinet, provides advice on constitutional law reform, manages media and communications, speechwriting and oversees portfolio governance arrangements. The Division also manages departmental support for the Standing Committee of Attorneys-General, provides freedom of information services to the Department, processes ministerial correspondence for the Attorney-General and the Minister for Home Affairs, and coordinates international travel services for departmental and ministerial staff. Additionally, the Division coordinates whole-of-government crisis communications, particularly for all-hazards national security events.

The **Finance and Property Division** provides financial management services to the Department. Main responsibilities include:

- financial budgeting and reporting for both departmental and administered funds
- coordinating and preparing Portfolio Budget documents and the annual audited financial statements
- developing and maintaining the Chief Executive's Instructions and delegations
- developing and maintaining financial policy and procedures
- processing accounts
- managing cash
- financial monitoring of agencies within the Attorney-General's portfolio
- managing the Risk Management Framework and Business Continuity Plan, and
- financial and administrative responsibility for all Department owned and leased premises, including but not limited to lease negotiations, property management, liaison with owners and agents, and dispute resolution.

The **People Information and Technology Division** provides support to the Department's line areas, to enable them to achieve their business objectives by providing support and leadership in human resources, information technology, facilities management, departmental security, governance and business planning.

The Division also provides leadership across the portfolio in human resources and information technology matters and is responsible for achieving portfolio savings initiatives in these areas. The Division provides resources and infrastructure support to whole-of-government secure information technology networks.

## Civil Justice and Legal Services Group

The **Access to Justice Division** has policy responsibility for administrative law, alternative dispute resolution, federal courts and tribunals, domestic and international family law, marriage law, intercountry adoption, evidence law, private international law, legislative instruments, and service and execution of process.

The Division plays a leading role in providing advice to government on reviews of administrative decision making and access to justice. It also has policy responsibility for a range of services that help families resolve disputes outside the courts.

The Division promotes international cooperation in civil legal procedure and family law matters and handles requests from foreign courts for assistance in these matters, including child abduction and access. It administers the Marriage Celebrants Program and has national responsibility for Australia's intercountry adoption arrangements.

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

The **Civil Law Division** is responsible for policy on Commonwealth legal services, personal property securities and personal insolvency, for supporting the Attorney-General in his role as first law officer, and for promoting the use of Australian legal services overseas.

In supporting the Attorney-General's first law officer role, the Division administers the Legal Services Directions 2005 directed at ensuring all Commonwealth agencies behave in accordance with the model litigant obligations and receive consistent and well-coordinated legal services. It provides secretariat assistance to Tony Blunn AO and Sibylle Krieger who have been appointed by the Attorney-General to undertake a review into Commonwealth legal services procurement. It is also responsible for coordinating the Commonwealth's involvement in the 2009 Victorian Bushfires Royal Commission.

The Division provides secretariat assistance to the International Legal Services Advisory Council (ILSAC) and advice to the Attorney-General on international legal services policy matters, including engaging in legal services market access negotiations and international legal cooperation activities.

The Division is responsible for legal services and policy advice on reforms to Australia's personal property securities law and practice and development of a national electronic register to replace a range of existing Commonwealth, State and Territory personal property securities registers.

Responsibility for providing advice to the Attorney-General concerning personal insolvency policy and legislation was transferred from Insolvency Trustee Services Australia to the Attorney-General's Department with effect from 1 February 2009. The Department continues to liaise with Insolvency Trustee Services Australia, which ensures policy development and legislative reforms are appropriately informed by operational experience.

# PART 1

## ABOUT THE DEPARTMENT

The **Office of International Law** provides legal advice and advocacy services on issues involving international law and is responsible for conducting international litigation. It helps develop and implement international law projects and undertakes international human rights report writing and complaints work. It helps negotiate treaties, including bilateral free trade agreements, and conduct international litigation, including for the World Trade Organization. The Trade Measures Review Officer, located within the Office of International Law, carries out the statutory function of reviewing anti-dumping and countervailing decisions.

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

The **Social Inclusion Division** is responsible for human rights, legal assistance, native title, and Indigenous law and justice policy, legislation, advice and programs. The Division provides policy leadership for the Department's contribution to the Government's broader agendas for social inclusion and closing the gap on Indigenous disadvantage. Its policies and programs actively contribute to achievement of these agendas by promoting recognition of and respect for human rights, and by ensuring appropriate services are available and accessible to help disadvantaged Australians resolve legal problems and disputes. The Division promotes native title outcomes that deliver practical benefits and economic development for Indigenous Australians, and seeks to enhance Indigenous family and community safety through preventing violence and providing support for Indigenous Australians experiencing adverse contact with the justice system.

The **Territories and Information Law Division** is responsible for administering the Commonwealth's interests in the Australian Territories, including delivering State-type services in the Indian Ocean and Jervis Bay territories, and providing legal and policy advice on classification, copyright, circuit layouts and electronic transactions law.

The Division provides policy advice and administers programs to support the Territories in managing their own futures, and provides essential services and infrastructure where there is no equivalent State-type Government to provide these services. This includes administering the Territories of the Ashmore and Cartier Islands, Christmas Island, the Cocos (Keeling) Islands, the Coral Sea Islands and Jervis Bay. State-type services are provided to the Indian Ocean Territories consistent with those of comparable communities in Western Australia. State-type services are also provided to Jervis Bay consistent with services in surrounding New South Wales communities. It manages the Commonwealth's interests in the Australian Capital Territory, the Northern Territory and Norfolk Island.

The Division provides secretariat support to the Classification Board and the Classification Review Board and advises the Minister on operational and policy matters. The Division runs the Classification Liaison Scheme and provides classification training for industry and government.

The Division includes the Commonwealth Copyright Administration, which licenses Crown copyright in published materials on behalf of most Australian Government agencies and is responsible for leading the whole-of-government approach to agencies' intellectual property management. It also negotiates and administers agreements with copyright collecting societies for Australian Government use of copyright material.

The Division supports the Department of Foreign Affairs and Trade in various international negotiations relating to intellectual property and e-commerce.

## National Security and Criminal Justice Group

The **Criminal Justice Division** provides national leadership and coordination on criminal law and law enforcement legal and policy issues to contribute to the security of the Australian community. This involves ensuring there is an appropriate criminal law and law enforcement legislative framework and that the Commonwealth law enforcement portfolio agencies are operating effectively and in a coordinated manner. The Division has a focus on serious and organised crime arising from the development of the Organised Crime Framework, including improving the governance and operation of portfolio agencies that provide the operational component of the response to organised crime.

The Division is also responsible for ongoing work including the administration of crime prevention grants programs, criminal law reform, illicit drugs policy, fraud against the Commonwealth, administration of firearms importation permits and regulation, management of federal offenders serving custodial sentences and the support of the anti-money laundering and counter-terrorism financing regime.

The **Emergency Management Australia Division** is responsible for emergency and disaster preparation and coordination of Australian Government crisis response and recovery efforts. Emergency Management Australia (EMA) also coordinates protective security services for Australian high office holders, visiting foreign dignitaries and Australians attending major, national interest events in Australia and overseas. The Division manages its responsibilities by:

- being the Australian Government's central crisis coordination resource
- developing an all-hazards approach to national security that seeks to enable the Australian Government to make robust, informed decisions in national security emergencies
- developing and maintaining national plans
- establishing and maintaining plans and arrangements for the Continuity of Executive Government
- maintaining a dedicated 24/7 national security (all-hazards) coordination capability
- providing expert security advice and coordinating the Australian Government and State and Territory agencies in delivering protective security services, including dignitary protection and for special events

- participating in multi-agency, multijurisdictional exercises to test and enhance consequence management arrangements, and
- fostering strong relationships across a wide range of Australian Government agencies, State and Territory authorities, local governments and industry bodies.

EMA coordinates the Australian Government disaster assistance domestically on request from the States and Territories. In conjunction with the Department of Foreign Affairs and Trade and AusAID, EMA also contributes emergency management expertise internationally, both in partnership with AusAID in providing physical assistance and as a region leader in emergency management preparedness, particularly through the Asia-Pacific Economic Cooperation (APEC) forum.

The **International Crime Cooperation Division** is responsible for international cooperation in criminal matters and related policy.

It is Australia's central authority for extradition, mutual assistance in criminal matters and international transfer of prisoners. It undertakes casework and policy development, and negotiates international treaties dealing with these subjects.

The Division also provides assistance to South East Asian and South Pacific countries on international crime cooperation and advises the Attorney-General and the Minister for Home Affairs on administration of Australian legislation concerning international cooperation against crime.

The **National Security Capability Development Division** coordinates and manages Australia's counter-terrorism arrangements in cooperation with Australian Government, State and Territory agencies and contributes to Australia's emergency management capability in conjunction with a wide range of Australian Government authorities, State and Territory agencies and local government and industry bodies.

The Division supports the National Counter-Terrorism Committee's (NCTC's) operational and policy programs, coordinating the Committee's training, exercise, development and equipment procurement programs as well as providing executive and secretariat support to a number of its subcommittees and working groups. It also manages the Committee's Administered Fund.

The Division is responsible for managing programs that increase community resilience in the face of disasters and emergencies. The Department administers the Natural Disaster Mitigation Program, Bushfire Mitigation Program and National Emergency Volunteer Support Fund, as well as managing specialist capabilities including the Chemical, Biological, Radiological and Nuclear Program and the Urban Search and Rescue Program. It also provides a forum for exchange of best practice information on emergency warnings to the public.

The Division develops and coordinates implementation of initiatives in public and professional education to increase the national capabilities of Australian communities to respond to and recover from disasters. The Department is the Australian Government's provider of protective security training to Australian Government agencies, State and Territory government agencies and government contractors.

The **National Security Law and Policy Division** administers and develops legislation, legal and policy advice for a broad range of national security issues, including background checking and vetting. The Division is responsible for developing and administering Australia's legislation addressing counter-terrorism offences and telecommunications interception powers. It takes a central coordinating role across the Department, portfolio and other government agencies and implements a whole-of-government all-hazards approach to national security. It also identifies and responds to gaps in domestic national security policy.

The Division's functions include developing policy and leading the process of adapting to a constantly changing telecommunications environment while ensuring an appropriate balance between lawful access to communications and protection of privacy.

Through AusCheck, and on a full cost-recovery basis, the Division coordinates background checking and vets applicants for Aviation and Maritime Security Identification Cards. It also maintains a database containing up-to-date information on people who apply for and are ultimately issued with a security identification card. The database contains appropriate data integrity features and information from the database can, in certain circumstances, be provided to authorised national security and law enforcement agencies.

AusCheck also undertakes personnel security vetting, on a budget-funded basis for the Attorney-General's Department and a fee-for-service basis for more than 90 Commonwealth, State and Territory agencies. It sources documentary information and conducts interviews to decide whether a person should be granted a proposed clearance, or whether a clearance should remain in effect.

The **National Security Resilience Policy Division** provides policy advice on emergency management, protective security, identity security, e-security, critical infrastructure protection, and security of chemicals.

The Division is responsible for leading the implementation of the National Identity Security Strategy (including the Document Verification Service), the Intergovernmental Agreement on Chemicals of Security Concern, and the recommendations of the E-Security Review 2008.

The Division works closely with the business sector on national security issues through the Trusted Information Sharing Network for Critical Infrastructure Protection and the Business–Government Advisory Group on National Security. It also provides information to key businesses about sophisticated electronic threats through GovCERT.au.

The Division maintains the Australian Government policy document on protective security, the *Protective Security Manual*. It provides policy and secretariat support to the Ministerial Council on Police and Emergency Management—Emergency Management and the Australian Emergency Management Committee. It also coordinates implementation of the Council of Australian Governments' (COAG) agreement on building a national emergency warning system.