

## Our performance

### Performance reports

Part 2 of our 2011–12 Annual Report covers our performance in areas for which activity is measured across the department. This includes:

- the Attorney-General's Department resource statement for 2011–12 showing available resources to the department reconciled with actual payments made (Table 5.1)
- services provided to ministers and Parliament.

Chapters 6 to 10 provide detailed performance reports based on the outcome and programs framework and performance information set out in the 2011–12 Portfolio Budget Statements and any Portfolio Additional Estimates Statements.

The department has one outcome against which it reports in the 2011–12 Annual Report:

- Outcome 1 – *a just and secure society through the maintenance and improvement of Australia's law and justice framework and its national security and emergency management system.*

Performance reports are structured to demonstrate a clear relationship between the performance standards for each outcome and program, as set out in the Portfolio Budget Statements and Portfolio Additional Estimates Statements, and the actual results achieved for the department in 2011–12.

Chapter 7 and Chapter 8 address, respectively, the departmental and administered programs for the Civil Justice and Legal Services Group. Chapter 9 and Chapter 10 address the departmental and administered programs for the National Security and Criminal Justice Group.

Each chapter provides:

- a summary of performance and key achievements contributing to the programs
- results of evaluations or reviews
- purchaser/provider arrangements, where relevant
- outlook for the following financial year
- reporting against the key performance indicators for the program and related administered items.

The report includes a selection of case studies that provide an insight into the people behind some of the department's key achievements.

## 2011–12 resource statement

**Table 5.1:** Attorney-General's Department resource statement, 2011–12

	Actual available appropriations for 2011–12 (\$'000)	Actual Expenses 2011–12 (\$'000)	Balance remaining (\$'000)
<b>ORDINARY ANNUAL SERVICES<sup>1</sup></b>			
<b>Departmental appropriation</b>			
Prior year departmental appropriation	94,940	57,204	37,736
Departmental appropriation	228,495	227,251	1,244
S 31 relevant agency receipts	37,661	36,540	1,121
<b>Total Departmental appropriation</b>	<b>361,096</b>	<b>320,995</b>	<b>40,101</b>
<b>Administered expenses</b>			
Outcome 1	416,739	413,787	2,952
<b>Total Administered expenses</b>	<b>416,739</b>	<b>413,787</b>	<b>2,952</b>
<b>Total ordinary annual services</b>	<b>777,835</b>	<b>734,783</b>	<b>43,052</b>
<b>OTHER SERVICES<sup>2</sup></b>			
<b>Administered expenses</b>			
Specific payments to states, ACT, NT and local government			
Outcome 1	5,709	5,461	248
<b>Total</b>	<b>5,709</b>	<b>5,461</b>	<b>248</b>
<b>Departmental non-operating</b>			
Prior year departmental appropriation	3,006	2,834	172
Equity injections	8,057	6,109	1,948
<b>Total departmental non-operating</b>	<b>11,063</b>	<b>8,943</b>	<b>2,120</b>

	Actual available appropriations for 2011-12 (\$'000)	Actual Expenses 2011-12 (\$'000)	Balance remaining (\$'000)
<b>Administered non-operating</b>			
Prior year administered appropriation	70,611	-	70,611
Administered assets and liabilities	18,671	13,551	5,120
<b>Total administered non-operating</b>	<b>89,282</b>	<b>13,551</b>	<b>75,731</b>
<b>Total other services</b>	<b>106,054</b>	<b>27,955</b>	<b>78,099</b>
<b>Total available annual appropriations and payments</b>	<b>883,889</b>	<b>762,738</b>	<b>121,151</b>
<b>SPECIAL APPROPRIATIONS</b>			
<b>Special appropriations limited by criteria/entitlement</b>			
<i>Law Officers Act 1964 s 16(13) – former Solicitors-General</i>	450	292	158
<i>National Firearms Program Implementation Act 1996</i>	75	-1,754	1,829
<i>Social Security (Administration) Act</i>	85,500	79,879	5,621
<b>Total special appropriations</b>	<b>86,025</b>	<b>78,417</b>	<b>7,608</b>
<b>Total appropriations excluding special accounts</b>	<b>969,914</b>	<b>8421,155</b>	<b>128,759</b>
<b>SPECIAL ACCOUNTS</b>			
Opening balance	17,208	17,208	-
Appropriation receipts	-	-	-
Appropriation receipts – other agencies	-	-	-
Non-appropriation receipts to special accounts	5,645	-	5,645
Payments made	-	8,097	-8,097
<b>Total special accounts</b>	<b>22,853</b>	<b>25,305</b>	<b>-2,452</b>
<b>Total Resourcing and Payments</b>	<b>992,767</b>	<b>866,460</b>	<b>126,307</b>
<b>Total net resourcing for agency</b>	<b>992,767</b>	<b>866,460</b>	<b>126,307</b>
CAC Act = <i>Commonwealth Authorities and Companies Act 1997</i>			
All figures are GST exclusive			
Notes:			
1. Appropriation Bill (No 1) 2011-12 and Appropriation Bill (No 3) 2011-12.			
2. Appropriation Bill (No 2) 2011-12 and Appropriation Bill (No 4) 2011-12.			

## Resource summaries

**Table 5.2:** Resource summary, Outcome 1 – A just and secure society through the maintenance and improvement of Australia’s law and justice framework and its national security and emergency management system

	Actual available appropriations 2011–12 \$'000 (a)	Actual Expenses 2011–12 \$'000 (b)	Variation \$'000 (a)-(b)
<b>Program 1.1: Attorney-General's Department Operating Expenses – Civil Justice and Legal Services</b>			
<b>Departmental expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	88,662	87,395	1,267
Revenues from independent sources (Section 31)	10,530	11,703	-1,173
Expenses not requiring appropriation in the Budget year	15,383	53,850	-38,467
<b>Total for Program 1.1</b>	<b>114,575</b>	<b>152,948</b>	<b>-38,373</b>
<b>Program 1.2: Attorney-General's Department Operating Expenses – National Security and Criminal Justice</b>			
<b>Departmental expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	117,414	118,260	-846
Revenues from independent sources (Section 31)	27,131	24,837	2,294
Expenses not requiring appropriation in the Budget year	18,420	24,347	-5,927
<b>Total for Program 1.2</b>	<b>162,965</b>	<b>167,444</b>	<b>-4,479</b>
<b>Program 1.3: Justice Services</b>			
<b>Administered expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	78,741	78,685	56
Special appropriations	450	292	158
<b>Total for Program 1.3</b>	<b>79,191</b>	<b>78,977</b>	<b>214</b>
<b>Program 1.4: Family Relationships</b>			
<b>Administered expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	164,992	164,875	117
Expenses not requiring appropriation in the Budget year			
<b>Total for Program 1.4</b>	<b>164,992</b>	<b>164,875</b>	<b>117</b>
<b>Program 1.5: Indigenous Law and Justice</b>			
<b>Administered expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	124,272	124,271	1
<b>Total for Program 1.5</b>	<b>124,272</b>	<b>124,271</b>	<b>1</b>

	Actual available appropriations 2011-12 \$'000 (a)	Actual Expenses 2011-12 \$'000 (b)	Variation \$'000 (a)-(b)
<b>Program 1.6: National Security and Criminal Justice</b>			
<b>Administered expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	47,693	45,776	1,917
Other services (Appropriation Bill No. 2)	5,709	5,461	248
Special appropriations	75	-1,754	1,829
Special accounts	15,584	8,097	7,487
Expenses not requiring appropriation in the Budget year	6,230	4,455	1,775
<b>Total for Program 1.6</b>	<b>75,291</b>	<b>62,034</b>	<b>13,257</b>
<b>Program 1.7: Australian Government Disaster Financial Support Payments</b>			
<b>Administered expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	150	181	-31
Special appropriations	85,500	79,879	5,621
<b>Total for Program 1.7</b>	<b>85,650</b>	<b>80,060</b>	<b>5,590</b>
<b>Outcome 1 totals by appropriation type</b>			
<b>Administered expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	415,848	413,787	2,061
Other services (Appropriation Bill No. 2)	5,709	5,461	248
Special appropriations	86,025	78,417	7,608
Special accounts	15,584	8,097	7,487
Expenses not requiring appropriation in the Budget year	6,230	4,479	1,751
<b>Departmental expenses</b>			
Ordinary annual services (Appropriation Bill No. 1)	206,076	205,655	421
Revenues from independent sources (Section 31)	37,661	36,540	1,121
Expenses not requiring appropriation in the Budget year	33,803	78,196	-44,393
<b>Total expenses for Outcome 1</b>	<b>806,936</b>	<b>830,633</b>	<b>-23,697</b>
<b>Average Staffing level (number)</b>	1,482	1,430	

## Services to ministers and Parliament

### Ministerial correspondence

During the reporting period, the department processed approximately 28,122 items of correspondence addressed to the Attorney-General or the Minister for Home Affairs and Justice – an average of about 108 items a day. This is an increase of approximately 35 per cent from the previous financial year.

The department’s Parliamentary Workflow Solution, ExecCorro for Government, has driven a reduction in key performance timeframes for closing ministerial correspondence items as well as providing a platform for the introduction of paperless processing of ministerial correspondence within the department.

Common topics and issues arising in ministerial correspondence included same-sex marriage and the Marriage Act, cluster munitions, deaths in custody, convoy of no confidence, carbon pricing, live animal exports, Wikileaks, copyright, classification, the Family Court and family law, Family Violence Bill, and Constitutional Recognition of Indigenous Australians.

### Parliamentary questions on notice

The statistics in Table 5.3 are provided for the department only. They do not include submissions, correspondence, briefs, questions on notice, or speeches prepared by portfolio agencies.

**Table 5.3:** Services to ministers and Parliament, 2011–12

Outcome/Output	Submissions to Ministers	Cabinet submissions lodged	Responses provided to ministerial correspondence	Responses to questions on notice	Briefs *	Speeches
<b>Outcome 1</b> – A just and secure society through the maintenance and improvement of Australia’s law and justice framework and its national security and emergency management system	1,022	20	4,936	49	653	98

\* Approximate number of meeting briefs, possible parliamentary question and ministers’ office briefs (does not include updated briefs or briefs provided by portfolio agencies)

## Information Publication Scheme

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. The department displays on its website ([www.ag.gov.au](http://www.ag.gov.au)) a plan showing the information it publishes in accordance with the IPS requirements.



“ developing close cooperation  
with our counterpart agencies  
in Indonesia ”

## OUR PEOPLE

Sam Wade, International  
Crime Cooperation Division.





## The department strengthens its international presence

In a major development, the Attorney-General's Department posted its first officer to the Australian Embassy in Jakarta in 2012. As the only Attorney-General's Department representative in Indonesia, Sam Wade is very busy. While his primary responsibility is managing the department's program of cooperation with Indonesia on counter-terrorism (the Strengthening Legal Frameworks to Counter-Terrorism program) he also represents the department's broader portfolio interests in Indonesia. But Sam believes the long hours are worth it.

'The counter-terrorism program facilitates close cooperation between the department and our counterpart agencies in Indonesia. We work together to enhance counter-terrorism legislation, train officials and prosecutors and improve people-to-people links between Indonesia and Australia', Sam explained.

'The program allows officials from both countries to share their expertise and discuss common challenges. It is a learning experience for everyone involved', Sam added.

The department's decision to post its first officer to Indonesia reflects the importance that Australia places on the bilateral legal relationship with Indonesia.

'Australia and Indonesia have shared interests across a wide range of sectors; both countries gain significantly through closer cooperation. Posting an officer to the Embassy in Jakarta presents opportunities for greater understanding and engagement that would not otherwise be possible', said Sam.

For example, Australia and Indonesia have a shared goal of fighting corruption and the department is working with Indonesia's Corruption Eradication Commission to recover the proceeds of corruption.

Sam is enjoying his time in Indonesia, but the posting is not without its challenges. 'I have been described on more than one occasion as tone deaf. While this is not necessarily an inaccurate description, in my defence, our Indonesian colleagues set the karaoke bar fairly high.'



## Outcome 1

**A just and secure society through the maintenance and improvement of Australia's law and justice framework and its national security and emergency management system.**

### Overview

The Attorney-General's Department made significant progress towards the achievement of Outcome 1 through the development of policies and programs aimed at improving Australia's law and justice framework and national security and emergency management system.

### Family law

The department undertook a broad range of work to improve the family law system's response to family violence through:

- the passage of the *Family Violence Amendment (Family Violence and Other Measures) Act 2011*
- the development of a common risk identification framework for family violence
- the extension of the Coordinated Family Dispute Resolution pilot (until April 2013).

The department engaged an international mediator training organisation in May 2012 to train a select group of senior Family Dispute Resolution Practitioners from key organisations around Australia, including Legal Aid Commissions and the Family Court of Australia.

The department continues its role as the Commonwealth Central Authority for the Hague Convention. In 2011–2012, as part of this role, the department received sixty-three abduction applications for the return of children wrongfully removed to Australia and 100 applications for the return of children wrongfully removed from Australia. The department assisted in the return of thirty-seven children from Australia and sixty-six children to Australia. The department also processed and assisted in twenty-two access applications under the Hague Convention.

## Access to Justice Framework

The department continued to promote the Access to Justice Framework which aims to improve access to justice for all Australians. The Access to Justice (Federal Jurisdiction) Bill 2011 was introduced into Parliament on 23 November 2011. The Bill implements a number of measures which will increase the flexibility of courts and tribunals to deliver access to justice.

## Marriage celebrants

The department continued to progress work to implement the Government's 2011 Budget announcement to reform and improve the Marriage Celebrants Program through cost recovery.

## Effective operation of the federal courts

The department continued its work on promoting effective operation of the federal courts and support for an independent judiciary. The Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 and the Courts Legislation Amendment (Judicial Complaints) Bill 2012 were introduced into Parliament on 14 March 2012. These Bills will provide a clear, accountable and effective system for handling complaints against federal judicial officers.

## Military justice

The Military Court of Australia Bill 2012 and the Military Court of Australia (Transitional Provisions and Consequential Amendments) Bill 2012 were introduced into Parliament on 21 June 2012. These Bills will establish the Military Court of Australia under Chapter III of the Constitution to provide a permanent, independent and transparent system of military justice for Australia's defence forces.

## Legal assistance

The department undertook a broad range of activities in the legal assistance area during 2011–12.

It commissioned a review of the National Partnership Agreement on Legal Assistance Services to evaluate the quality, efficiency and cost-effectiveness of service delivery across Commonwealth-funded legal assistance services.

In August 2011, the department engaged Mr AC Neal SC to conduct a review of native title respondent funding. The review considered the efficiency and effectiveness of existing financial assistance arrangements for native title respondents and native title officers. The review also considered a revised interest test and the circumstances in which legal representation may be funded for respondents in native title matters in the context of the consolidated administration of legal financial assistance schemes from 1 July 2012. The report outcomes are available on the department's website.

The department commenced three-year funding agreements with the Aboriginal and Torres Strait Islander legal services. Funding was provided to eight Aboriginal and Torres Strait Islander legal service providers totalling \$63.635 million. The Aboriginal and Torres Strait Islander legal services have provided an estimated 214,000 services across all law types. Legal services commenced in the Torres Strait and Northern Peninsula in October 2011.

Funding totalling \$19.233 million was provided under the Family Violence Prevention Legal Services Program. Fourteen family violence prevention legal service organisations service thirty-one identified high need areas in rural and remote Australia.

The department commissioned two projects relating to the Family Violence Prevention Legal Services Program – a financial control audit and financial viability assessment of funded organisations, and an overall review of the Program. Findings from both reports will be implemented and reported on in 2013. The findings of these reviews will feed into the review of Commonwealth legal assistance services.

Funding totalling \$32.665 million was provided to 138 community legal centres. The community legal centres funded under the program provided more than 235,600 advices, closed more than 50,000 cases, and delivered more than 3,300 community legal education projects nationally.

## Indigenous affairs

The department coordinated the Australian Government response to the House of Representatives Standing Committee on Indigenous Affairs report *Doing time – time for doing: Indigenous youth in the criminal justice system*. The Government response was tabled in Parliament on 24 November 2011, with the Government accepting in whole, in part or in principle all forty of the Report's recommendations.

The department continued to work closely with the Department of Families, Housing, Community Services and Indigenous Affairs to develop an Aboriginal and Torres Strait Islander Safe Communities Strategy. The Council of Australian Government's Working Group on Indigenous Affairs is currently considering the development of the Strategy, and any associated targets.

The department also worked closely with the Department of Families, Housing, Community Services and Indigenous Affairs and other relevant Australian Government departments and the Northern Territory Government to deliver the Stronger Futures in the Northern Territory initiative.

## Human rights

The department continues to engage domestically and internationally on human rights issues.

In June 2012, the department led a high-level Government delegation for Australia's appearance before the UN Committee on the Rights of the Child in Geneva. The appearance provided the Government with the opportunity to set out Australia's record and achievements in implementing our commitments under the Convention and its Optional Protocols on the involvement of children in armed conflict, the sale of children, child prostitution and child pornography.

The passage of the *Human Rights (Parliamentary Scrutiny) Act 2011* is a significant step in demonstrating the Government's commitment to respect and promote human rights. The Act is a key part of Australia's Human Rights Framework and requires that all new legislation must be accompanied by an assessment of compatibility with human rights. A new Parliamentary Joint Committee dedicated solely to human rights scrutiny has also been established under the Act. The Committee has functions to examine new legislation and existing Acts for compatibility with human rights and conduct broader inquiries into any matter relating to human rights which is referred to it by the Attorney-General.

## Whaling in the Southern Ocean

The department continued its role in leading Australia's case against Japan in the International Court of Justice, *Whaling in the Antarctic (Australia v Japan)*, which seeks to end Japan's whaling in the Southern Ocean. Japan filed its written submissions in March 2012 and the Court subsequently decided there would be no second round of written pleadings. The case will now progress directly to oral hearings. These are likely to take place in The Hague in the second half of 2013.

## Plain packaging of tobacco products

In December 2011 the department assumed overall responsibility for the Government's defence of legal challenges to the plain packaging of tobacco products under the *Tobacco Plain Packaging Act 2011*. The department is responsible for the conduct of the investor – state dispute brought by Philip Morris Asia, constitutional challenges, and whole-of-government coordination of the litigation. The department provides support to the Department of Foreign Affairs and Trade in preparing for and defending any challenges to plain packaging in the World Trade Organization.

## National Strategy for Disaster Resilience

The department led initiatives to provide high level guidance to government, business and the community in the national security, emergency management and criminal justice sphere, including continued implementation of the National Strategy for Disaster Resilience.

## National Identity Security Strategy

The department revised the National Identity Security Strategy in collaboration with the states and territories. The revised Strategy will provide a firm base for continuous improvement to the foundation elements of identity security in support of the growth in the digital economy.

## Document Verification Service

The department concluded arrangements for the full operation of the Document Verification Service (DVS), following Victoria's agreement to provide access to their documents. Usage of the system continues to grow – there were approximately 375,000 verifications in the reporting period. Government agencies continue to show strong interest in becoming users of the system.

In May 2012, the Government announced its intention to work extensively with the telecommunications and financial services sectors to develop the policy rationale for private sector access to the DVS. The department continued to work with Commonwealth and state and territory stakeholders to develop the governance and operational procedures to permit access. Seven out of the eight state and territory governments have provided in-principle support for private sector access to their jurisdiction's documents.

## Cyber security

The department worked with other Commonwealth agencies to develop policy responses to emerging cyber security threats, including to the Australian telecommunications network. In 2011-12, the department led and made significant progress in the development of the telecommunications sector security reforms. This also included developing the terms of reference and discussion paper for one of the three national security reforms to be considered by the Parliamentary Joint Committee on Intelligence and Security.

## National Security legislative framework

The department worked cooperatively and collaboratively with portfolio agencies and other departments and agencies in reviewing and improving Australia's national security legislative framework.

The department worked to improve Australia's national security legislative framework, including:

- engaging with the Independent National Security Legislation Monitor, whose first report was tabled during the reporting period
- passage of the *Intelligence Services Legislation Amendment Act 2011* which continued the work on achieving more seamless coordination and information sharing between agencies
- passage of legislation to enable Australia to ratify the International Convention for the Suppression of Acts of Nuclear Terrorism
- maintenance and updating of organisations listed as terrorist organisations under the Criminal Code, and the publication of a protocol outlining the processes and requirements applying to the listing of terrorist organisations
- passage of legislation to provide for financial assistance to Australian victims of terrorism overseas
- working with intelligence, security and law enforcement agencies to develop a range of possible law reform measures aimed at ensuring agencies are adequately equipped to perform their functions in a changing technological environment and with appropriate safeguards and accountabilities. The Attorney-General has referred this package of proposals to the Parliamentary Joint Committee on Intelligence and Security for further consideration, public inquiry and report.

## Chemical Security

By completing important work under the Chemical Security Management Framework, the department made progress towards achieving Outcome 1. This included assessment of the national security risks associated with a number of chemicals of security concern, raising industry and community awareness about national security issues associated with chemicals, and consulting broadly with industry and the community about direct measures to reduce the national security risks associated with chemicals that can be used by terrorists to harm the Australian public.

The department will continue to work towards meeting the national security outcomes under the Chemical Security Management Framework. We will do this by assessing the national security risks associated with chemicals, initiation of further capability development and awareness-raising activities and building on risk mitigation work carried out in 2011–12.

The department has been tasked by the Council of Australian Governments (COAG) to coordinate reforms to harmonise state and territory security-sensitive ammonium nitrate regulations. We will work towards achieving this in close collaboration with states and territories and industry through the National Government Advisory Group and National Industry Reference Group on chemical security.

## Addressing home grown terrorism

The department worked to reduce the risk of home-grown terrorism by strengthening Australia's resilience to radicalisation and assisting individuals to disengage from violent extremist influences and beliefs, through:

- the launch of the Resilient Communities website
- a variety of local engagement activities to empower communities to prevent violent extremism, including a community grants program
- select engagement with our international partners.

## National interception regime

The department continues to engage domestically and internationally with stakeholders on best practice options for maintaining the currency of the national interception regime.

## Cyber crime

The department continued to lead the national response to cyber crime, including the development of a national online cyber crime reporting facility and measures to improve law enforcement capacity to respond to cyber crime.

## Organised crime and firearms

The department took a leading role in the development of a national response to organised crime and firearms, with particular focus on the illicit use and trafficking of firearms.



## Commonwealth Fraud and Corruption Network

The department continued to develop the Commonwealth Fraud and Corruption Network, and provided advice and assistance to a number of agencies in relation to their fraud control arrangements.

## Extradition and Mutual Assistance Reforms

Through the passage of the *Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Act 2012* in February 2012, the department oversaw the most significant reforms to Australia's extradition and mutual assistance laws since the late 1980s. The reforms will ensure that Australia's international crime cooperation laws are modern, efficient and effective, while maintaining access to due process and legislative safeguards for individuals. In particular, the reforms reduce duplication in decision making and increase the range of law enforcement tools that Australian authorities can use to assist with foreign investigations and prosecutions. The reforms follow an extensive public consultation process, which included the release of discussion papers and exposure drafts of the legislation. The reforms commenced on 20 September 2012.

## National Anti-Corruption Plan

The department continues to lead Australia's engagement as a state party to the United Nations Convention Against Corruption. In 2011-12 the department led the review of Australia's compliance with Chapters 3 and 4 of the Convention. The review was conducted by a team of experts from the US and Turkey and facilitated by the United Nations Office on Drugs and Crime. The review found Australia has a comprehensive and proactive approach to combating corruption, and recommended continued progress on a range of important anti-corruption initiatives, such as the development of a National Anti-Corruption Plan.

## Rule of law and effective governance in Asia-Pacific

The department promoted the rule of law and effective governance in Asia-Pacific and Africa by building the capacity of law and justice officials in partner countries and supporting the development of effective laws and legal policy.

For the first time, the department posted an officer to the Australian Embassy in Jakarta to advance the department's work in Indonesia, particularly the rule of law aid program to counter terrorism.

The department continues to deploy officers to Papua New Guinea under the Strongim Gavman Program (SGP), in which the department has the largest contingent with twelve positions in the law and justice (non-policing) sector. In 2011-12, the department's SGP advisers in the Office of the Public Prosecutor assisted in the establishment of a family and sexual offences unit.

## Outlook for 2012–13

In 2012–13 the department will focus on the following priority areas.

### Supporting the Attorney-General as the First Law Officer of the Commonwealth

- provide timely and quality advice to government through the Attorney-General and the Minister for Home Affairs and Justice
- provide a high standard of international law advice and services, including in relation to international litigation such as that involving tobacco plain packaging and Japan's whaling program, to ensure that Australia successfully prosecutes international litigation and acts in accordance with its own international obligations
- contribute to advancing a rules-based global order and developing an international law regime that reflects Australian interests
- develop and implement a Rule of Law Aid Strategy to promote the government's international aid priorities and facilitate coordinated and effective delivery of rule of law aid to partner countries.

For example, the department will continue to promote the rule of law and effective governance in Asia–Pacific and Africa by working with partner countries to build the capacity of law and justice officials and to strengthen laws and processes on transnational crime, people smuggling, people trafficking, terrorism and anti-money laundering; domestic crime and policing (in the Pacific); and international crime cooperation.

#### *Whaling in the Southern Ocean*

The department will continue its lead role in defending Australia's interests in international litigation, including in relation to Japan's whaling in the Southern Ocean.

#### *Plain packaging of tobacco products*

The department will also continue to carry out its overall responsibility for the Government's defence of legal challenges to the plain packaging of tobacco products in 2013. This will include the conduct of the investor – state dispute, and assistance to the Department of Foreign Affairs and Trade in preparing for and defending any challenges to plain packaging in the World Trade Organization.

### Protecting national security and building resilient communities

- develop capability and capacity within the community to prepare for, prevent, respond to, mitigate and recover from national security threats
- through the countering violent extremism program (CVE), promote a safe and inclusive Australia by assisting individuals to disengage from violent extremist influences and build communities that are less vulnerable to the processes of radicalisation, to reduce the potential for a home-grown terrorist attack
- develop policy to manage Australia's borders

- support a whole-of-nation, resilience-based approach to emergency management policy and programs.
- the department will continue to develop and implement the telecommunications sector security reforms to ensure that governments and industry are able to plan and react to events impacting upon the integrity of telecommunications infrastructure. This work will be informed by the Parliamentary Joint Committee on Intelligence and Security inquiry's outcomes.

The department will progress work on:

- reviewing and improving the national security legislative framework through:
  - engaging with and responding to issues raised by the Independent National Security Legislation Monitor, who has an ongoing role in examining Australia's counter-terrorism and national security legislation
  - supporting the COAG Review of Counter-Terrorism Laws which will be conducted in the second half of 2012
- implementing the new regime for financial assistance for Australian victims of terrorism overseas, which will include broad consultation on principles to guide the quantum of payments to victims and close family members.

The department will continue to manage the national CVE program, ensuring that Australian, state and territory agencies support and contribute to a national coordinated approach to countering violent extremism.

### *Emergency management*

The department will continue work to upgrade the Wireless Priority Service System (WPSS) from the 2G to the 3G network, to provide WPSS users with easier access to the WPSS function and improved coverage across Australia. This will assist key regional emergency responders and national decision-makers to deploy resources to areas of greatest need quickly.

### *Disaster recovery*

The department will continue to work with states and territories to improve disaster recovery by ensuring that the Natural Disaster Relief and Recovery Arrangements (NDRRA) are strengthened and targeted appropriately. A key area of focus for the NDRRA will be improving the consistency of the provision of Category C assistance measures which support communities and sectors severely impacted by a natural disaster. The completed review of state and territory insurance arrangements may also provide opportunities to further consider the Commonwealth's role in natural disaster relief and recovery costs.

The department will continue to work with key stakeholders to implement improved forecasting and validation of Commonwealth NDRRA expenditure on natural disasters.

The department will contribute to the implementation of the recommendations from the COAG Review of Effectiveness of Relief and Recovery Payments.

## Combating serious and organised crime and corruption

- engage in international legal cooperative efforts against crime
- develop policies to reduce Australia's exposure to corruption risks, including through transnational crime
- implement the Organised Crime Strategic Framework to ensure a coordinated, collaborative and priority-driven approach to combating organised crime.

For example, as a state party to the United Nations Convention Against Corruption, Australia is required to assist in review of state parties' compliance with the Convention. During 2012–13, the department will lead Australia's review of Tanzania's and the Netherlands' compliance with the Convention. Both reviews will be facilitated by the United Nations Office of Drugs and Crime, and Australia will partner with Mozambique in reviewing Tanzania, and with Uruguay in reviewing the Netherlands.

As announced by the Minister for Home Affairs in September 2011, the department is leading the development of a National Anti-Corruption Plan. The Plan will provide a clear statement of our whole-of-government approach to combating corruption and aims to ensure the Commonwealth is adequately equipped to deal with existing and emerging corruption threats. The department is leading an extensive public consultation process to inform the development of the Plan.

## Promoting equity and efficiency to improve access to justice

- support a legal framework for equitable access to fair, simple, effective dispute resolution mechanisms, including federal courts and tribunals
- improve the clarity and accessibility of Commonwealth laws
- promote the development of streamlined and integrated family support services
- improve the administrative justice system to support better informed, fairer and more responsive government decision making.

For example, the department will continue to pursue the introduction of mediation into Hague abduction and access matters through its membership of the Malta Process Working Party. There has been an increase in abduction applications lodged under the Hague Convention on the Civil Aspects of International Child Abduction over the last two financial years. The department expects that this trend will continue in 2012–13.

On 23 June 2012, the Attorney-General announced that the Australian Government will issue a formal apology to those affected by forced adoption practices. The department will work closely with the Reference Group appointed by the Attorney-General to advise on the wording and delivery of the Australian Government's apology to those affected, as well as other stakeholders, in coordinating the Government's response.

The department will improve the services delivered to Commonwealth-registered marriage celebrants, including increased access to the Marriage Law and Celebrants Section; new technology; and enhanced information. It will also work on more effective regulation of Commonwealth-registered marriage celebrants through strengthened application, performance review and complaints-handling mechanisms.

The department will work to finalise the court fees package announced in the 2012-13 Budget and amend the regulations to ensure the reforms commence on 1 January 2013. The department will continue to work closely with the federal courts on this issue.

Work will continue on the review of legal assistance. The review will ensure that legal assistance is of high quality and targeted to those most in need, and that the delivery of legal assistance is cost effective and coordinated with other service provision and done in collaboration across the legal assistance sector. The review is to be completed by 30 June 2013.

## Protecting people's rights

- ensure equitable access to and enjoyment of the rights, benefits and protections of the justice system for vulnerable and disadvantaged Australians at risk of social exclusion
- implement Australia's Human Rights Framework through enhanced scrutiny of legislation and human rights education
- develop policies to strengthen community safety for Indigenous Australians
- develop privacy and information policy to improve protections for individuals in an environment of rapid technological change
- improve outcomes in native title claims resolution and agreement-making, with a focus on promoting economic opportunities for Indigenous communities.

### *Indigenous affairs*

All jurisdictions have agreed to undertake a comprehensive evaluation of the National Indigenous Law and Justice Framework in 2013-14. The purpose of the evaluation is to consider the policy and program changes since the endorsement of the framework at a national level and at a state and territory level, as well as issues identified in its application.

All jurisdictions are working together on a series of evaluations of good practice initiatives under the framework. The evaluations are funded by the Commonwealth and include twenty-six programs across five broad subject areas. The first tranche of the evaluations are scheduled for completion in December 2012. The second tranche will be finalised in October 2013.

The department will review the Indigenous Justice Program guidelines and undertake a funding round in 2013-14.

### *Human rights*

In 2012-13, the department's lead role in implementing the *Human Rights (Parliamentary Scrutiny) Act 2011* will continue and preparatory work will also commence to review the Act as part of the overall Human Rights Framework review in 2013-14.

## Adapting law and law enforcement in the digital economy

- develop policy to support microeconomic reform to maximise innovation, productivity and efficiencies in business and government
- combat criminal activity in the online environment
- strengthen the Australian Government's approach to identity security, to improve trust and confidence in the online environment and support the growing number of services that make use of new and emerging information and communication technologies
- develop measures to reduce regulatory burdens and improve productivity through harmonisation of laws and support for economic reforms.

For example, the department will implement projects under the National Identity Security Strategy. Key projects include a Biometrics Interoperability Framework and expansion of the DVS to selected areas of the private sector. An identity crime and misuse evidence base, a stock-take of the security features of major identity credentials and an identity security education and awareness project will also be delivered in 2012–13.

### Major measures

The major measures for the department for 2012–13 are strengthening community safety and access to justice for Indigenous Australians in the Northern Territory; building the effectiveness of police, government officials and laws in Pacific partner countries; strengthening human rights; and extending the government's DVS to the private sector on a cost-recovery basis to combat identity fraud.

The department will continue to work closely and cooperatively with its portfolio agencies, other government agencies (Commonwealth, state and territory), advisory bodies, businesses, professional associations, community organisations and citizens in achieving its objectives.

The department will continue to strengthen its relationship with citizens; its capacity to provide strategic policy; the efficiency, quality and agility of its services; and its ability to look forward and proactively position itself to address the challenges facing the nation in coming years.

The legislative drafting and publishing functions in the department will be transferred to the Office of Parliamentary Counsel (OPC). The date of the transfer is anticipated to be 1 October 2012. The *Parliamentary Counsel and Other Legislation Amendment Act 2012*, which was passed in July 2012, provides enabling legislation.



“ Australia receives positive report for anti-corruption initiatives ”

## OUR PEOPLE



Claire Cocker and Kieran Butler,  
International Crime Cooperation Division.



## United Nations Convention against Corruption review

In 2011-12 the Attorney-General's Department led the review of Australia's compliance with the United Nations Convention against Corruption (UNCAC). The review was conducted by experts from the United States and Turkey and facilitated by the United Nations Office on Drugs and Crime.

The review involved the completion of a comprehensive 300 page self-assessment report by Australia, extensive consultation with government stakeholders, a public consultation process, and a country visit by the review team. Claire Cocker, a Senior Legal Officer in the International Crime Cooperation Division, said the completion of Australia's review has been a positive experience.

'It was a great experience for us to be able to work on a project with anti-corruption experts from other countries and to be able to share experiences and international best practice.

'As the primary contact officer for the review, I was able to gain an in-depth understanding of the wide variety of work undertaken across the Commonwealth that collectively forms our anticorruption architecture.'

The Executive Summary of the report was formally lodged at the meeting of the UNCAC Implementation Review Group in Vienna on 18 June 2012, and Australia was commended for its comprehensive and proactive anti-corruption arrangements. The report highlights a number of good practices undertaken by Australia including the unexplained wealth provisions of the *Proceeds of Crime Act 2002*; Australia's development and expansion of a federal non-conviction-based asset forfeiture scheme;

the comprehensive range of investigative tools for fighting corruption; and Australia's money laundering offences that go beyond the minimum UNCAC standards.

Kieran Butler, a Principal Legal Officer in the International Crime Cooperation Division, said the review process has provided a useful opportunity to reflect on how we can improve our ability to effectively combat corruption, and how we can utilise those lessons in our engagement with countries in our region.

'Conducting an in-depth examination of Commonwealth anti-corruption arrangements through this review has proven invaluable. In 2012 the International Crime – Policy and Engagement Branch is developing Australia's first National Anti-Corruption Plan which will ensure the Commonwealth is adequately equipped to tackle emerging corruption risks and effectively coordinate our efforts.

'The results of the UNCAC review and feedback from the public consultation process in developing our self-assessment report are critical tools for the development of the Plan.'

As a state party to UNCAC, Australia is required to assist in review of state parties' compliance with the Convention. During 2012-13, the department will lead Australia's review of Tanzania's and the Netherlands' compliance with the Convention. Both reviews will be facilitated by the United Nations Office on Drugs and Crime, and Australia will partner with Mozambique in reviewing Tanzania, and with Uruguay in reviewing the Netherlands.

