

Secretary's Overview

The 1997-98 year was a period of significant achievement for the Department. Although the Bill to create the Australian Government Solicitor as a statutory authority has not yet passed the Parliament, significant progress has been made in achieving effective separation in accordance with the Government's decision to accept the recommendations of the review of the Attorney-General's legal practice. Those recommendations led to the creation of the Office of Legal Services Coordination to advise the Attorney-General on the supply and procurement of legal services to the Commonwealth.

Significant advances were made in reforming the criminal law, in particular the development of a Commonwealth Criminal Code and the model criminal code and the review of laws relating to sentencing, law enforcement, penalties, and proceeds of crime.

Officers of the Department led delegations to the legal committee of the International Maritime Organization, which considered a draft convention on removal of shipwrecks and an Australian proposal concerning compensation for pollution from ships' bunkers, and the Legal Experts Meeting on Antarctic Liability. The Department also represented Australia's interest at international forums on international child abduction; rights and protection of children; inter-country adoption; the Convention against Torture; discrimination; and the taking of evidence abroad and foreign judgments. Developments in, and the increasing importation of, electronic transmissions of data have created significant challenges.

The Department chaired the Electronic Commerce Expert Group comprising representatives from industry associations, business, the legal profession and government which presented its report to the Attorney-General on 31 March 1998. The Department represented Australia at meetings of the UNCITRAL Working Group on Electronic Commerce. A significant contribution was also made by departmental officers to the work of international organisations in the field of information law and security, with Australia's position on privacy being reflected in the guidelines on cryptography developed by the OECD Group of Experts on Security and Privacy.

The substantial increase in demand for drafting services offered on a commercial basis by the Office of Legislative Drafting reflects the advances made within the reporting period in providing quality service to clients. The focus on improving performance covered all aspects of the office's work.

The Government's initiatives in relation to legal aid have provided a challenging environment for the Department. These initiatives, although not yet fully bedded down, have already produced a clearer delineation of responsibilities.

Proposals to improve efficiency in the operation of the Child Support Scheme Legal Services Program and in the provision of assistance in native title matters have also been developed.

Another challenging area has been to focus on issues facing men in family relationships. A very successful forum, Men and Family Relationships, was held in June 1998.

The Department continues to face challenges in the area of protective services as the Australian Protective Service seeks to reposition itself in the market in relation to its commercially contestable activities to optimise areas of opportunity and to rationalise unprofitable activities with a view to remaining economically viable whilst at the same time providing the services appropriate to, and required by, Government.

In short the Department has dealt with a wide and increasingly complex area of organisational, social and legal activity in a testing environment. I would like to place on record my appreciation of the efforts of all staff.

A S Blunn
Secretary
Attorney-General's Department



Introduction

The 1997–98 Annual Report of the Attorney-General's Department details performance against performance measures approved by the Board of Management. The report is formatted in accordance with the approved portfolio program structure as it stood at 30 June 1998.

Further information about the Annual Report can be obtained by contacting the Director, Corporate Performance and Coordination Section, Attorney-General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600. Phone number: (02) 6250 6162; 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. Certain information not included in the Annual Report is available on request.

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

Portfolio Overview

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 are responsible.

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

Program 1 — Legal Policy and Services to the Commonwealth

To advance and protect the interests of the Commonwealth, its ministers and agencies by the provision of sound, constructive and timely legal policy advice.

Program 2 — Legal Services to the Commonwealth

To serve and protect the interests of the Commonwealth, its ministers and agencies by the provision of sound, constructive and highly professional legal services.

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

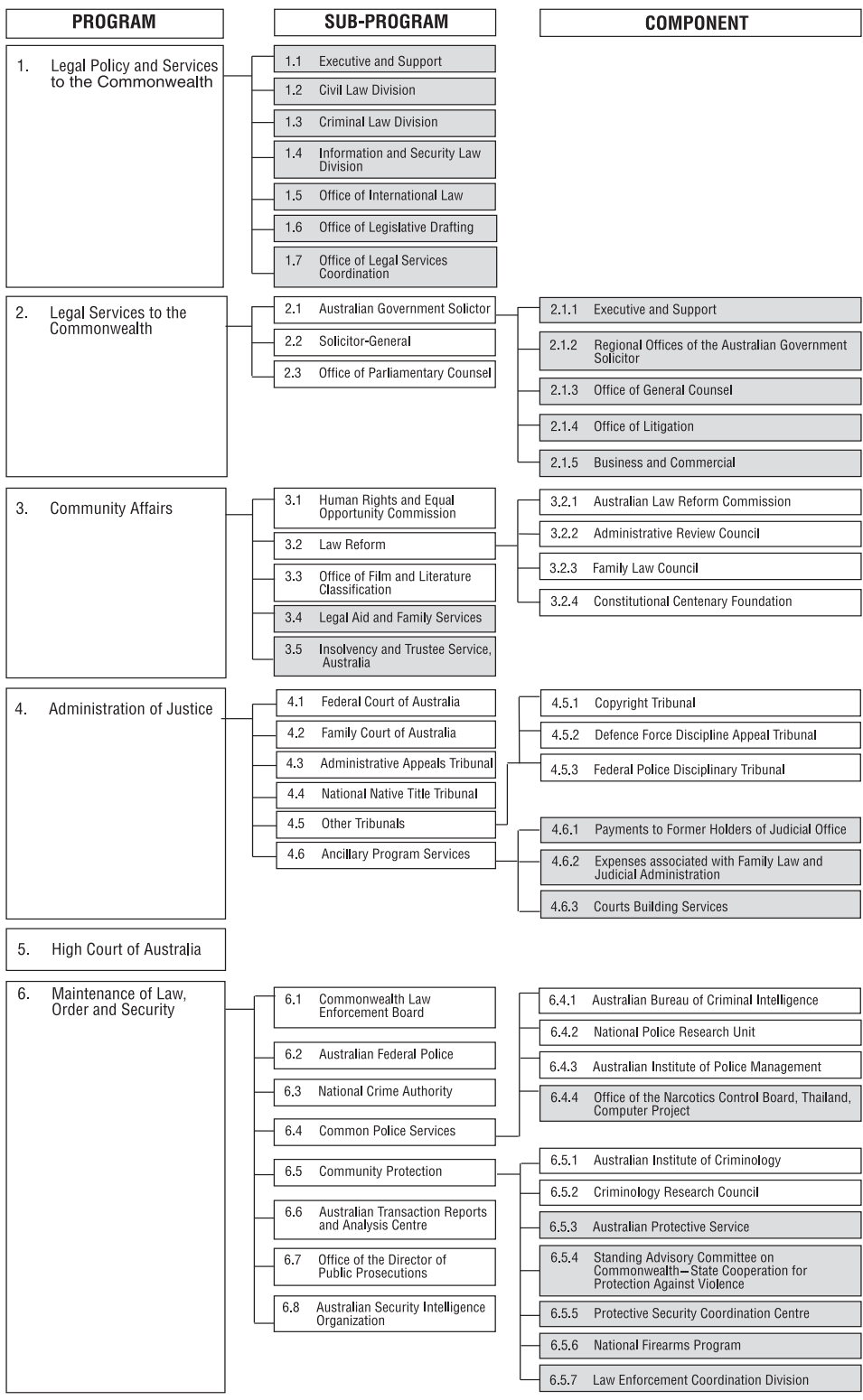
To contribute to the maintenance of law and order, to combat crime and to respond effectively to acts of politically motivated violence; to maintain effective measures against espionage and subversive activities and against attacks directed at individuals, information and assets.

Changes to the portfolio program structure effected within the reporting period

Auscript, formerly Sub-program 4.6, does not appear in the portfolio program structure. On 26 June 1998 the Office of Asset Sales, in the Department of Finance and Administration, effected the Government's decision to sell Auscript.

The following chart indicates the program structure as at 30 June 1998. 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 14.

Attorney-General's Portfolio Program Structure



Elements covered by the Attorney-General's Department Annual Report

Reconciliation of Programs and Appropriations for 1997-98 (\$'000)

<i>Program Number</i>	<i>Approp Bill Nos 1 and 3</i>	<i>Approp Bill Nos 2 and 4</i>	<i>Special Approps</i>	<i>Annotated Approps*</i>	<i>Program Approps</i>	<i>Adjustments (i)</i>	<i>Program Outlays</i>
1	45,869	-	-	1,733	47,602	(1,955)	45,647
2	6,050	-	-	599	6,648	7,919	14,568
3	93,932	125,593	597	3,866	223,988	(10,030)	213,958
4	209,565	5,205	8,061	2,385	225,217	(6,085)	219,132
5	8,289	-	2,358	-	10,647	-	10,647
6	374,077	10,018	91,162	75,567	550,823	(79,181)	471,642
TOTALS	737,781	140,815	102,179	84,150	1,064,926	(89,332)	975,594

* 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.

These figures are expressed in cash terms. The accompanying audited Financial Statements are presented in accrual format.

SUMMARY TABLE OF OUTLAYS BY PROGRAM ELEMENTS

<i>Program</i>	<i>Sub-Program</i>	<i>Component</i>	<i>1996-97 Actual \$(000)</i>	<i>Outlays</i>	
				<i>1997-98 Estimate \$(000)</i>	<i>1997-98 Actual \$(000)</i>
1. Legal Policy and Services to the Commonwealth	1.1	Executive and Support	20,475	24,640	20,233
	1.2	Civil Law Division	11,473	8,990	8,385
	1.3	Criminal Law Division	4,859	5,060	4,828
	1.4	Information and Security Law Division	4,135	4,883	4,789
	1.5	Office of International Law	1,969	2,469	2,306
	1.6	Office of Legislative Drafting	4,758	6,751	4,759
	1.7	Office of Legal Services Coordination	-	400	346
Program total			47,669	53,192	45,647
2. Legal Services to the Commonwealth	2.1	Australian Government Solicitor	(5,328)	8,525	8,525
	2.2	Solicitor-General	575	842	812
	2.3	Office of Parliamentary Counsel	5,369	6,714	5,230
Program total			616	16,081	14,568
3. Community Affairs	3.1	Human Rights and Equal Opportunity Commission	19,299	17,836	16,456
	3.2	Law Reform	4,983	4,910	4,703
	3.3	Office of Film and Literature Classification	5,267	5,711	5,439
	3.4	Legal Aid and Family Services	188,527	209,228	170,642
	3.5	Insolvency and Trustee Service, Australia	15,372	18,308	16,718
Program total			233,448	255,993	213,958
4. Administration of Justice	4.1	Federal Court of Australia	39,903	54,794	49,668
	4.2	Family Court of Australia	99,566	107,675	99,625
	4.3	Administrative Appeals Tribunal	24,065	27,913	24,740
	4.4	National Native Title Tribunal	15,852	23,777	21,074
	4.5	Other Tribunals	238	250	210
	4.6	Auscript	(869)	1,143	1,143
	4.7	Ancillary Program Services	24,346	27,797	22,672
		Industrial Relations Court of Australia	10,477	-	-
Program total			213,578	243,349	219,132

<i>Program</i>	<i>Sub-Program</i>	<i>Component</i>	<i>Outlays</i>		
			<i>1996-97 Actual \$(000)</i>	<i>1997-98 Estimate \$(000)</i>	<i>1997-98 Actual \$(000)</i>
5. High Court of Australia	5.1 Management of High Court Business		6,355	6,890	6,863
	5.2 Corporate Service		3,122	3,784	3,784
Program total			9,477	10,674	10,647
6. Maintenance of Law, Order and Security	6.1 Commonwealth Law Enforcement Board		-	-	-
	6.2 Australian Federal Police		188,666	183,697	183,318
	6.3 National Crime Authority		36,440	44,972	40,988
	6.4 Common Police Services	6.4.1 to 6.4.3	6,251	360	6,730
		6.4.4 Office of the Narcotics Control Board	229	6,192	199
	6.5 Community Protection and Security	6.5.1 to 6.5.2	3,235	3,044	3,044
		6.5.3 Australian Protective Service	(1,259)	12,365	3,864
		6.5.4 Standing Advisory Committee on Commonwealth-State Cooperation for Protection against Violence (SAC-PAV)			
		6.5.5 Protective Security Coordination Centre	18,132	24,238	20,249
		6.5.6 National Firearms Program	311,524	169,000	91,162
		6.5.7 Law Enforcement Coordination Division	4,766	12,834	6,902
	6.6 Australian Transaction Reports and Analysis Centre		8,254	8,360	8,357
	6.7 Office of the Director of Public Prosecutions		53,771	55,661	51,932
	6.8 Australian Security Intelligence Organization		52,566	69,401	51,929
Program total			686,147	594,047	471,642
Total Portfolio			1,190,935	1,173,336	975,594

These figures are expressed in cash terms. The accompanying audited Financial Statements are presented in accrual format.

The Department

The Attorney-General's Department serves the people of Australia by providing essential expert support to the Government in the maintenance and improvement of Australia's system of law and justice.

The Department is the central policy and coordinating element of the Attorney-General's portfolio for which the Attorney-General and Minister for Justice are 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, the Minister for Justice and the Government;
- federal government departments and agencies;
- the wider community.

The Department comprised the following major components for the 1997–98 reporting period:

Executive and Support
Civil Law Division
Criminal Law Division
Information and Security Law Division
Office of International Law
Office of Legislative Drafting
Office of Legal Services Coordination
Australian Government Solicitor
Insolvency and Trustee Service, Australia
Legal Aid and Family Services
Auscript (the sale of Auscript was concluded on 26 June 1998)
Australian Protective Service
Protective Security Coordination Centre
Law Enforcement Coordination Division

Executive and Support includes the Corporate Services Division, which provides services and support to the Executive and to the policy and operational areas of the Department.

The **Civil Law Division** is responsible for legal and policy advice on laws concerning family law, human rights and humanitarian law, administrative law, evidence, service and execution of process, legal practice and procedure, and courts and tribunals.

It is also responsible for promoting international cooperation on civil legal procedures, and coordinates departmental support for the Standing Committee of Attorneys-General.

The **Criminal Law Division** is responsible for legal and policy advice and for the administration and improvement of legislation and international arrangements (bilateral and multilateral) relating to criminal law and the criminal justice process.

The **Information and Security Law Division** supports the Attorney-General and the Minister for Justice in developing policy and providing advice on law relating to information rights and the protection of information.

The **Office of International Law** provides legal advice and advocacy services on issues involving international law and international trade law, and assists with the development and implementation of international law projects. The office also undertakes international human rights report writing and complaints work, and provides the International Legal Services Advisory Council with a secretariat and with advice on international legal services.

The **Office of Legislative Drafting** is responsible for drafting legislative instruments and for giving advice about drafting and interpreting legislative instruments to the Attorney-General, to other ministers and to departments and agencies. The office is also responsible for the consolidation of Commonwealth legislation, the management and operation of the SCALEplus and Legislative Instruments databases, the proposed Federal Register of Legislative Instruments and the Department's Internet site, *Window on the Law*.

The **Office of Legal Services Coordination** supports the Attorney-General in the performance of his First Law Officer role, including by providing advice on litigation policy and the rules allowing outsourcing of most of the Commonwealth's legal work

The **Australian Government Solicitor (AGS)** provides legal and related services in support of the full range of activities of Commonwealth departments and agencies nationally. These services include the conduct of litigation and the provision of legal advice and business and commercial assistance to clients. The AGS will be established as a statutory authority. In the interim the AGS operates as a distinct entity within the Department.

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. On 26 June 1998 the Office of Asset Sales in the Department of Finance and Administration effected the Government's decision to sell Auscript.

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** supports the Attorney-General and the Minister for Justice 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.

The **Law Enforcement Coordination Division** is responsible to the Minister for Justice 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 Commonwealth Law Enforcement Board.

The following semi-autonomous organisational elements were also within the Secretary's overall responsibility for staffing and funding during the reporting period:

The **Administrative Review Council (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.

Attorney-General's Department

The **Office of Film and Literature Classification (OFLC)** applies public classification standards and pre-set conditions of sale and exhibition to films and publications. By providing classification advice which seeks to reflect community standards, it assists adults to make informed decisions about films and publications which they, and those in their care, may view or read. The OFLC became a prescribed organisation within the terms of *Financial Management and Accountability Act 1997* with effect from 1 January 1998. The OFLC reports separately to Parliament.

Board of Management

The Department, operating under its charter, and subject to the Attorney-General and the Minister for Justice, has a Board of Management comprising the Secretary, Deputy Secretaries and division and office heads. In addition, a special adviser on gender issues attends Board meetings.

The Board is the focal point for corporate management of the Department, involving itself in the development of overall management strategy and providing a forum for consideration of strategic issues, priorities and resource management.

Key management issues

The administrative separation of the AGS from the Department, in anticipation of the AGS being established as a statutory body, was the dominant management issue for the Department in 1997-98. The annual conference of senior executives of the Department, held in Bowral in April 1998, addressed the repositioning of the Department following the separation of the AGS. A number of key issues were identified as critical in ensuring that the Department is appropriately refocused to meet the challenges ahead. Examination of these key issues and the development of appropriate strategies is being undertaken through the establishment of working groups reflecting a broad cross-section of staff with appropriate representation of subject matter expertise.

The separation of the AGS was formalised on 1 July 1998 with the signing of memoranda of understanding between the parties covering a range of issues of mutual interest, including the continuing relationship between the two entities. The AGS will become a statutory authority with the passage of the Judiciary Amendment Bill 1997.

The strategic direction for the Department is communicated through the Corporate Plan complemented by operational plans for each organisational element. The operational plans are an integral part of performance management within the Department and assist in monitoring progress in meeting ministerial priorities and managing resources.

The Executive

Tony Blunn AO, Secretary. Appointed 5 February 1998. LLB. Barrister of the Supreme Court of NSW.

Stephen Skehill, Secretary. Appointed 23 May 1994. Resigned 10 October 1997. BEc. LLB (Hons). Barrister and Solicitor.

Norman Reaburn, Deputy Secretary. Appointed 22 June 1989. LLB (Hons). Barrister of the Supreme Court of NSW. Acting Secretary 1 September 1997-4 February 1998.

Richard Moss PSM, Deputy Secretary. Appointed 25 July 1996. Barrister and Solicitor.

Australian Government Solicitor

Dale Boucher, Australian Government Solicitor. Appointed July 1993. LLB; Graduate Management Qualification, AGSM. Barrister and Solicitor. Appointed Chief Executive Officer Designate of the Australian Government Solicitor, 1 May 1998.

Chief General Counsel

Henry Burmester QC, Chief General Counsel. Appointed 2 November 1995. BA. LLB (Hons). LL.M. Barrister and Solicitor.

The following organisational chart shows the structure of the Department as it stood at 30 June 1998.

The Department

Attorney-General's Department — Organisation Chart

Attorney-General

The Hon. Daryl Williams AM QC MP

Minister for Justice
Senator the Hon. Amanda Vanstone

Solicitor-General

Henry Burmester QC A/g

Secretary
A S Blunn AO

Chief Executive Officer Designate

Australian Government Solicitor

Dale Boucher

Chief General Counsel

Robert Orr PSM A/g

Deputy Secretary

Norman Reaburn

Legal Policy and Services

Executive and Support

Civil Law Division

Criminal Law Division

Information and Security Law Division

Office of International Law

Office of Legislative Drafting

Office of Legal Services Coordination

Administrative Review Council Secretariat

Australian Government Solicitor

Executive and Support

Regional Offices of the Australian Government Solicitor

Office of Litigation

Office of General Counsel

Business and Commercial

Outposted Counsel

Community Affairs

Legal Aid and Family Services

Insolvency and Trustee Service, Australia

Community Protection

Law Enforcement Coordination Division

Protective Security Coordination Centre

Australian Protective Service