

Departmental overview



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Role and mission

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

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

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

The new Output 1.8 was established following the transfer of some of the functions of the former Aboriginal and Torres Strait Islander Services (ATSIS) to the Department on 1 July 2004. The title of Output 1.8 is 'Legal services and policy advice on Indigenous law and justice issues, and the administration of government Indigenous law and justice programs'.

- Output 2.2 has been modified. The 2004–05 PBS expanded the title of output 2.2 to include the critical infrastructure protection measure announced by the Government in the 2004–05 Budget and also altered the description and performance measures for this output.

Outcomes and outputs framework

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

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

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

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

Two changes have been made to our outcomes and outputs structure since our 2003–04 report:

- A new output—Output 1.8—has been included in Outcome 1 and was first published in the 2004–05 PAES.

Organisational structure

The Department's organisational structure is aligned as closely as possible with the outcomes and outputs structure, as shown in Figure 1 on page 26.

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

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

The General Manager, Information and Knowledge Services Group; the General Manager, Corporate Services Group; and the General Manager, Financial Services Group, support the two deputy secretaries in producing all the Department's outputs.

The role of the General Manager, Financial Services Group as Chief Finance Officer was created in April 2005 to support the Secretary in discharging financial management responsibilities in accordance with relevant legislation and to achieve high quality financial performance.

Division and office responsibilities

The functions of the divisions and offices, within broad structural groupings, are described below. The descriptions reflect the Department's structure at 30 June 2005.

Civil Justice and Legal Services Group

The **Civil Justice Division (CJD)** is responsible for legal and policy advice on family law (including primary dispute resolution and related services for separated families), 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. In addition, the Division provides research and support services to the Administrative Review Council, the National Alternative Dispute Resolution Advisory Council and the Family Law Council.

The **Indigenous Justice and Legal Assistance Division (IJLAD)** is responsible for the development, implementation and administration of Australian Government policy on legal aid, including management of the Legal Aid Commission program and the Community Legal Services program. The Division is also responsible for the administration of various law and justice programs to assist Aboriginal and Torres Strait Islander people. The Division also provides financial assistance in matters arising under a number of statutory and non-statutory schemes.

The **Information Law and Human Rights Division (ILHRD)** provides legal and policy advice relating to human rights, privacy, freedom of information, parliamentary privilege, defamation, electronic commerce and copyright and related rights.

The **Legal Services and Native Title Division (LSNTD)** supports the Attorney-General in the performance of his role as First Law Officer, providing advice on litigation policy and guidance on the performance of the Commonwealth's legal work. The Division is also responsible for advising the Attorney-General on constitutional policy issues and, with the relevant portfolio agency, on censorship and bankruptcy. The Division coordinates departmental support for the Standing Committee of Attorneys-General and provides the International Legal Services Advisory Council with a secretariat and with advice on international trade in legal services.

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

The **Office of International Law (OIL)** provides legal advice and advocacy services on issues involving international law, and assists with the development and implementation of international law projects. OIL also undertakes international human rights report writing and complaints work.

The **Office of Legislative Drafting and Publishing (OLDP)** is responsible for drafting Regulations and other legislative instruments; giving advice to the Attorney-General, Ministers, and departments and agencies about drafting and interpreting legislative instruments; operating the Federal Register of Legislative Instruments, established on 1 January 2005 by the *Legislative Instruments Act 2003*; consolidating Commonwealth Acts and Regulations; publishing Commonwealth

legislation in electronic form on the ComLaw and SCALEplus web sites; printing and distributing Acts and Select Legislative Instruments; and publishing the Government Notices series of the *Commonwealth of Australia Gazette*.

National Security and Criminal Justice Group

The **Criminal Justice Division (CrJD)** is responsible for policy advice, and for the administration and improvement of legislation and international arrangements (bilateral and multilateral) relating to criminal law and the criminal justice process, including issues that address the challenges that terrorism has brought to the criminal justice system. CrJD is also responsible for policy matters relating to operational law enforcement agencies, illicit drugs, identity security, emerging financial sector crime and firearms. It also administers the National Crime Prevention Program, the National Community Crime Prevention Programme, programs of expenditure funded under the *Proceeds of Crime Act 2002*, and the Agreement between the Commonwealth and Northern Territory Government establishing a juvenile pre-charge diversion program and Aboriginal Interpreter Services. It is responsible for managing casework requests for extradition, mutual assistance, the international transfer of prisoners and federal prisoners administration. It also provides secretariat support to the Ministerial Council on the Administration of Justice and provides law and justice assistance in the South Pacific.

Emergency Management Australia (EMA)—in conjunction with a wide range of Commonwealth authorities, State and Territory agencies, local government and industry bodies—develops strategic policy in support of emergency management initiatives, sponsors partnerships between emergency management and other sector stakeholders, develops State and Territory

capability in the emergency management sector in order to protect life and property, and facilitates the process of developing resilient and sustainable communities. EMA coordinates Australian Government physical assistance to States and Territories, upon request, during major disasters and delivers senior-level emergency management education and training programs. As an agent of AusAID, EMA has a significant relationship with the countries of the South Pacific region.

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

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

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

On national security and counter-terrorism, the Division undertakes a central coordinating role across the Department and the portfolio, as well as interfacing with other departments and agencies in the whole-of-government context. The Division also provides legal development assistance to countries within the South-East Asia region on counter-terrorism laws.

The Division also coordinates Australian Government activities in critical infrastructure protection, building on the work to protect Australia's national information infrastructure that began in 1999, and provides policy and legal policy advice on these issues. The Division performs a leadership role in the development of a business-government partnership for critical infrastructure protection with Australian industry. Each area of the Division carries out its work in the context of promoting international cooperation on bilateral, regional and multilateral bases and through our prominence in international fora.

Corporate Services Group

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

The Trade Measures Review Secretariat (TMRS) is located within the CSG. The TMRS provides administrative support to the Trade Measures Review Officer (TMRO), a statutory function that is performed by the General Manager, Corporate Services. The TMRO undertakes administrative reviews of decisions relating to anti-dumping and countervailing

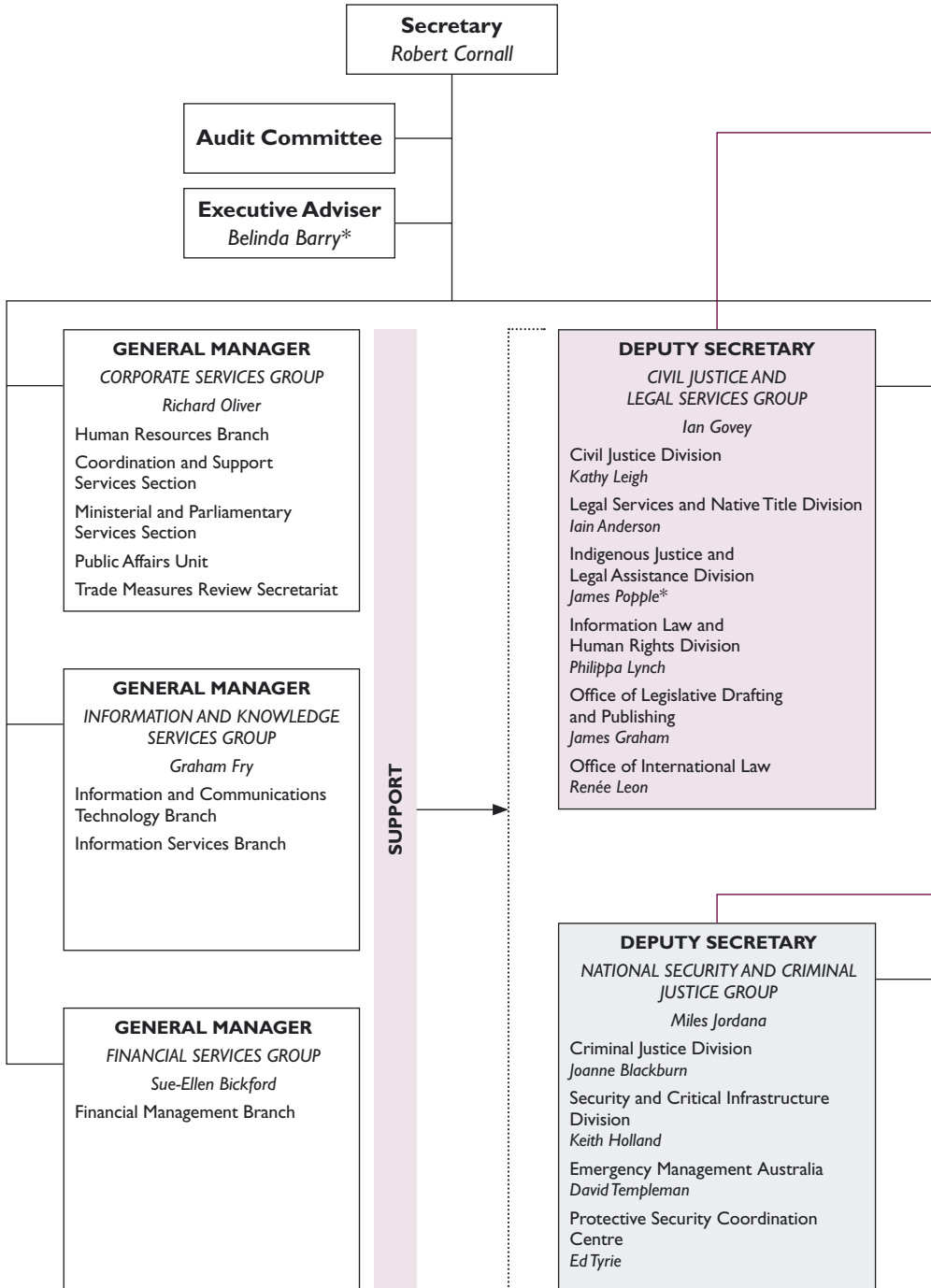
matters and provides strategic policy advice on issues relating to anti-dumping and countervailing matters.

Financial Services Group

Financial Services Group (FSG) manages the Department's financial system including financial budgeting and reporting for both departmental and administered funds, coordination and preparation of portfolio Budget documents and the annual audited financial statements. FSG is also responsible for the development and maintenance of the Chief Executive's Instructions, financial policy and delegations. The Group manages centralised accounts processing including the Collector of Public Moneys, treasury and credit card functions. Financial monitoring of agencies within the Attorney-General's portfolio is also an FSG responsibility.

Information and Knowledge Services Group

Information and Knowledge Services Group (IKS) provides services and support in the areas of information technology, information systems development and information management (including knowledge management, records management and archival services). The Group is also responsible for library services, voice and data communications, the Australian Secure Network (ASNET), information technology security matters, IT contract management, intranet services and Internet services. Some examples of Internet services are Australian Law Online at <<http://www.law.gov.au>>; the Attorney-General's Department web site, <<http://www.ag.gov.au>>; and ComLaw, a searchable list of Commonwealth legislation and legislative instruments, at <<http://www.comlaw.gov.au>>.



* Acting as at 30 June 2005

** Elements of divisions contribute to different aspects of these outputs

Figure I: Organisational structure, outcomes and outputs

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

<p>Output 1.1</p> <p>Legal services and policy advice on courts and tribunals, alternative dispute resolution, administrative law, human rights, evidence and procedure</p> <p>Civil Justice Division** Information Law and Human Rights Division**</p>	<p>Output 1.2</p> <p>Support for the Attorney-General as First Law Officer; advice on constitutional policy, and promotion of Australian legal services internationally</p> <p>Legal Services and Native Title Division**</p>	<p>Output 1.3</p> <p>Legal services and policy advice on family law and legal assistance and the administration of government programs providing legal assistance and family law related services</p> <p>Civil Justice Division** Indigenous Justice and Legal Assistance Division**</p>	<p>Output 1.4</p> <p>Legal services and policy advice on international law</p> <p>Office of International Law</p>
<p>Output 1.5</p> <p>Drafting of legislative and other instruments, publication of legislative materials and provision of related legal services</p> <p>Office of Legislative Drafting and Publishing</p>	<p>Output 1.6</p> <p>Legal services and policy advice on information law</p> <p>Information Law and Human Rights Division**</p>	<p>Output 1.7</p> <p>Legal services and policy advice on native title</p> <p>Legal Services and Native Title Division**</p>	<p>Output 1.8</p> <p>Legal services and policy advice on Indigenous law and justice issues, and the administration of government Indigenous law and justice programs</p> <p>Indigenous Justice and Legal Assistance Division**</p>

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

<p>Output 2.1</p> <p>Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual assistance</p> <p>Criminal Justice Division</p>	<p>Output 2.2</p> <p>Legal services and policy advice on security law and critical infrastructure protection</p> <p>Security and Critical Infrastructure Division</p>	<p>Output 2.3</p> <p>Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters</p> <p>Emergency Management Australia</p>	<p>Output 2.4</p> <p>Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection</p> <p>Protective Security Coordination Centre</p>
<p>Output 2.5</p> <p>Management and coordination of the delivery of security and guarding services to meet diplomatic, consular and other Commonwealth responsibilities</p> <p>Protective Security Coordination Centre</p>			

Snapshots: finance and staffing

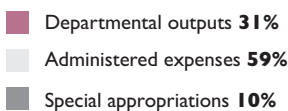
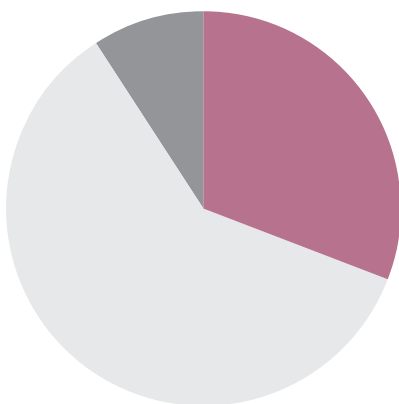
Financial performance

The total annual appropriation funding for the Department for 2004–05 was \$509.7 million comprising \$175.5 million for departmental outputs and \$334.2 million for administered expenses and capital (see Figure 2).

In addition, the Department budgeted for expenditures totalling \$52.7 million for special appropriations relating to the handgun buyback program, judges' pensions and High Court Justices' salaries and allowances.

See page 142 for more information on the Department's financial performance.

Figure 2: Appropriations 2004–05



Staffing

The Department continues to grow and the staffing complement reflects the nature of its responsibilities—not only to provide expert advice to government on a wide range of legal and policy issues but also

to carry out critical operational functions in the protective security and emergency management areas. At 30 June 2005 we had a workforce of 941, of whom 824 were ongoing employees. While only one-quarter of the employees are in formally identified legal positions, many more have legal or other qualifications. Nearly 50 per cent work at a Senior Executive or Executive level.

- About 90 per cent of employees work in Canberra; 5 per cent work at Mount Macedon, near Melbourne, Victoria; 3 per cent work in Queensland, primarily in Brisbane; and 2 per cent are located in the remaining States and Territory.
- Most staff work full-time; 6 per cent work part-time hours and about 10 per cent are employed on a casual basis. A small number of contractors work in specialist roles.
- The workforce age profile is younger than that of the broader Australian Public Service (APS).
- Just less than three-fifths of staff are female.
- Employees from a non-English speaking background make up 4 per cent of the workforce. Staff identifying as Indigenous and people with a disability are each another 2 per cent.
- The majority of employees have been with the Department for three years or less.
- Around one-third of staff who leave the Department move to other APS agencies on promotion or transfer, indicating we are part of a career public service.
- Certification of the Attorney-General's Department Agreement occurred on 12 August 2004.
- In December 2004, we launched the health and wellbeing program. On average, 100 employees participate weekly in work-supported health and wellbeing activities; 286 staff took up the offer of influenza immunisation, and 443 staff took advantage of the Health and Wellbeing Allowance.