

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Program SPCG

Question No. 77

Senator Barnett asked the following question at the hearing on 18 October 2010:

- a. What is the status of each election commitment from the 2010 election within the portfolio?
Please provide a list.
- b. Has implementation of the 2010 election commitments within the portfolio commenced? If yes, provide details. If not, why not?
- c. Will additional departmental resources be required to implement 2010 election commitments within your portfolio? If yes, provide details. If no, why not? If unable to provide an answer please explain why.
- d. How will the election commitments in your portfolio be offset? Will your portfolio be required to offset the new spending in your portfolio?

The answer to the honourable senator's question is as follows:

a) and b)

Election commitment	Status
<p>Chemicals of Security Concern</p> <ul style="list-style-type: none"> • Work with all Australian Governments on new strategies to address chemicals of security concern, including through the Council of Australian Governments (COAG) Agreement on Australia's National Arrangements for the Management of Security Risks Associated with Chemicals. 	<p>In progress. Industry and public awareness campaign was launched by the Attorney-General in December 2009. Phase II of the campaign will commence in 2011. The COAG Regulatory Impact Statement process covering draft controls on home made explosive precursor chemicals will be undertaken in 2011, subject to agreement by responsible ministers in Australian governments.</p>
<p>Improve Administrative Laws</p> <ul style="list-style-type: none"> • Improve the operation of the administrative law regime • Look for opportunities to better integrate administrative tribunals • Develop improved administrative law guidelines for Federal officials 	<p>In progress. AGD has agreed priorities for administrative law that will support the ongoing development of the administrative law regime (this will be supported by AGD's ongoing dialogue with the Administrative Review Council and other Commonwealth Government agencies via the Commonwealth Administrative Justice Forum.) By December 2010, two Commonwealth Administrative Justice Forums will have been held, the central administrative law policy guides will be well developed and an upgraded administrative law website will be under construction.</p> <p>AGD is undertaking preliminary work to identify the scope for and possible benefits of increased tribunal cooperation.</p>

<p>Dispute resolution, particularly in family law</p> <ul style="list-style-type: none"> • Continue to help people resolve their disputes quickly particularly in the area of family law 	<p>In progress. The Civil Dispute Resolution Bill 2010 passed the House of Representatives on 20 October 2010 and was introduced in the Senate on 25 October 2010. Legislation is also underway to enhance family dispute resolution to extend to property and spousal maintenance and to provide for conciliation and arbitration in children's matters, property and spousal maintenance. The implementation of pilots of legally assisted family dispute resolution in family violence cases have commenced.</p>
<p>Reduce complexity in our laws and legal systems</p> <ul style="list-style-type: none"> • Establish the Military Court of Australia, providing a permanent solution for handling service offences in the military justice system. • Improve family law services for litigants in the family courts • Progress the Government's clearer laws agenda to improve the quality and accessibility of Commonwealth legislation. 	<p>In progress. Bills have been prepared to: establish the Military Court and make consequential amendments to the military justice system; the Access to Justice (Family Court Restructure and Other Measures) Bill will be re-introduced; and over the next twelve months the Government's Action Plan for Clearer Laws will be rolled out across government to improve the clarity of Commonwealth legislation.</p>
<p>National Plan to Reduce Violence Against Women and Children</p> <ul style="list-style-type: none"> • Continue to implement the National Plan to Reduce Violence Against Women and their Children (led by FaHCSIA). 	<p>In progress:</p> <ul style="list-style-type: none"> • A multidisciplinary training package is being developed for professionals in the family law system to improve consistency and responsiveness in the handling of family violence cases. • The Government will carefully consider the recommendations of the Australian Law Reform Commission Report, <i>Family Violence—A National Legal Response</i>. • A SCAG working group is developing options for a national scheme for domestic and family violence orders, to be considered by Ministers in 2011.
<p>Family Pathways Networks</p> <ul style="list-style-type: none"> • On 27 April 2010, the Attorney-General announced funding of \$2.8m under the Family Relationship Services Program for 36 Family Law Pathways Networks. • During the election, the Attorney-General specifically announced funding for: <ol style="list-style-type: none"> 1. legal and family services in Melbourne – 28 July 2010 2. The South Coast Family Pathways Network – 10 August 2010. 	<p>Delivered. The auspice organisation for the Melbourne Network is Centacare Catholic Family Services. The auspice organisation for the South Coast NSW Network is Anglicare Diocese of Sydney.</p>
<p>Anti-Discrimination – Sexual Orientation</p>	<p>In progress:</p>

<p>and Gender Status</p> <ul style="list-style-type: none"> • Introduce legislation to protect against discrimination on the basis of a person's sexual orientation or gender status as part of a consolidation of federal anti-discrimination laws into a single Act. • Convene government working group to consider and develop Commonwealth position on issues raised by Australian Human Rights Commission's <i>Sex Files</i> report, including conducting an audit of current requirements for the recording of gender in Federal Government documents and records. 	<ul style="list-style-type: none"> • Work has commenced within Government on developing potential legislative options as part of the Government's commitment to consolidate federal anti-discrimination laws and approaches to consider the <i>Sex Files</i> report.
<p>Community Legal Services Commitments</p> <ul style="list-style-type: none"> • The following initiatives will assist in managing the increasing demand for services in the current economic climate and better support the continuing provision of legal assistance to disadvantaged members of the community. <ol style="list-style-type: none"> 1. Shoalhaven – 10 August 2010 2. Kingston – 5 August 2010 3. Central Coast- 4 August 2010 4. Hasluck – 2 August 2010 5. Melbourne – 28 July 6. Sydney – 23 July 7. Werriwa – 23 July 8. Reid – 23 July 9. Bruce – 23 July 10. Chisholm – 23 July 11. Griffith – 23 July 12. Herbert – 23 July 13. O'Connor – 23 July 14. Curtin – 23 July 15. Kalgoorlie – 23 July 16. Brand – 23 July 17. Perth – 23 July 18. Denison – 23 July 19. Port Adelaide – 23 July 20. Barker – 23 July 21. Adelaide – 23 July 22. Lingsiari – 23 July 23. Solomon – 23 July 24. Fraser – 23 July 25. Parkes – 23 July 26. Capricornia – 23 July 27. Leichhardt – 23 July 	<p>Delivered. All of the funding for these initiatives has been allocated</p>
<p>Tackling Age Discrimination</p>	<p>In progress. Amendments to the Age Discrimination</p>

<ul style="list-style-type: none"> • Establish an Age Discrimination Commissioner within the Australian Human Rights Commission and consider dedicated commissioners for disability and race discrimination 	<p>Act to create the position were introduced into Parliament in September 2010, were passed by the House of Representatives in October 2010 and are being considered by the Senate Legal and Constitutional Committee. Funding has been allocated for the position to commence from 1 July 2010. The Government expects to appoint the Age Discrimination Commissioner by mid-2011.</p>
<p>Constitutional Reform – Indigenous Recognition</p>	<p>In progress. On 8 November, the Government announced it is establishing an expert panel to progress constitutional recognition of Indigenous Australians.</p>
<p>Constitutional Reform – Local Government Recognition</p>	<p>In progress. Preliminary work has commenced within Government to develop options to progress this initiative.</p>
<p>Breaking the Cycle of Alcohol and Drug Abuse in Indigenous Communities</p>	<p>In progress. The initiative is led by FaHCSIA with input from other agencies including AGD.</p>
<p>Contribute to Australia’s reputation as an international commercial arbitration hub by improving the national framework of international commercial arbitration.</p>	<p>In progress: Work has commenced within government on possible further enhancements to the framework for international commercial arbitration.</p>
<p>Investing in Launceston Flood Levee Infrastructure</p> <ul style="list-style-type: none"> • Commonwealth funding (up to \$11.5 million) to be provided to the Tasmanian Government. • Meets the estimated shortfall in funding due to unforeseen increases in compensation payments for compulsory land acquisition. 	<p>In progress. The Implementation Plan is expected to be finalised with the Tasmanian State Government by the end of 2010. Funding was announced in the Mid-Year Economic and Fiscal Outlook.</p>
<p>National Security Capability Plan</p> <ul style="list-style-type: none"> • The plan will be concise and will draw on the relevant national security strategic statements to identify capability gaps including technological shortcomings. <p>National Security Fusion Capability</p> <ul style="list-style-type: none"> • This will form part of the Capability Plan and will encompass existing fusion capabilities in the Criminal Intelligence Fusion Centre, the Counter-Terrorism Control Centre, the Cyber Security Operations Centre and the proposed Border Security National Targeting Centre. 	<p>In progress. Preliminary work has commenced within Government to develop options to progress this initiative.</p>
<p>A Comprehensive Response to Cyber Threats</p> <ul style="list-style-type: none"> • Working with our allies • Becoming a party to the Council of Europe Convention on Cybercrime 	<p>In progress:</p> <ul style="list-style-type: none"> • Australia continues to engage with our key allies on cyber security, cyber crime and related issues through a range of defence, intelligence, critical infrastructure protection, law enforcement and related forums. In October 2010, Australia

<ul style="list-style-type: none"> • Considering the need for any legislative reform to complement the Cyber Security Operations Centre and CERT Australia • Consolidation of efforts on cyber security, cyber safety and cyber crime, to increase awareness of online risks • Revise and reform our laws to protect the community from online offending • Enabling individuals and businesses to protect themselves from online offending. 	<p>participated in Cyberstorm III a multi-national exercise including US, UK, Canada and New Zealand.</p> <ul style="list-style-type: none"> • Legislative amendments are expected to be introduced in early 2011 to enable Australia to accede to the Council of Europe Convention on Cybercrime. • Relevant departments are currently reviewing the need for legislative reform to complement the Cyber Security Operations Centre and CERT Australia • Preliminary work has commenced within government to examine options for a coordinated response to cyber crime risks faced by consumers, business and the community. • Measures to address online offending are included in the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008 • Proposals to address a range of cyber-crime issues will be developed and considered in 2011 through SCAG, the Ministerial Council for Police and Emergency Management – Police (MCPEMP), the National Cyber Crime Working Group including law enforcement powers and capabilities and effective legal frameworks.
<p>Serious and Organised Crime</p> <ul style="list-style-type: none"> • National response to target the most significant organised crime threats. 	<p>In progress:</p> <ul style="list-style-type: none"> • AGD is developing a model for evaluating the Organised Crime Strategic Framework. • The Commonwealth Organised Crime Response Plan has been finalised. • The National Organised Crime Response Plan will be considered by MCPEMP and SCAG in coming months. • In July 2011 Australia will host the third meeting of the Quintet of Attorneys-General. • The Criminal Intelligence Fusion Centre has commenced operation.
<p>Classification, Copyright and Telecommunications Interception Policies</p> <ul style="list-style-type: none"> • Ensure that classification, copyright and telecommunications interception policies respond to new and emerging technologies and the increase in the online environment, and ensure that copyright law can meet the challenges of new technologies and the digital age. 	<p>In progress:</p> <p><i>Classification</i></p> <ul style="list-style-type: none"> • The government is considering options for conducting a Review of the National Classification Scheme • Work is progressing well on areas of work requested by SCAG to further analyse community and expert views about a possible R 18+ category for computer games. • Options are being developed for a Review of RC (Refused Classification) material, which is to occur before the introduction of mandatory filtering at the

	<p>Internet Service Provider level for overseas-hosted content that is classified RC.</p> <p><i>Copyright</i></p> <ul style="list-style-type: none"> • Work has commenced within Government to examine options for reforms to copyright that facilitate and support business models to increase legitimate access to copyright material over the internet, provide incentive and fair economic returns to creators and the widest possible availability to consumers. • A particular issue in this work will be ensuring the balanced regulation of the internet to protect the reasonable interests of copyright owners, Internet Service Providers and consumers. <p><i>Telecommunications Interception Policies</i></p> <p>The Government is continually reviewing the telecommunications interception legislation to ensure that it meets the challenges of rapid technological change and the increasingly globalised nature of telecommunications. This will ensure that the legislation remains an effective tool in combating organised crime and ensuring national security.</p>
<p>Cape Class Patrol Boat Project</p> <ul style="list-style-type: none"> • Replacement of current Bay Class patrol vessels with eight new enhanced capability border patrol vessels. 	<p>In progress. The tender process closed on 22 October 2010. Tender evaluation is underway with a view to contract negotiations completing in mid 2011.</p>
<p>Proposed Amendments to People Smuggling Offences</p> <ul style="list-style-type: none"> • Increase penalties in Anti-People Smuggling and Other Measures Act 2010 for people smuggling, particularly when resulting in death. 	<p>In progress. Legislative options are under development.</p>
<p>Enhanced Regulation of the Remittance Sector</p> <ul style="list-style-type: none"> • Amendments to the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act) to strengthen the regulatory regime for remittance dealers. • Increase AUSTRACs regulatory power over remittance sector by enabling it to capture organisations that establish the support systems for remitting funds, and extend the infringement notice scheme to cover certain breaches of registration requirements by remitters to provide AUSTRAC with greater enforcement powers. 	<p>In progress. Legislative options are under development.</p>

<p>Establishment of an Asset Confiscation Taskforce</p> <ul style="list-style-type: none"> • An integrated approach to criminal asset confiscation that would see intelligence, operations, legal and specialist resources from agencies with existing key roles in proceeds of crime recovery being co-located in a one-stop-shop arrangement. 	<p>In progress. A model for establishing the taskforce, including timeframes, is currently being considered by the Government.</p>
<p>Safer Suburbs Plan</p> <ul style="list-style-type: none"> • \$5.32 million over three years to extend the Safer Suburbs program to improve the safety of local communities. • 2010-11 - \$1.5 million • 2011-12 - \$3.32 million • 2012-13 - \$0.5 million 	<p>In progress. Program guidelines for the projects identified for funding under the Plan are being developed and will be considered by the Government as part of the usual Budget process. Projects are expected to commence by end of financial 2010-11 year.</p>
<p>Secure Schools</p> <ul style="list-style-type: none"> • \$15 million over three years to extend the Secure Schools Program to provide security infrastructure for schools at risk of racially or religiously motivated crimes such as violence, arson and vandalism. • Funding of \$5 million will be provided in each of 2011-12, 2012-13 and 2013-14 	<p>In progress. The process for applying for funding under the program will be considered by the Government as part of the usual Budget process.</p>
<p>Crime Prevention Funding for Police and Communities</p> <ul style="list-style-type: none"> • Dedication of a significant portion of the funding from the Proceeds of Crime Act 2002 (POCA) to support crime prevention activities by police and communities. • Proceeds are expected to be at least \$30 million over the next three years. As at 31 July 2010 some \$19.9 million was available in the Confiscated Assets Account (CAA). 	<p>In progress. A number of funding announcements have already been made under the funding process that began in December 2009 (see Community Funding through the Proceeds of Crime Act). The Government is considering options for establishing an advisory committee to assist it in determining priorities and approaches to funding police and community crime prevention initiatives.</p>
<p>Community Funding through the Proceeds of Crime Act</p> <ul style="list-style-type: none"> • Eight projects to receive funding totalling \$1,011,564 	<p>Largely delivered. Projects have all been selected through a competitive assessment process and approved by the Minister for Home Affairs and Justice. Agreements on the detail of the projects are currently being negotiated.</p>
<p>National Leadership In Crime Prevention</p> <ul style="list-style-type: none"> • Providing national leadership on crime prevention issues that face communities throughout the country, including working to prevent violent, anti-social behaviour, vandalism, graffiti and other property crime. 	<p>In progress. A strategy is being developed under the National Youth Policing Model, which is designed to improve the safety and security of the Australian community by reducing young people's involvement in unsafe, violent and anti-social behaviours through practical best practice approaches that are guided by nationally coordinated policing strategies to reduce road trauma, street violence and anti-social behaviours.</p>

	National leadership is also achieved through MCPEMP, and through the crime prevention funding provided for police and communities, safer suburbs and secure schools.
More Stringent Approach to Weapons Importations <ul style="list-style-type: none"> • Import controls on weapons with no legitimate domestic or commercial use • Harmonisation of existing weapons laws 	In progress. Regulatory options are being developed for greater controls on flick knives and other dangerous weapons, under the Customs (Prohibited Imports) Regulations 1956. Options for harmonising laws will be considered by MCPEMP through the Firearms and Weapons Policy Working Group.
AFP Recruitment and Retention	In progress. The AFP People Plan (2010-2012) has been launched providing a longer term vision for the AFP's people. The AFP has developed an integrated rolling 2 year workforce plan. In October 2010 the AFP launched the Workforce Diversity Plan with measurable retention initiatives articulated.

c) and d):

In the Government's 2010-11 Mid-Year Economic and Fiscal Outlook published recently, funding was announced for the election commitments to facilitate the construction of the Launceston Flood Levee, to continue the existing Safer Suburbs program and to establish an Age Discrimination Commissioner in the Australian Human Rights Commission. Any additional resourcing and offsets that may be required for other election commitments will be considered by the Government in the 2011-12 Budget process.