

Highlights



National security and counter-terrorism reforms

The Department was instrumental in building on national security and counter-terrorism reforms, assisting the Government with a range of legislation in the national security, counter-terrorism and telecommunications interception areas (see page 109).

Appointments

Some significant court appointments were made, namely: a Chief Federal Magistrate, eight magistrates and the Chief Executive Officer to the Federal Magistrates Court; the Chief Justice and two judges to the Family Court of Australia; three judges to the Federal Court of Australia; and one judge to the Supreme Court of Norfolk Island.

The additional funding in the May 2005 Budget for the appointment of two additional federal magistrates will enable the Federal Magistrates Court to hear family law disputes in the Sydney CBD on a regular basis (see page 42).

Administrative law reform

The *Administrative Appeals Tribunal Amendment Act 2005* commenced on 16 May 2005. The Act implements a range of reforms aimed at delivering efficient and effective justice for parties involved in AAT disputes (see page 42).

Accessible legislation—Federal Register of Legislative Instruments

On 1 January 2005, the *Legislative Instruments Act 2003* introduced a new regime for managing Commonwealth legislative instruments. It established the new Federal Register of Legislative Instruments as an authoritative source of legislative instruments in electronic form. The Act requires that all new legislative instruments must be registered to be enforceable and that all existing legislative instruments must be lodged for registration by the end of 2007 if they are to remain in force (see page 43).

The Department developed a new IT system to manage the lodgment and registration of the large number of legislative instruments requiring registration, and created a new web site, ComLaw, to make the contents of the Register accessible to the public. As ComLaw also contains Commonwealth Acts and other legislative material, it provides the public with access to both primary and subordinate legislation in the one integrated site (see page 71).

Family law reform—the Government's response to *Every picture tells a story*

A major focus of the year was assisting the Government to develop its response to the parliamentary report on child custody *Every picture tells a story*. Working closely with the Department of Family and Community Services, we undertook public consultations and provided advice to the Government on a range of reforms responding to that report. In May 2005, the Government announced the biggest ever investment in the family law system—costing \$397 million over four years to implement—and the most significant changes to family law in 30 years (see page 57).

Australia's National Framework for Human Rights—National Action Plan

On 23 December 2004, the Australian Government published and launched a new framework for the protection of human rights in Australia. This document is the first substantial revision of Australia's National Action Plan on Human Rights since 1994.

The new framework outlines the Government's priorities for enhancing the enjoyment of human rights in Australia. The document also describes the comprehensive human rights protections that are already in place in Australia (see page 48).

Australia–United States Free Trade Agreement

Preparation for the entry into force of the Australia–United States Free Trade Agreement (AUSFTA) on 1 January 2005 involved close collaboration between officers of our Department and the Department of Foreign Affairs and Trade, and was made possible by the enactment of final implementing legislation shortly before that date. This legislation resulted from intensive deliberations and the rapid preparation of amendments to copyright legislation (see page 75).

Legal Services Directions

In 2004–05, we enhanced our communication of information about the Legal Services Directions issued under the *Judiciary Act 1903* to those subject to the Directions. For example, we engaged stakeholders through a regular discussion group at which agencies exchanged information about issues of common interest in relation to the Directions and their purchase of legal services. We also revamped our web site, <www.ag.gov.au/olsc>, including by publishing guidance notes on topical legal issues on that site (see page 51), and expanded our email circulation list, which we used to notify web site changes and other updates.

Native title—Indigenous Land Use Agreements

We worked to promote fair and sustainable outcomes in native title matters. The Government's continued focus was on resolving native title claims through consent determinations and through the development and negotiation of Indigenous Land Use Agreements (ILUAs). Our work on native title has also seen an increased engagement in consultations on broader Indigenous policy issues. This includes developing possible measures to ensure that Indigenous title to land facilitates home ownership and business opportunities for Indigenous people (see page 82).

Indigenous legal aid

The purpose of this program is to provide high quality, culturally sensitive, and accessible legal aid services to Indigenous Australians. In late 2004, the Australian Government commenced a new approach to funding Indigenous legal aid services which involved progressively moving away from a historical grant based scheme to an open tendering process.

In April 2005, the Attorney-General announced the successful tenders in Victoria and Western Australia. In both these States, the relevant Aboriginal Legal Service was awarded the contract. In June 2005, the successful tenderers were announced for Queensland. Together these three States are the beneficiaries of contracts worth over \$64 million over a three year period. Requests for tender for all other States and the Northern Territory will be released during 2005–06 (see page 88).

Family Violence Prevention Legal Services units

In the 2004–05 Budget, the Australian Government allocated \$22.7 million over four years to fund the expansion of the Family Violence Prevention Legal Services (FVPLS) program. The program funds a series of FVPLS units, located in high-need rural and remote areas. The new funding, which the Attorney-General approved in December 2004, was to increase the program's existing 13 units to 26 units. On 21 June 2005, the Attorney-General announced that the Australian Government had successfully delivered in full on its commitment to expand the FVPLS program by 13 units (see page 89).

Legal aid agreements

Following intensive negotiations between the Commonwealth and each jurisdiction as well as National Legal Aid, in March and April 2005 State and Territory governments and legal aid commissions signed new agreements for the provision of legal aid services for Commonwealth law matters. The new agreements enable additional funding from the 2004–05 Budget to flow to legal aid commissions. This additional funding enabled redistribution of legal aid funds across jurisdictions to reflect demographic and socioeconomic variables as well as individual circumstances of each jurisdiction, increase caps on grants associated with family law matters, establish a family law duty lawyer service and increase the minimum amount paid to private legal aid practitioners in Tasmania, South Australia, Queensland and Western Australia (see page 59).

Extended continental shelf

The Office of International Law, together with the Department of Foreign Affairs and Trade and Geoscience Australia, prepared and presented Australia's submission to support its assertion of an 'extended continental shelf' to the United Nations Commission on the Limits of the Continental Shelf. The lodgment of Australia's submission in late 2004 and its presentation to the Commission members in April 2005 represented the culmination of years of detailed work necessary to support this important and exclusive area of Australian seabed jurisdiction (see page 67).

Extradition and mutual assistance relationships in the region

Strengthening extradition and mutual assistance relationships in the region is a high priority for Australia in the fight against transnational crime in our region. Australia shares a common goal with countries in the region of tackling crimes such as terrorism, drug trafficking, fraud, money laundering and people trafficking. In 2004-05, the Department undertook extensive work to advance bilateral treaties on mutual assistance, extradition and international transfer of prisoners. These treaties will play a vital role in enhancing international criminal law cooperation in the region (see page 105).

Combating people trafficking

The Department continued to coordinate the Government's implementation of the \$20 million package to combat people trafficking (announced in October 2003). A key measure implemented in 2004-05 was the *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005*, which completed the legislative review announced in October 2003. The passage of this legislation enabled Australia to progress the ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (see page 104).

Migration litigation reform

The Migration Litigation Reform Bill 2005, which is an integral part of the Government's comprehensive package of reforms to improve migration litigation processes, was passed in the House of Representatives (see page 42).

Critical infrastructure protection

Our critical infrastructure protection (CIP) activities were significantly expanded this year with a major allocation of new resources and tasks. We commenced two new major projects: computer network vulnerability and CIP modelling and analysis. These projects work in support of, and through, the Trusted Information Sharing Network for Critical Infrastructure Protection (TISN). The TISN expanded to cover two more sectors: icons and public gatherings, and transport. CIP activities within the TISN and the National Counter-Terrorism Committee were brought into closer alignment, with positive benefits for both government and business (see page 111).

Coordination of responses to national security threats

During 2004–05, the Department continued to provide whole-of-government coordination for preventing or responding to threats to our national security. This integral function was largely achieved through the 24 hour operations of the Protective Security Coordination Centre's Watch Office and the National Security Hotline. The effectiveness and primacy of this information coordination, consolidation and dissemination role, was successfully demonstrated during the various 'white powder' incidents throughout June 2005 (see page 120).

Enhanced counter-terrorism capability

On behalf of the National Counter-Terrorism Committee, the Department made a major contribution to enhancing nation-wide counter-terrorism capability through the conduct of six major counter-terrorism exercises throughout the country and planning for exercise Mercury 05 to be held in October 2005. Further counter-terrorism measures included the revision of the National Counter-Terrorism Handbook and work on the current revision of the National Counter-Terrorism Plan (see page 120).

Building awareness of protective security

In 2004–05, the Australian Government's Protective Security Manual (PSM), issued by the Attorney-General's Department on behalf of the Australian Government was comprehensively reviewed and redrafted. In April 2005, the Protective Security Training Centre achieved status as a Registered Training Organisation under the Australian Quality Training Framework. In May 2005, the annual Security in Government Conference was held in Canberra, with the theme 'Working Together for Australia's Security'. The conference continues to provide a valuable forum for discussion of protective security policies and for sharing experience with the latest security technologies (see page 122).

Emergency management

In response to the devastating 26 December 2004 Indian Ocean tsunami, some 36 Emergency Management Australia (EMA) staff were recalled from leave. Most worked in the National Emergency Management Coordination Centre, with the remainder serving as liaison officers in Indonesia, Thailand and with other agencies, including an officer to assist United Nations Disaster Assessment and Coordination operations. The immediate assistance involved the coordination and deployment of Australian Government medical, engineering and logistics teams to the affected areas. EMA provided assistance with repatriation of injured and deceased Australians, including liaison with State and Territory Coroners (see page 102).

The 2004 National Australian Safer Community Awards were presented by the Attorney-General on 1 December 2004. The awards highlighted the benefits for the Australian community of a wide range of cooperative and innovative projects dealing with complex community issues relating to emergency management. The involvement of the insurance industry in a number of the award-winning projects underscored the excellent partnerships being established between private enterprise and the emergency management sector. Participation by the local government sector in the awards was encouraging, with four of the 13 awards directly involving municipalities.

Protection for dignitaries and special events

The Department successfully provided security coordination for some 136 visits to Australia by foreign dignitaries. We also worked closely with stakeholders to ensure that the 90th Anzac Day services at Gallipoli proceeded without serious security incident. In addition, the Department continued collaborative security planning and preparations in readiness for the Commonwealth Games in March 2006 (see page 120).

In 2004-05, the Department established the APEC 2007 Security Branch to coordinate security arrangements for Australia's hosting of Asia-Pacific Economic Cooperation (APEC) in 2007. Planning for this major international event has commenced in partnership with a range of Australian Government, State and Territory agencies (see page 122).