

About the Department

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 system of law and justice and its 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*.

In pursuing this 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 these documents, giving a clear indication of the Department's intended and actual performance for the year.

Following a review of the Department's performance reporting framework in 2006, significant changes have been made through the development of new PBS performance indicators. A full explanation of these changes can be found at the beginning of Part 2 on page 23.

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 pages 10–11.

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 within Outcome 2.

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

An implementation team continued to coordinate the establishment of a new division, AusCheck—the Australian Background Checking Service. AusCheck will become fully operational on 3 September 2007 and operate on a cost-recovery basis from that date onwards. (More details on AusCheck's operation are included in the Functions section which follows.)

Functions

The functions of the divisions and offices, as at 30 June 2007, are outlined below.

Civil Justice and Legal Services Group

The **Civil Justice Division** (CJD) is responsible for legal and policy advice on family law, marriage law, administrative law, evidence, service and execution of process, legal practice and procedure, private international law, and federal courts and tribunals.

CJD is responsible for the development and promotion of services that assist separating or separated families to resolve disputes and reach agreements that are in the best interests of their children.

CJD administers the Marriage Celebrants Program; an officer of the Division is the Registrar of Marriage Celebrants.

CJD promotes international cooperation on civil legal procedure and family law matters and handles requests for judicial assistance in international civil legal matters and international access and child abduction cases.

CJD is responsible for establishing and managing intercountry adoption programs and facilitating a national peak overseas adoption support group.

CJD 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 program and the Community Legal Services program.

The Division is responsible for the administration of various law and justice programs to assist Aboriginal and Torres Strait Islander people. The Division also manages financial assistance programs 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 privacy and freedom of information as well as to parliamentary privilege, defamation and electronic commerce. The Division participates in international discussions and negotiations on privacy and electronic commerce issues and is currently actively involved in relevant Asia-Pacific Economic Cooperation (APEC) and Organisation for Economic Cooperation and Development (OECD) groups.

The Division provides advice on domestic human rights policy, including anti-discrimination legislation, the implementation of Australia's international obligations and policy issues arising in relation to the Human Rights and Equal Opportunity Commission.

The Division provides policy advice to the Government about copyright and related rights on a range of new technology and enforcement issues, and participates in international forums on these subjects.

The Division includes the Commonwealth Copyright Administration, which is responsible for the management of copyright in published written materials on behalf of Australian Government agencies. The Division also negotiates and administers agreements with copyright collecting societies for government use of published written materials and copying of broadcasts on behalf of Australian Government agencies.

The Division also carries out administrative functions relating to the Australian Law Reform Commission.

The **Classification, Legal Services and Native Title Division** (CLSNTD) 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 Australian Government's legal work.

The Division is responsible for advising the Attorney-General on constitutional policy issues and, with the Insolvency and Trustee Service Australia, on bankruptcy policy.

Until 30 June 2006, the Division was responsible, with the Office of Film and Literature Classification, for advising the Attorney-General on classification. From 1 July 2007 the Division will assume sole responsibility for advice to the Attorney-General on legal and policy issues related to the classification of films, computer games and publications, including appointments. The Classification Operations Branch provides secretariat support to the Classification Board and Classification Review Board, runs the Community Liaison Scheme and provides classification training for industry and government bodies.

The Division coordinates the Australian Government's involvement in the Standing Committee of Attorneys-General.

The Division provides the International Legal Services Advisory Council with a secretariat and with advice on international trade in legal services.

The Division is 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 Australian Government agencies to carry out future acts under the Native Title Act, and managing Australian Government involvement in native title mediation and litigation.

Until the creation of the Personal Properties Security Division on 16 April 2007 (see below) the Division was responsible for the preparation of policy and advice for the Attorney-General on reform of the law of personal property securities.

The **Personal Property Securities Division** (PPSD) was established in April 2007 and is responsible for legal services and policy advice on personal property securities law, and the development of a national system for the registration and enforcement of personal property securities.

It was established to advance Council of Australian Government's (COAG) in-principle decision to pursue personal property securities law reform and establish a national online register for personal property security interests. The Division will work with States and Territories to harmonise and rationalise the more than 70 separate pieces of Commonwealth, State and Territory legislation that currently govern personal property security arrangements. To facilitate a harmonised national personal property securities regime, the Division will lead the development of a new electronic register which will replace a range of existing securities registers currently operated by the States and Territories and the Commonwealth.

The **Office of International Law** (OIL) provides legal advice and advocacy services on issues involving international law. It assists with the development and implementation of international law projects and undertakes international human rights report writing and complaints work. It assists also in the negotiation of treaties, including bilateral free trade agreements, and in the conduct of international litigation, including World Trade Organization litigation.

The Trade Measures Review Officer, who carries out a statutory function under the *Customs Act 1901* of reviewing decisions relating to anti-dumping and countervailing duties, is located within the Office of International Law.

The **Office of Legislative Drafting and Publishing** (OLDP) 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 (FRLI); compiling Commonwealth Acts and Regulations; publishing Commonwealth legislation in electronic form on the ComLaw and FRLI 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 to the Attorney-General and Minister for Justice and Customs, and for the administration and improvement of legislation, relating to criminal law and the criminal justice process, including issues that address the challenges that terrorism has brought to the criminal justice system.

The Division is also responsible for policy matters relating to operational law enforcement agencies, illicit drugs, identity security, fraud against the Australian Government, firearms, transnational organised crime, including trafficking in persons, anti-money laundering and counter-terrorism financing, corruption and foreign bribery.

It administers the National Community Crime Prevention Programme and programs of expenditure funded under the *Proceeds of Crime Act 2002*.

The Division is responsible for managing casework requests for the international transfer of prisoners, and federal prisoners' administration.

It also provides secretariat support to the Ministerial Council on the Administration of Justice.

The **International Crime Cooperation Division** (ICCD) was established in January 2007 as a new division within the National Security and Criminal Justice Group. The Division is responsible for international cooperation in criminal matters and related policy issues.

It is the Australian Central Authority for mutual assistance and extradition matters, and undertakes mutual assistance and extradition casework and policy development.

The Division negotiates treaties on mutual assistance, extradition and the international transfer of prisoners. It provides assistance and capacity building to countries in South-East Asia and the South Pacific on international crime cooperation issues and is also responsible for the APEC Anti-Corruption Taskforce and criminal justice certificates.

The establishment of the International Crime Cooperation Division saw branches drawn from the Criminal Justice Division and the Regional Legal Assistance Unit from the Security and Critical Infrastructure Division. Performance reporting against the functions now undertaken by the International Crime Cooperation Division can be found within Outputs 2.1 and 2.2 at pages 153–95.

Emergency Management Australia (EMA), in conjunction with a wide range of Australian Government 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 to protect life and property, and facilitates the process of developing resilient and sustainable communities.

EMA operates the National Emergency Management Coordination Centre (NEMCC), which coordinates Australian Government physical assistance to States and Territories upon request during major domestic disasters and through the activation of a number of Commonwealth disaster plans. EMA works with AusAID to coordinate the Australian Government response to disasters overseas.

In conjunction with AusAID, EMA continues to have a significant relationship with the countries of the South Pacific region.

The **Protective Security Coordination Centre** (PSCC) coordinates and manages, in cooperation with Australian Government, State and Territory agencies, Australia's protective security and counter-terrorism and crisis management arrangements.

It supports the operational and related policy programs of the National Counter-Terrorism Committee (NCTC), coordinating NCTC training, exercise, development and equipment procurement programs as well as providing executive and secretariat support to a number of NCTC sub-committees and working groups. It administers the NCTC Special Fund and operating expenses.

Other responsibilities include coordinating information between the Australian Government and States and Territories on national security and counter-terrorism matters, including the National Security Hotline.

It oversees and implements initiatives related to crisis management planning for the Australian Muslim community as part of a program sponsored by the Department of Immigration and Citizenship. It also implements two projects under the Government Communications in a Crisis initiative—the Australian Government Notifications System and Wireless Priority Service System.

The PSCC coordinates protective security arrangements for at-risk Australian high office holders, members of the diplomatic and consular community and visiting foreign dignitaries as well as the Prime Minister's overseas travel. The PSCC's role in dignitary protection and physical security responsibilities is overarching and strategic, drawing together a range of stakeholders.

The PSCC also supports the Attorney-General and the Minister for Justice and Customs by providing policy and legal advice and implements government policy in the field of protective security including training and security vetting services.

The PSCC has responsibility for coordinating security arrangements for the APEC 2007 meetings in Australia.

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 provides national leadership and coordination in the protection of Australia's critical infrastructure. To achieve this objective, SCID works closely with the business sector to identify critical infrastructure protection strategies. This close and productive working partnership with business is a unique characteristic of Australia's critical infrastructure protection methodology. The Division develops and coordinates a range of critical infrastructure protection policies and provides associated legal advice to the Australian Government.

AusCheck—the **Australian Background Checking Service**—was established by the Australian Government in 2005 in response to the Wheeler report into airport security and policing. AusCheck will commence operations on 3 September 2007. It will coordinate background checks on people who work in secure areas of air and sea ports and consequently require Aviation Security Identification Cards (ASICs) and Maritime Security Identification Cards (MSICs). ASICs and MSICs must be held by any person who requires regular unsupervised access to a designated secure area of an Australian air or sea port.

AusCheck helps the aviation and maritime industries by identifying high-risk individuals who should not be eligible for an ASIC or MSIC; by applying a consistent interpretation of government requirements; and by providing a security assessment or recommendation on an individual to their relevant issuing body.

Corporate Services Group

Corporate Services Group (CSG) provides administrative advice and services to the Executive, 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, corporate governance and performance.

Financial Services Group

Financial Services Group (FSG) provides support for the Secretary and senior management group in discharging the financial management responsibilities of the Department in accordance with relevant legislation and monitoring the financial position to advise on the financial health of the Department and to achieve high quality financial performance.

The main responsibilities that enhance the accuracy, reliability and integration of financial information and ensure there is consistency of approach across the Department include:

- the strategic and operational aspects of financial planning, management reporting and estimates preparation including internal budget processes for both departmental and administered funds
- coordination and preparation of portfolio Budget documents and the annual audited financial statements
- implementation of the internal financial framework including Chief Executive's Instructions, financial authorisations and delegations, Certificate of Compliance reporting requirements and the Financial Guidance and Procedure Manual
- development and maintenance of financial policy

- accounts processing including credit card functions
- cash management including Collector of Public Moneys and treasury functions, and
- financial monitoring of agencies within the Attorney-General's portfolio.

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 responsible for library services, voice and data communications, the Australian Secure Network (ASNET), IT security matters, IT contract management, intranet services and Internet services. The Group also provides secure interagency communications between Commonwealth agencies and the States and Territories for management during a crisis.

Some examples of the Department's 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>>.