

OVERVIEW

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Secretary's review

Introduction

The Attorney-General's Department delivers work across a diverse range of portfolio responsibilities spanning national law and justice initiatives, national security and emergency management. Each of these areas is represented in, and contributes to, the department's mission to achieve a just and secure society.

The department's six priorities from our Strategic Plan for 2012-2015 underpin this mission. Those priorities are:

- supporting the Attorney-General as the First Law Officer of the Commonwealth
- adapting law and law enforcement in the digital economy
- promoting equity and efficiency to improve access to justice
- protecting people's rights
- combating serious and organised crime and corruption
- protecting national security and building resilient communities.

While the department's work may appear to span multiple policy agendas and interests, in practice there is no clear division between work that contributes to a just society and work that advances security. Indeed, the agenda for justice and the agenda for security are mutually compatible. A just society endures when it is underpinned by security, resilience and the rule of law.

Justice and security

The department and portfolio agencies administer laws, policies and programs that incorporate a fine balancing of interests to give effect to the Australian Government's justice and security agenda. The following examples demonstrate how we uphold this joint agenda in our work in Australia and overseas.

Maintaining national security, protecting human rights and fostering social inclusion

Effective counter-terrorism measures and robust human rights checks and balances are complementary and mutually reinforcing features of a strong democracy. Ultimately, communities that uphold human rights and human dignity are more cohesive and less susceptible to indoctrination by radical elements.

Our counter-terrorism laws incorporate safeguards and accountability mechanisms to ensure the appropriate recognition and preservation of human rights. For example, all Bills and disallowable legislative instruments — including national security and counter-terrorism legislation — are scrutinised for their compatibility with Australia's international human rights obligations.

Our work to counter violent extremism aims to reduce the risk of home-grown terrorism by strengthening Australia's resilience to radicalisation, promoting social inclusion and assisting individuals to resist extremist influences and beliefs. Community engagement is a crucial component of this work, as communities are often best placed to take preventative action before individuals come to the attention of law enforcement or security agencies.

Strengthening the rule of law, combating transnational crime and building regional security

The department and portfolio agencies work closely with our neighbours in the Asia-Pacific region to strengthen the rule of law, combat transnational crime, and build more sustainable regional security. To reduce poverty and build regional security, countries need governance systems that equip them to combat corruption and crime and to address the threats these issues present to their development and prosperity.

We work with governments in the Pacific to build institutional capability, including legal frameworks to support policing and law and justice programs to improve community safety. The Australian Federal Police joins us in these efforts by assisting other police services to build their operational capacity to provide quality and sustainable policing. Our combined efforts contribute to police services that are accountable to citizens, delivering services and leadership that cement and protect the rule of law.

Our work with partners in Asia and the Pacific has helped to combat transnational crime by promoting more effective governance structures, legal frameworks and strengthened law enforcement. With our support, various countries have strengthened their legal systems to tackle domestic crime and close avenues for irregular migration, as well as fight people smuggling, human trafficking, terrorism, money laundering and other transnational crime. This work is based on agreed international standards, promoting greater stability and security across the region.

Enhancing access to justice

Throughout the year the department assumed important access to justice roles to assist the Australian Government to take steps to address two areas of alleged systemic abuse in Australian institutions: abuse in the Australian Defence Force and institutional responses to child sexual abuse.

The Defence Abuse Response Taskforce was established on 26 November 2012 to determine, in close consultation with complainants, the most appropriate outcomes in response to allegations of abuse in the Defence Force. A considerable number of our staff are supporting the Taskforce to discharge its operational functions.

The department has worked collaboratively with other government departments to establish and support the Royal Commission into Institutional Responses to Child Sexual Abuse, which was established on 11 January 2013. The inquiry is expected to continue over three years.

We assisted the Australian Government to deliver an apology on 21 March 2013 to people affected by forced adoption and removal policies and practices. We contributed to the development of the apology and organised an event which was attended by approximately 1000 people at Parliament House in Canberra.

Alternative dispute resolution (ADR) is an important mechanism which can deliver better outcomes, reducing the conflict and cost for parties and the community as well as the burden on the civil courts. In July 2012, the Attorney-General launched *Your Guide to Dispute Resolution*, a plain language guide for a diverse audience giving detailed guidance for all government agencies on the effective use of ADR. Additionally, the department published its own Dispute Management Plan.

Improving Indigenous justice

We worked across government and with Indigenous stakeholders on Indigenous justice initiatives to reduce crime, re-offending and victimisation in Indigenous communities. Our work through the Family Violence Prevention Legal Services Program helped to reduce community and family violence and improve access to justice for family violence victims. We assisted Indigenous Australians to exercise their legal rights by providing funds for Indigenous-specific culturally-appropriate legal services.

Leading international litigation

The department continued its leadership role in representing the Australian Government in international litigation. Australia's case against Japan in the International Court of Justice, Whaling in the Antarctic (Australia v Japan; New Zealand Intervening), seeks to end Japan's whaling in the Southern Ocean. Oral hearings took place in June-July 2013 at the Peace Palace in The Hague, and represent the last phase of the legal proceedings before the Court makes its decision.

We continued to lead the Australian Government's defence to legal challenges to the plain packaging of tobacco products under the Tobacco Plain Packaging Act 2011 and related legislation. The department has conduct of the investor-state dispute brought by Philip Morris Asia, constitutional challenges and whole of government coordination of the litigation. Additionally, we provided support to the Department of Foreign Affairs and Trade in defending challenges to plain packaging in the World Trade Organization.

Reforming privacy protections

The department continued to steer the development and finalisation of major reforms to enhance privacy protections for Australians. The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* contains the most significant changes to Australia's privacy laws in almost 25 years. The reforms will create unified privacy principles, a more comprehensive credit reporting system and stronger enforcement powers for the Australian Information Commissioner.

Enhancing the digital economy

In January 2013, Australia adopted the first R18+ (Restricted) category for adult computer games. The category was agreed to by states and territories, following an extensive period of consultation with the gaming community, the general public and the computer games and retail industries. Following the adoption, we worked with stakeholders to ensure the smooth roll-out of the new category.

Cybercrime is an issue of national and international significance that has serious economic and social consequences. On a national level, we helped develop a National Plan to Combat Cybercrime to unify and align current and future efforts across jurisdictions. Mandatory data breach notification laws will also require government agencies and private sector organisations to notify serious data breach incidents to affected individuals and the Australian Information Commissioner.

At an international level, we worked with international partners in the global fight against cybercrime. In March 2013, Australia became a party to the Council of Europe's Convention on Cybercrime. The department has worked to ensure Australia has in place the necessary legislation and international crime cooperation mechanisms. The Convention's main objectives are to harmonise criminal laws and improve international cooperation in respect to cybercrime.

Building disaster resilience

Under the National Strategy for Disaster Resilience, we identified improvements to meet the recovery needs of people and communities which will be in place for the activation of relevant disaster assistance programs leading up to summer 2013–14. The National Emergency Management Projects program funded projects to develop a new national fire danger rating system, a national impact assessment framework and a community resilience measurement tool.

The Australian Government Crisis Coordination Centre worked closely with the states and territories to contribute to whole-of-government situational awareness and coordinate assistance following a number of natural disasters. The Centre deployed a medical assistance team to the Solomon Islands as part of an AusAID led response to a dengue fever outbreak.

Increasing efficiency

Throughout the year, our Ministerial and Cabinet support areas worked tirelessly to accommodate a number of ministerial changes. Further, we introduced a number of efficiencies to help offset the increasing fiscal pressures experienced by all government departments. These include the implementation of a new parliamentary workflow solution and associated business processes and improvements, and a new financial workflow system to enhance our internal procurement and financial compliance processes.

Outlook for 2013-14

The coming year presents a series of challenging priorities for the department. We will continue our important roles in the Defence Abuse Response Taskforce and the Royal Commission into Institutional Responses to Child Sexual Abuse, and our defence of Australia in international litigation, including in proceedings on the plain packaging of tobacco products.

One of our most important tasks for 2013-14 will be supporting a referendum on the recognition of Indigenous peoples in the Constitution. The department will also examine how to best enhance individual rights and liberties and strengthen the safety of Australian communities. Key areas of focus will also include supporting the Australian Government to deliver stronger borders and working with the states and territories on a national response to organised crime.

The department will support agencies to combat the use of cyber technology in criminal and terrorist activities, provide practical support for safety in local communities and schools and foster a greater focus on resilience and mitigation in emergency management. Significant tasks include co-chairing the G20 Anti Corruption Working Group during Australia's G20 Presidency and contributing to the Australian Government's deregulation efforts including the promotion of greater legislative restraint and simplicity to reduce the regulatory burden on business.

As always, we will continue to provide advice and support to the Attorney-General and the Solicitor-General as First and Second Law Officers of the Commonwealth. We will continue to deliver expert legal advice to the Australian Government about issues relating to the federal courts, and on the application and interpretation of international law on areas including trade, maritime boundaries, activities in cyberspace, security, refugees, the law of the sea and the environment.

Our staff has worked with energy and commitment over the past year in collaboration with their colleagues across our portfolio to deliver outcomes for the Australian Government. We welcome our new colleagues from the Ministry of Arts as they join us. We will be working together to ensure the arts, like justice, is accessible to the broader community.

Our people are our greatest asset. As always, I am grateful for their service and expertise and, together, look forward to tackling the challenges ahead.

About the portfolio

The Attorney-General's portfolio provides expert advice and services on a range of law and justice, national security and emergency management issues to our ministers and the Australian Government. The portfolio contributes to the Australian Government's priorities for a stronger and fairer Australia that is capable of meeting new and evolving challenges.

The department is the central policy and coordinating element of a very diverse portfolio, providing leadership on issues critical to the effective delivery of portfolio responsibilities. The portfolio covers wide ranging areas such as administrative law, bankruptcy law, emergency management, Commonwealth courts and tribunals, inter-country adoption, national security and counter-terrorism, human rights, Indigenous justice, organised crime, criminal law, customs and border protection, policing and law enforcement and security intelligence. The portfolio includes the statutory office of the Solicitor-General, who is the Second Law Officer of the Commonwealth (the Attorney-General is the First Law Officer). The annual reporting requirements and arrangements for those portfolio elements not covered by this Annual Report are set out in Appendix 1.

Structure of the portfolio

The portfolio is structured as follows:

- Attorney-General's Department
- Administrative Appeals Tribunal
- Australian Commission for Law Enforcement Integrity
- Australian Crime Commission
- Australian Customs and Border Protection Service
- Australian Government Solicitor
- Australian Federal Police
- Australian Human Rights Commission
- Australian Institute of Criminology
- Australian Law Reform Commission
- Australian Security Intelligence Organisation
- Australian Transaction Reports and Analysis Centre
- CrimTrac Agency
- Family Court of Australia
- Federal Circuit Court of Australia
- Federal Court of Australia
- High Court of Australia
- Insolvency and Trustee Service Australia
- Office of the Australian Information Commissioner
- Office of the Director of Public Prosecutions
- Office of Parliamentary Counsel

Changes to the portfolio

The functions of the former Office of Legislative Drafting and Publishing within the department were transferred to the Office of Parliamentary Counsel from 1 October 2012.

On 12 April 2013, the Federal Magistrates Court of Australia became known as the Federal Circuit Court of Australia to reflect the court's modern role in the judicial system. The title of the Chief Federal Magistrate became the Chief Judge, and the Court's magistrates became known as judges.

In the 2012–13 Budget, the Australian Government announced its decision to effect native title institutional reform in relation to the operations of the National Native Title Tribunal and the Federal Court of Australia to provide a more efficient and effective native title system. These reforms were finalised on 12 March 2013, with the commencement of the *Courts and Tribunals Legislation Amendment (Administration) Act 2013*. The reforms transferred the Tribunal's budget, staff and some administrative functions to the Federal Court of Australia, removing the Tribunal's status as a *Financial Management and Accountability Act 1997* (FMA Act) agency.

Our ministers

As at 30 June 2013, the portfolio had the following ministers and parliamentary secretary:

- The Hon Mark Dreyfus QC MP, Attorney-General and Minister for Emergency Management
- The Hon Jason Clare MP, Minister for Home Affairs and Minister for Justice
- The Hon Shayne Neumann MP, Parliamentary Secretary to the Attorney-General.

About the department

What we do

We are the central policy and coordinating department of the Attorney-General's portfolio. In 2012-13 the department focused on the following priority areas:

- supporting the Attorney-General as the First Law Officer of the Commonwealth
- adapting law and law enforcement in the digital economy
- promoting equity and efficiency to improve access to justice
- protecting people's rights
- combating serious and organised crime and corruption
- protecting national security and building resilient communities.

The department continues to work closely and cooperatively with its portfolio agencies, other government agencies, advisory bodies, businesses, professional associations, community organisations and citizens in achieving its objectives. Further, it continues 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.

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DisasterWatch

The free *DisasterWatch* phone application, developed by the department, aims to improve communication with, and education of, people about the risk of disaster.

The DisasterWatch app contains news and information about disaster events in Australia via direct feeds from authoritative sources nationally. The aim of the app is to provide a basic, reliable service, with consistent, national, all-hazard coverage to increase risk awareness and help users make informed decisions.

DisasterWatch has been downloaded and installed on nearly 30,000 devices and now includes 40 feeds from 25 agencies. A survey conducted by the department indicated that over

50 per cent of users use the app all the time or regularly and around 70 per cent of users think the app is effective in providing information during emergency events.

Improvements have been made to the app on a regular basis since it was launched in response to user feedback. The most significant update for the app was in late September 2012 when Twitter feeds were added, reflecting greater use of Twitter as a means of broadcasting information.

The DisasterWatch App



Organisational, outcome and program structure

The Australian Government seeks to achieve benefits for the community (outcomes) primarily through programs delivered by agencies. The department's outcome is:

- 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.*

The department's programs are the primary vehicle by which we achieve our outcome. This year, the department's program structure was amended by the addition of a new program — Program 1.8 — following the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse. The department's programs are:

- Program 1.1: Attorney-General's Department Operating Expenses— Civil Justice and Legal Services
- Program 1.2: Attorney-General's Department Operating Expenses — National Security and Criminal Justice
- Program 1.3: Justice Services
- Program 1.4: Family Relationships
- Program 1.5: Indigenous Law and Justice
- Program 1.6: National Security and Criminal Justice
- Program 1.7: Australian Government Disaster Financial Support Payments
- Program 1.8: Royal Commission into Institutional Responses to Child Sexual Abuse.

The department is structured into three groups to deliver these programs effectively and efficiently against strategic aims and broader portfolio objectives:

- **Civil Justice and Legal Services Group:** responsible for access to justice, social inclusion policies and programs, civil law, and international law and human rights.
- **National Security and Criminal Justice Group:** responsible for national security resilience policy and capability development, emergency management and disaster relief, national security law and policy, criminal justice, and international crime cooperation.
- **Strategic Policy and Coordination Group:** responsible for whole-of-department priorities and coordination, finance and property services, constitutional policy development and legal advice, freedom of information, business planning and governance, human resources, and information technology.

The department's outcomes, programs and performance targets are set out each year in the Portfolio Budget Statements and the Portfolio Additional Estimates Statements. This Annual Report responds directly to the performance measures set out in these documents, giving a clear indication of the department's intended and actual performance for the year.

Figure 1.1: Organisational structure at 30 June 2013

