



Australian Government  
Attorney-General's Department

Secretary

Dear Attorney-General

On behalf of the Attorney-General's Department it gives me great pleasure to congratulate you on your appointment as the Attorney-General of Australia. As the first law officer of the Commonwealth, you are one of an illustrious cohort that includes Alfred Deakin, the first Attorney-General of Australia, Sir Isaac Isaacs, Sir John Latham, Herbert Vere Evatt and Sir Robert Menzies.

The Attorney-General's Department was one of the seven original departments of State and was established on 1 January 1901.

The last 110 years have been filled with great challenges and substantial triumphs and I expect the coming years to be no different.

In my view the 43<sup>rd</sup> Parliament represents an important opportunity to build on the significant achievements of the 42<sup>nd</sup>. In particular, we have the opportunity to develop the next iteration of reforms to improve access to justice, bring the Human Rights Framework to life and deliver national legal profession reform. It is also time, I believe, to fundamentally rethink the family law system.

The concept of national security has evolved substantially over the last few years to encompass a wider range of threats and concerns including organised crime and the management of disasters, natural or otherwise. I expect this evolution will continue with an increasing focus on resilience and community safety – issues highlighted by the horrific Victorian Bushfires and ongoing community concerns about criminal gangs. Cybercrime also looms large.

There are a number of Government wide initiatives that the Department will continue to be heavily involved-in over the medium term. These include public sector reform, improvements to service delivery and implementation of the open Government agenda. These represent significant opportunities for the Department to improve the way it works both within the public service and in its interactions with other parts of Australian society – including, most importantly, ordinary citizens.

The Department's current budget is \$272.4 million with staff of 1,455. Of course, the Department's budget and the budgets of many of its portfolio agencies will continue to contract over the coming years. This will require us to be increasingly innovative in how we go about our work and especially attentive in ensuring we focus our efforts on the Government's highest priorities. We are already well advanced in exploring ways to make our budget stretch further through efficiencies within the Department and exploring opportunities for shared services with or between portfolio agencies. This work will continue.

On a personal note, I look forward to working with you to meet the challenges ahead and to successfully implementing the Government's agenda.

Yours sincerely

Roger Wilkins AO  
Secretary

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Comment [b1]: s47F

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## **SECTION 1**

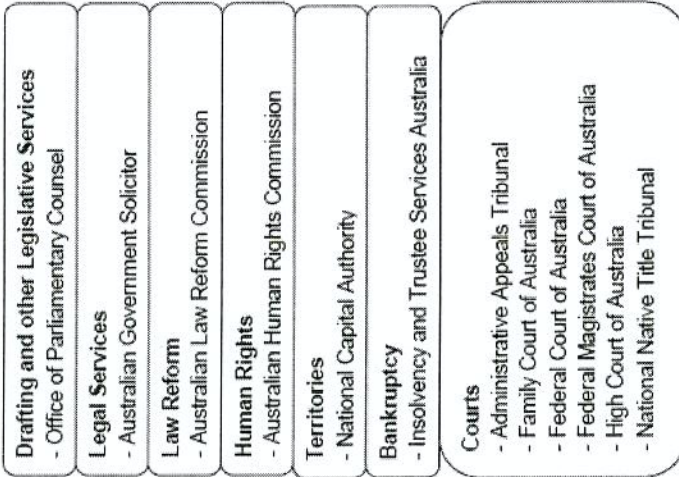
# **ATTORNEY-GENERAL'S PORTFOLIO OVERVIEW**

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## ATTORNEY-GENERAL'S PORTFOLIO

**Attorney-General**

**Minister for Home Affairs**



**PORTFOLIO FUNCTIONS**

Ministerial responsibility for the below listed portfolio functions, as set out in the Administrative Arrangements Order, are shared between the Attorney-General and the other Portfolio Minister (most recently the Minister for Home Affairs). Division of responsibilities is decided between the Attorney-General and the Minister.

**Civil Justice and Legal Services**

Administrative Law  
Appointments  
Alternative dispute resolution  
Bankruptcy law  
Classification  
Copyright  
Community Legal Services  
Constitutional issues  
Courts, Tribunals and the Judiciary  
Electronic transactions regulation  
Evidence Act  
Family law including marriage celebrants  
Human rights  
Indigenous justice  
Indigenous legal aid

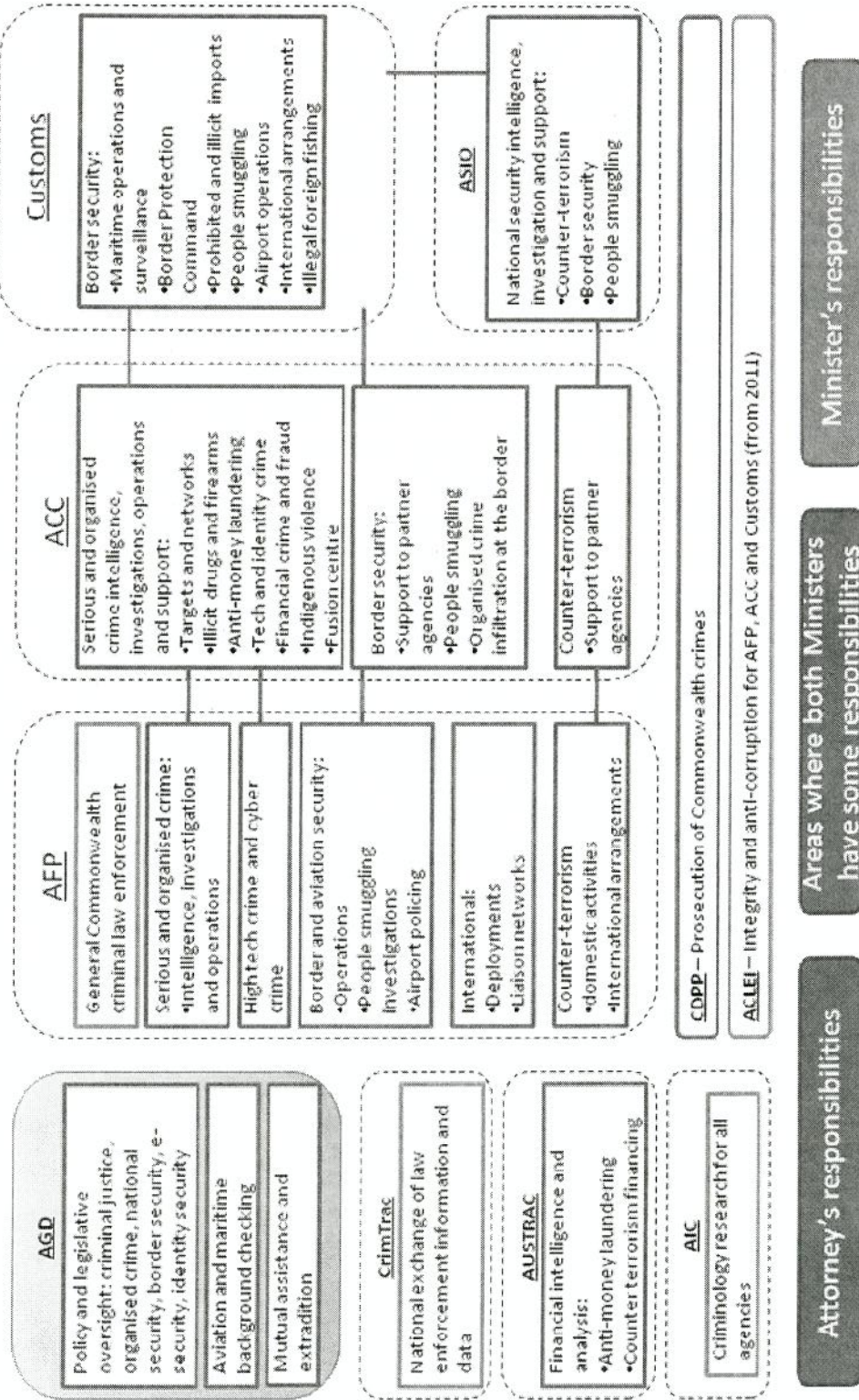
Insolvency Trustee Service Australia  
Inter-country adoption  
International law  
International Criminal Court  
Law reform  
Legal aid  
Legal profession and legal services coordination  
Native title  
Office of Parliamentary Counsel  
Portfolio Budget  
Pro Bono legal assistance  
Royal Commissions  
Standing Committee of Attorneys-General

**National Security and Criminal Justice**

Airport physical security and Air Security Officers (to extent not responsibility of Minister for Infrastructure, Transport, Regional Development and Local Government)  
Anti-money laundering strategy  
Australian Crime Commission  
Australian Customs and Border Protection Service  
Australian Federal Police  
Australian Institute of Criminology  
Australian Protective Service, including Air Security Officers  
Australian Security Intelligence Organisation  
AUSTRAC  
Border Protection  
Border Protection Sub-Committee of Cabinet  
Conference of Corrective Services Ministers  
Crime prevention  
Criminal law  
Criminology  
CrimTrac  
Critical Infrastructure  
Cybercrime  
Cyber Security  
Director of Public Prosecutions  
Drugs strategy  
Emergency Management Australia  
Extradition  
Federal Prisoners  
Firearms

Forensics  
Fraud policy  
Identity security  
Intergovernmental Committee on Australian Crime Commission  
International Transfer of Prisoners Scheme  
Juvenile diversion program  
Ministerial Council for Police and Emergency Management—Emergency Management  
Ministerial Council for Police and Emergency Management—Police  
Ministerial Council on Drugs Strategy  
Model Criminal Code  
Mutual Assistance  
National security and counter-terrorism  
National Security Hotline  
Organised Crime  
Police and police liaison  
Portfolio Budget  
Proceeds of Crime  
Protection of critical infrastructure and national information infrastructure  
Protective security policy  
Protective Security Coordination  
Remission of fines  
Security Coordination  
Telecommunications interception  
Tracking and listening devices  
Witness protection

Portfolio oversight – Law enforcement and criminal justice





## SECTION 2

# POLICY IMPLEMENTATION STRATEGIES

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**POLICY: ESTABLISHING EFFECTIVE CABINET ARRANGEMENTS**

[REDACTED]

Comment [b2]: s34

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Comment [b3]: s47F

**POLICY: NATIONAL SECURITY CAPABILITY PLAN and NATIONAL SECURITY FUSION CAPABILITY**

**Strategies**

A National Security Capability Plan

[Redacted]

[Redacted]

Comment [b4]: s47C

[Redacted]

Comment [b5]: s47C

The proposed capability plan offers an opportunity to better plan for and control larger blocks of expenditure. For example, Defence proposals consist of a number of self-contained phases, each of which is reviewed and approved separately by Government. In multiple pass projects, incremental decisions are made at each pass; the intention being to reduce risk and retain flexibility as more is learnt about the project.

[Redacted]

Comment [b6]: s47C

The CIFIC is designed to prevent and detect organised crime through the identification of high risk cash flows and patterns of crime. The CTCC ensures a coordinated approach to prioritisation and tasking of intelligence collection across counter terrorism agencies.

[Redacted]

Comment [b7]: s47C

[Redacted]

Comment [b8]: s47C

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Comment [b9]: s47F

**POLICY:           CHEMICALS OF SECURITY CONCERN**

The Australian Labor Party's policy on chemicals of security concern commits the Government to "work[ing] with all Australian Governments on new strategies to address chemicals of security concern, including through the COAG Agreement on Australia's National Arrangements for the Management of Security Risks Posed by Chemicals".

Labor's commitment reflects work being progressed by AGD under the *Protecting Australia from terrorist use of chemicals* pilot program which is funded until the end of this financial year.

In line with the commitments by the Australian Government in the October 2008 COAG agreement on *Australia's national arrangements for the management of security risks associated with chemicals*, AGD is working with jurisdictions and industry to develop and implement risk management strategies in response to the assessed security risks posed by 96 chemicals of security concern being utilised by terrorists.

Since October 2008, AGD has undertaken the following tasks

- Development of a specialised Risk Assessment Methodology to assess the security risks of chemicals at each stage of the supply chain. Risk assessments of four improvised explosive device precursor chemicals have been completed.
- Formation of government and industry advisory groups to approve chemical risk assessments and make recommendations to responsible Ministers on appropriate risk management strategies, and
- Preliminary development of targeted risk management strategies for the security risks posed by improvised explosive device precursors including Hydrogen Peroxide and Nitric Acid.
- Launch of Public and Industry Awareness campaign and associated website.

AGD's capacity to continue this work is dependent upon continuing funding being allocated in the May 2011 Budget.

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Comment [b10]: s47F

**POLICY: A COMPREHENSIVE RESPONSE TO CYBER THREATS**

**Strategies**

*Working with our allies (NSRPD)*

Australia continues to build relationships with key international partners on cyber security, including through CERT Australia which is establishing links with the global network of Computer Emergency Response Teams. We are also developing an International Engagement Strategy for cyber security as outlined in the 2009 Cyber Security Strategy. Australia is also participating in the Cyber Storm III global cyber exercise in September/October 2010 which will test our national cyber security arrangements and enhance our working relationships with key allies.

*Becoming a party to the European Convention on Cyber Crime (NSLPD)*

Australia is currently in a good position to comply with the majority of obligations under the Cybercrime Convention. The Department has been progressing legislative amendments to enable Australia to accede to the Convention, including amendments to both the *Mutual Assistance in Criminal Matters Act 1987* and the *Telecommunications (Interception and Access) Act 1979*. Further information can be found in Other Matters Requiring Attention **Cybercrime Convention**. Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

*Considering the need for any legislative reform to complement the Cyber Security Operations Centre and CERT Australia (NSRPD)*

CERT Australia and the Cyber Security Operations Centre represent enhanced cyber security capabilities for the Government and are progressing building capacity throughout 2010. [REDACTED]

Comment [b11]: s47C

*Consolidate of efforts on cyber security, cyber safety and cyber crime, to increase awareness of online risks (CRJD)*

[REDACTED]

Comment [b12]: s47C

In addition, the *Protecting Yourself Online – What Everyone Needs to Know* publication, prepared by AGD, consolidates existing Government information for consumers on how to secure their computers, be smart online while making financial transactions, how to protect their identities and how to keep their families safe online. The Department has developed a comprehensive distribution strategy for the publication focusing on government, private sector and community-based distribution mechanisms.

*Revise and reform our laws to protect the community from online offending (CRJD)*

[REDACTED]

Comment [b13]: s47C

Under the auspices of the Standing Committee of Attorneys-General (SCAG), the Department is also working with the States and Territories on a range of cyber crime issues including law enforcement powers and capabilities and effective legal frameworks to

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determine what gaps may exist and what improvements can be made. The Department will provide you with proposals for consideration prior to the SCAG meeting in November.

*Enabling individuals and businesses to protect themselves from online offending (CRJD)*

Under the auspices of SCAG, consideration is being given to whether arrangements for individuals and businesses to report online offences can be improved. [REDACTED]

[REDACTED] The Department is also co-chairing a process of developing a whole of Government response to the House of Representatives Standing Committee on Communications report on Cyber Crime. The Department will provide you with proposals for consideration in the next couple of months.

Comment [b14]: s47C

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Comment [b15]: s47F

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Comment [b16]: s47F

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Comment [b17]: s47F

**POLICY: STRENGTHENING AUSTRALIA'S BORDER PROTECTION ARRANGEMENTS—PROPOSED AMENDMENTS TO PEOPLE SMUGGLING OFFENCES**

**Strategies**

As part of the Government's enhanced border protection policy, the Prime Minister announced on 6 July 2010 that, if re-elected, the Government would build upon measures in the *Anti-People Smuggling and Other Measures Act 2010* to increase penalties for people smuggling. In particular, maximum penalties would be increased to cover people smuggling ventures that resulted in death.

The Government (Minister Smith) was subsequently reported in the media as being willing to consider Coalition proposals to increase, and in some cases introduce new, minimum and non-parole periods for a range of people smuggling offences (as set out in *Real Action to Stop People Smugglers*).

[REDACTED]

Comment [b18]: s47C

[REDACTED]

Comment [b19]: s47C

[REDACTED]

Comment [b20]: s47C

The increase in minimum mandatory penalties for crew [REDACTED], and the introduction of minimum mandatory penalties for the offence of supporting people smuggling and concealing and harbouring non-citizens proposed by the Coalition [REDACTED]

Comment [b21]: s33(1)(a)(iii)

[REDACTED]

Comment [b22]: s47B and s47C

[REDACTED]

Comment [b23]: s34

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Comment [b24]: s47F

**POLICY: CAPE CLASS PATROL BOAT PROJECT – MOVING FORWARD WITH EIGHT NEW PATROL BOATS TO PROTECT BORDERS**

**Strategies**

As part of the 2010-11 Budget, the Government announced the replacement of current *Bay Class* patrol vessels with eight new enhanced capability border patrol vessels. The new *Cape Class* vessels will be able to travel further than the existing craft, have greater endurance and the capacity to conduct operations in all parts of Australia's waters.

An exposure draft of the *Cape Class* Functional Performance Specification (FPS) and Operational Concept Document (OCD) was placed on Austender on 18 June 2010 for industry comment, some of which have now been incorporated into the solicitation package. The Request for Tender was placed on Austender on 30 July 2010.

An industry brief was held on 12 August 2010, which comprised an interactive session, followed by one on one meetings with companies. The meetings provided an opportunity for companies to raise specific concerns and contribute to improving the tender process.

Key dates are:

- The Full Tender Documents were made available on AusTender on 30 July 2010.
- The Tender closes 22 October 2010. This allows approximately three months for the development of responses, which is considered appropriate as Customs and Border Protection is emphasising that solutions should be based on proven designs.
- The Tender Evaluation Period ends late December 2010.
- Negotiations will be undertaken between February and April 2011.
- It is expected that contracts will be signed in April 2011.
- The first vessel is expected to enter service in 2012-13 with the full new fleet Operational by 2015-16.

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Comment [b25]: s47F



**POLICY: ENHANCED REGULATION OF THE REMITTANCE SECTOR**

**Strategies**

The Government announced that it would legislate for a tough new regulatory regime for remittance dealers as part of its policy for *A Secure and Fair Australia*, released on 13 August 2010. This builds on the release by the Minister for Home Affairs on 16 July 2010 of a discussion paper with proposals for an enhanced anti-money laundering and counter-terrorism financing (AML/CTF) registration scheme for the remittance sector.

The Department is developing proposed amendments to the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) to strengthen the regulatory regime for remittance dealers. The proposed amendments are contained in the Combating the Financing of People Smuggling and Other Measures Bill for introduction in the next sitting of Parliament. Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

The enhanced regulation of the remittance sector will help protect against criminal infiltration of the remittance sector, including by those seeking to facilitate the funding of people smuggling and other serious and transnational crimes. The amendments will:

- provide the AUSTRAC CEO with the ability to refuse, suspend or cancel the registration of remittance dealers
- introduce regulation of remittance network providers to help AUSTRAC more effectively regulate the remittance sector by capturing organisations that establish the systems and support used by their agents to transfer customer funds internationally, and
- extend the infringement notice scheme to cover certain breaches of registration requirements by remitters to provide AUSTRAC with greater enforcement powers.

The proposed amendments will have a regulatory impact on the remittance sector, including on small business. It is important for the Government to consult widely with the sector to achieve effective regulation while minimising the regulatory impact on business. The Department is consulting publicly and is undertaking a regulation impact analysis on the proposed amendments.



Comment [b26]: s47C

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Comment [b27]: s47F

**POLICY: ESTABLISHMENT OF AN ASSET CONFISCATION TASKFORCE**

**Strategies**

The Asset Confiscation Taskforce would involve 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. This could be established through an Australian Federal Police (AFP) led specialist multi-disciplinary Taskforce, comprising AFP officers and staff from agencies such as the Australian Crime Commission (ACC), Commonwealth Director of Public Prosecutions (CDPP) and the Australian Taxation Office (ATO).

[REDACTED]

Comment [b28]: s47C

[REDACTED]

Comment [b29]: s47C

[REDACTED]

Comment [b30]: s47C

[REDACTED]

Comment [b31]: s47C

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Comment [b32]: s47F

**POLICY: SERIOUS AND ORGANISED CRIME**

**Strategies**

The Commonwealth is targeting the most significant organised crime threats through the Organised Crime Strategic Framework (OCSF). In 2009, the Commonwealth and the States and Territories committed to a national response to organised crime and a national response plan will be finalised in late 2010. The following initiatives will be implemented through these existing frameworks.

*Guide for operational agencies*



Comment [b33]: s47C

*Second biennial Organised Crime Threat Assessment (OCTA)*

The ACC has recently released the 2010 OCTA and will develop the second biennial OCTA in 2012. The OCTA draws together national criminal intelligence to provide a snapshot of the key organised crime risks in Australia and assists Commonwealth agencies to combine their responses to these risks. The ACC is committed to developing the OCTA every two years under the OCSF.

*Quintet of Attorneys-General*

Australia will host the third meeting of the Quintet of Attorneys-General from the UK, US, Canada, NZ and Australia in July 2011. The meeting will continue discussions and build on outcomes from the previous meeting in 2010 across a range of topics of common interest, including organised crime, cyber crime, terrorism and youth violence. Australian officers will also coordinate the work of the Quintet Group on Organised Crime, which was established under the *Declaration to cooperate on combating organised crime* agreed to by the US, Canada, NZ and Australia, to undertake joint action and share information on organised crime issues.

*Support for ACC's criminal intelligence databases*

The ACC will maintain its criminal intelligence systems, including ACID/ALEIN, to support collaboration and information sharing between agencies and jurisdictions to combat organised crime. To enhance its systems over the short term and to align them with the *National Security Information Environment Roadmap: 2020 Vision*, the ACC requires funding of \$6.6m that has already been sought under the Gershon BAU Reinvestment Fund. A further comprehensive upgrade of ACC's criminal intelligence systems in the future would facilitate the use of innovative intelligence analysis processes and enable agencies to keep abreast of increasingly sophisticated criminal methodologies. This would require significant funding to be sought in 2013-14.

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Comment [b34]: s47F

**POLICY: INVESTING IN LAUNCESTON FLOOD LEVEE INFRASTRUCTURE**

**Strategies**

The Australian Labor Party commitment of Commonwealth funding (up to \$11.5million) for the Launceston Flood Levee has the following provisions:

- Funding would be provided to the Tasmanian Government, and administered to the Launceston City Council through clause 27 of the National Partnership Agreement;
- There would have to be a firm agreement in place with Launceston City Council on how it was to be expended; and
- Launceston City Council would have to fund any additional work over the Commonwealth's and the State government's contribution

The Commonwealth's provisions are in line with the State Government's provisions:

[REDACTED]

Comment [b35]: s47B

- Council is to complete negotiations on the outstanding land acquisition compensation claims, and provide the Tasmanian Department of Treasury and Finance with a final estimate of the additional expenditure required;
- Council is required to manage all additional expenditure incurred on the project; and
- The original \$39million allocation to the project has been fully expended by Council

In early 2009, the Launceston City Council claimed that the estimated total cost for the project had increased by \$20 million, predominantly due to unforeseen increases in the compensation payable to relevant businesses in Invermay for compulsory land acquisition. The Launceston City Council proposed that the Tasmanian Government and Australian Government share these additional costs by contributing an additional \$10million each to the project. Funding will need to be identified for this strategy.

[REDACTED]

Comment [b36]: s47B

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Comment [b37]: s47F

**POLICY: SAFER SUBURBS PLAN—COMBATING CRIME IN THE COMMUNITY**

**Strategies**

The ALP has committed \$5.25 million over three years under *A Secure and Fair Australia* to extend the Safer Suburbs program to improve the safety of local communities. Program funding will be \$1.5 million in 2010-11, \$2.5 million in 2011-12 and \$1.2 million in 2012-13 (Request for Costing of Election Commitment - GOV76 - Safer Suburbs extension).

As at 20 August 2010, the ALP had made 19 announcements for funding totalling \$3.925 million under the Safer Suburbs program:

- *\$450,000 to reduce crime in Hasluck*
- *Labor commits to make Mitcham safer*
- *Labor commits \$200,000 to make Ringwood Station safer*
- *Labor commits to making Beenleigh safer*
- *Labor commits to make Townsville safer*
- *Labor commits to make Walloon and Rosewood safer*
- *Federal Labor commits to make Charles Treasure Park safer*
- *Labor commits to make Robertson safer*
- *Federal Labor commits to making Engadine safer*
- *Federal Labor commits to making Wattle Grove safer*
- *Federal Labor to deliver safety boost for residents in Glenelg*
- *Federal Labor commits to make Blackwood safer*
- *Labor Commits to Making Sheidow Park Safer*
- *Federal Labor Commits to Making Bass Safer*
- *Labor Commits to Make La Trobe Safer*
- *Federal Labor to deliver safety boost for Mid North Coast*
- *Federal Labor Commits to Making Macquarie Safer*
- *Federal Labor Commits to Making Lindsay Safer*
- *Making Canning Safer*

[REDACTED]

Comment [b36]: s47C

[REDACTED]

Comment [b37]: s47C

Section 2 – Policy Implementation Strategies

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[Redacted]

Comment [b38]: s47C

[Redacted]

Comment [b39]: s47C

The *Commonwealth Grant Guidelines* set out the requirements that must be followed in establishing a grants program to implement this strategy.

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Comment [b40]: s47F

**POLICY:            SECURE SCHOOLS PROGRAM – SECURITY INFRASTRUCTURE FOR SCHOOLS**

**Strategies**

The ALP has announced that it will provide \$15 million over three years under *A Secure and Fair Australia* 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 (Request for Costing of Election Commitment – GOV21 – Secure Schools Program).

[REDACTED]

Comment [b41]: s47C

[REDACTED]

Comment [b42]: s47C

[REDACTED]

[REDACTED]

Comment [b43]: s42

The *Commonwealth Grant Guidelines* set out the requirements that must be followed in establishing a grants program to implement this strategy.

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Comment [b44]: s47F

**POLICY: CRIME PREVENTION – FUNDING FOR POLICE AND COMMUNITIES**

**Strategies**

In *A Secure and Fair Australia* the ALP committed to dedicate a significant proportion of the funding from the *Proceeds of Crime Act 2002* (POCA) to support crime prevention activities by police and communities. The ALP expects at least \$30 million over three years to be available for this purpose. As at 31 July 2010 some \$19.9 million was available in the Confiscated Assets Account (CAA).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comment [b45]: s47C

Previous governments have used targeted grant rounds to provide funding for community led crime prevention initiatives while funding for police and law enforcement projects has been determined on a project by project basis. Funding under section 298 has not previously been paid to State or Territory governments; however, there is no legislative impediment to funding State or Territory law enforcement agencies.

Approval for the guidelines will need to be sought from ERC, in accordance with the *Commonwealth Grant Guidelines* (CGGs).

[REDACTED]

Comment [b46]: s42

Prior to the election, a funding scheme was underway to provide funding for crime prevention activities to not-for-profit non-government organisations and local government organisations. Twelve million dollars has been allocated from the CAA for this process. Separate briefing will be provided on this process.

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Comment [b47]: s47F



**POLICY: PROCEEDS OF CRIME ACT COMMUNITY FUNDING – COMBATING CRIME IN THE COMMUNITY**

**Strategies**

During the election campaign the Government announced that eight projects would receive funding totalling \$1,011,564 under section 298 of the *Proceeds of Crime Act 2002* (POCA).

These projects have all been selected through a competitive assessment process and are among the 46 projects that had been approved by the Minister for Home Affairs prior to the government entering caretaker role for funding totalling \$5.18 million.

These announcements relate to a funding process that was advertised in December 2009, seeking Expressions of Interest (EOIs) from not-for-profit non-government organisations and local government organisations for funding for crime prevention activities in their local communities. Twelve million dollars have been allocated from the Confiscated Assets Account (CAA) established under POCA for this process. As at 31 July 2010 some \$19.9 million was available in the CAA.

The Program Guidelines set out the scope of the program. Projects ranging in cost from \$50,000 to \$150,000 for each project are preferred. Funding is non-recurrent and is available for projects of up to 18 months duration. Projects must be for crime prevention and address one or more of the following issues:

- Diversion and prevention programs, including those focusing on indigenous persons
- Youth crime, including diversion and prevention programs
- Early intervention projects with families, children and schools
- Crime prevention for seniors (personal and financial security) and
- Assisting victims of violent crime.

Over 1,250 EOIs were received. There is a two-stage assessment process. The Department assesses the EOIs and makes recommendations to the Minister as to which projects should be invited to submit a full application. These applications are then assessed by the Department and recommendations for funding made to the Minister.

The 46 approved projects address assisting victims of violent crime; crime prevention for seniors; and those youth EOIs dealing with drug and alcohol issues as well young offenders. We are currently contacting the organisations to negotiate funding agreements.

Full applications addressing the balance of the youth EOIs are currently being assessed and submissions recommending projects for funding will be brought forward shortly.

Two further submissions assessing the remaining EOIs, one covering diversion and prevention projects and the other dealing with early intervention and other miscellaneous EOIs, will also be brought forward recommending which projects should be invited to submit full applications for further assessment.

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Comment [b48]: s47F

**POLICY: MORE STRINGENT APPROACH TO WEAPONS IMPORTATIONS**

**Strategies**

*Import controls on weapons with no legitimate domestic or commercial use*

This proposal addresses the importation of weapons such as knuckledusters, certain items adapted for warfare, electronic shock devices and flick knives. Under the current system, individuals who wish to import a prohibited weapon need to obtain written permission to possess the item, from State or Territory Police, and then apply to the Australian Customs and Border Protection Service (Customs and Border Protection) for an import permit. The new approach would require importers to demonstrate legitimate end use to Customs and Border Protection before import permission will be granted.

[REDACTED]

Comment [b49]: s47C

[REDACTED]

Comment [b50]: s47C

[REDACTED]

Comment [b51]: s47C

[REDACTED]

[REDACTED]

Comment [b52]: s47C

[REDACTED]

Comment [b53]: s47C

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Comment [b54]: s47F

**POLICY: AFP RECRUITMENT AND RETENTION**

**Strategies**

*Compensation for AFP officers serving in high risk missions overseas*

The AFP currently has an interim administrative compensation scheme that enhances compensation for death and/or permanent impairment for AFP members deployed on high risk offshore missions. [REDACTED]

Comment [b55]: s47C

*Recruitment and retention strategies*

AFP has set the following recruitment targets to ensure its workforce reflects the diversity of the community:

- increase the representation of Indigenous Australians working in the AFP to 2.7% by 2015, and
- increase the representation of women working in the AFP to 50% of the workforce, evenly spread across the organisation by function and level.

The AFP's Human Resources area will also implement strategies to ensure that the cultural and linguistic diversity of the AFP workforce reflects the Australian community.

In conjunction with the University of Queensland, the AFP has recently conducted a survey of its aged workforce regarding their retirement intentions. While the research found that mature age workers overall were satisfied and involved in their jobs and reported low intentions to retire, the findings will be used to inform human resource strategies targeted at this demographic.

*Industrial entitlements*

The AFP is currently transitioning to an arrangement under which police will be covered by the Federal Industrial Relations system. [REDACTED]

Comment [b56]: s47C

*Progressing policing issues through the Ministers Council for Police*

[REDACTED]

Comment [b57]: s47C

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Comment [b58]: s47F

**POLICY: CRIME PREVENTION: NATIONAL LEADERSHIP**

**Strategies**

In *A Secure and Fair Australia* the ALP committed to provide 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.

The *National Youth Policing Model* is a principles-based model of best practice for policing crime and anti-social behaviour by young people under the *National Strategy for Young Australians*. The Model 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.

The Government may also effectively exercise national leadership through participation in the Ministerial Council for Police and Emergency Management – Police (MCPEMP). MCPEMP brings together the Ministers responsible for police from the Australian Government, each of the States and Territories and also New Zealand and provides a co-ordinated national response to law enforcement issues and to maximise the efficient use of police resources. Its agenda includes a wide range of national law enforcement policy development and implementation activities.

The Department of Families, Housing, Community Services and Indigenous Affairs is leading work to reduce violence against women and their children and is also the lead agency for efforts to close the gap for Indigenous communities, including a focus on the provision of safer communities.

In late 2009, the Government released the *Commonwealth Organised Crime Strategic Framework* which establishes a comprehensive and coordinated response to organised crime and includes a commitment to work with Australian businesses and the community to prevent organised crime.

The Government can assist local communities and law enforcement agencies address specific community crime concerns through the provision of targeted funding for crime prevention projects, including funding for police and community crime prevention activities, which would serve to enhance community resilience and contribute to the Government's wider all hazards response to agenda. This may be facilitated by targeted use of funding under section 298 of the *Proceeds of Crime Act 2002*.

Other initiatives contributing to national leadership on crime prevention in the community including the continuation of the Safer Suburbs program, which is focussed on community safety measures, and the continuation of the Secure Schools program, which provides security infrastructure for schools at risk of racially or religiously motivated crimes such as violence arson and vandalism.

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Comment [b59]: s47F

**POLICY: IMPROVE ADMINISTRATIVE LAWS**

**Strategies**

*Improve the operation of the administrative law regime*

The Attorney-General's Department (AGD) has developed a strategic policy framework to support the ongoing review of the administrative law regime. The framework identifies areas that need further review and analysis, through mechanisms such as enhanced data collection. The framework will be supported by AGD's ongoing dialogue with the Administrative Review Council and other Commonwealth Government agencies via the Commonwealth Administrative Justice Forum (referred to below).

*Look for opportunities to better integrate administrative tribunals*

[REDACTED]

Comment [b60]: s47C

*Develop improved administrative law guidelines for Federal officials*

AGD held the first of regular Commonwealth Administrative Justice Forums in June 2010. The purpose of these Forums is to bring key decision making agencies together to discuss issues of concern and promulgate best practice in administrative decision making. Draft guidelines were discussed at the Forum and are being finalised.

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Comment [b61]: s47F

**POLICY: THE NATIONAL PLAN TO REDUCE VIOLENCE AGAINST WOMEN AND THEIR CHILDREN**

**Strategies**

If re-elected the ALP has indicated it will continue to implement the *National Plan to Reduce Violence Against Women and their Children*. The Department of Families, Housing, Communities and Indigenous Affairs will take the lead in the implementation. However, the Department will have responsibility to progress the following initiatives for the National Plan.

- Finalise the development and promotion of a multidisciplinary training package for professionals in the family law system to improve consistency and responsiveness in the handling of family violence cases. Relationships Australia South Australia has been commissioned to develop this training package. This is expected to be delivered to the Department in the next month with roll-out expected to follow later in the year.
- Implement pilots of legally assisted family dispute resolution in family violence cases. The pilots will use a model that involves a combination of legal and support services (for victims and perpetrators) working together in family violence cases to facilitate family dispute resolution. The pilots are expected to commence later in 2010 and will be evaluated by the Australian Institute of Family Studies.
- Consider the recommendations of the Australian Law Reform Commission Inquiry into Family Violence. The ALRC is due to provide its report on this inquiry on 14 September 2010.
- A Working Group established by the Standing Committee of Attorneys General (SCAG), comprising representatives from all jurisdictions, is developing a proposal for the implementation of a national scheme for domestic and family violence orders (DVOs).

[REDACTED]

Comment [b62]: s47C

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Comment [b63]: s47F

**POLICY: FAMILY LAW PATHWAYS NETWORKS**

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:

1. *Gillard Labor Government invests in legal and family services in Melbourne – 28 July 2010*
2. *Gillard Investing in South Coast Family Pathways Network – 10 August 2010*

**Strategies**

*Melbourne Family Law Pathways Network*

\$190,000

The auspice organisation for the Melbourne Network is Centacare Catholic Family Services. The funding agreement between the auspice organisation and the Attorney-General's Department was signed on 15 June 2010 and will operate for 12 months.

*South Coast NSW Family Law Pathways Network*

\$55,000

The auspice organisation for the South Coast NSW Network is Anglicare Diocese of Sydney. The funding agreement between the auspice organisation and the Attorney-General's Department was signed on 21 June 2010 and will operate for 12 months

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Comment [b64]: s47F

**POLICY: COMMUNITY LEGAL SERVICES COMMITMENTS**

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.

1. *Federal Labor investing in legal services in Shoalhaven – 10 August 2010*
2. *Investing in South Coast Family Pathways Network – 10 August 2010*
3. *Investing in Legal Services in Kingston – 5 August 2010*
4. *Investing in legal service on the Central Coast- 4 August 2010*
5. *Supporting Family Dispute Resolution Services in Hasluck – 2 August 2010*
6. *Gillard Labor Government invests in Legal and Family Services in Melbourne – 28 July*

**Strategies**

All of these announcements relate to funding approved and advised to organisations prior to the election being called. No action is required to implement.

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Comment [b65]: s47F



**POLICY: DELIVERING FOR SENIORS: TACKLING AGE DISCRIMINATION – AGE DISCRIMINATION COMMISSIONER**

**Strategies**

The ALP will establish an Age Discrimination Commissioner within the Australian Human Rights Commission and consider dedicated commissioners for disability and race discrimination.

- amend the *Age Discrimination Act 2004* to create the position of Age Discrimination Commissioner
  - minor legislative amendment required
  - could be included in a reintroduced Bill to amend the *Sex Discrimination Act 1984*
- include the new funding of \$3m over the forward estimates (ie \$1m per year) for the Commission to deliver a dedicated Age Discrimination Commissioner (from 1 July 2011)
  - under the Charter of Budget Honesty, the Department of Finance and Deregulation has costed this commitment at \$2.1m over the forward estimates from 2011-12 (ie \$0.7m per year)
- appoint an Age Discrimination Commissioner from 1 July 2011
  - commence a recruitment process in late 2010, in accordance with the APSC *Merit and Transparency Guidelines*, to ensure the new appointee can commence on 1 July 2011
- recruitment action within the Australian Human Rights Commission to staff a dedicated unit to support the Commissioner

*Comments*

- The ALP's 'A Secure and Fair Australia' provides that the Commissioner 'will advocate in the community for people, including older Australians, who experience age discrimination and engage with industry and other stakeholders to tackle discrimination in the workplace and community...'
- Finance's costing for this commitment is based on remuneration for the new Commissioner as well as two junior support staff. Existing Commissioners are generally supported by five staff members (one EL2, one EL1, two APS6s and one APS3).
- The new Commissioner and a team of five support staff would cost \$3m over the forward estimates from 2011-12 (ie \$1m per year), which is consistent with the amount committed by the ALP in its policy announcement.

*Other dedicated discrimination commissioners*

- The policy announcement also refers to exploring options for dedicated disability and race discrimination Commissioners.
  - would not require any legislative changes
  - additional funds required (for one Commissioner and staff in the order of \$0.7m per year (consistent with the Finance costing))
  - could be considered further in context of consolidation project

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Comment [b66]: s47F

**POLICY: ANTI-DISCRIMINATION: SEXUALITY AND GENDER STATUS**

**Strategies**

Commonwealth law prohibits sexuality discrimination only in employment, and does not prohibit gender status discrimination. This policy commits to including new protections against sexuality or gender status discrimination in the consolidation of Commonwealth anti-discrimination laws, which is currently underway.

*Proposed approach*

- sexual orientation and gender status as protected grounds in the consolidated anti-discrimination laws being developed under Australia's Human Rights Framework
- prohibition of 'marital and relationship status' discrimination in consolidated Bill to include same-sex couples
- provide exemptions for religious organisations (including religious schools) where necessary to avoid injury to the fundamental tenets of the religion
- provide exemptions from specific other laws to maintain existing policy positions (eg same-sex marriage, adoption and IVF)

*Comments*

- unlikely to have any regulatory burden on business as all State and Territory discrimination laws cover sexual orientation and gender status
- unlikely to have substantive effect on the Commonwealth:
  - Commonwealth already subject to discrimination laws covering sexuality in the *Fair Work Act 2009*
  - same-sex discrimination removed from Commonwealth laws in 2008
- could have a minor financial impact on the Commonwealth as a result of increased complaints to the Australian Human Rights Commission and the federal courts, although this could likely be absorbed
- may raise debate on also including sexuality harassment and/or vilification on the basis of sexual orientation, and creation of a Sexuality Discrimination Commissioner (with appropriate funding) within the Australian Human Rights Commission
- should involve consultation with key stakeholders (business and community groups, State and Territory governments, religious organisations)

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Comment [b67]: s47F

**POLICY: CLASSIFICATION, COPYRIGHT AND TELECOMMUNICATIONS INTERCEPTION POLICIES**

**Strategies**

**Classification**

*Review of the National Classification Scheme*

Technology and media delivery methods have changed significantly since the inception of the National Classification Scheme (NCS). This is impacting on the effectiveness of classification and will continue to do so into the future, especially with the proposed National Broadband Network. The Department proposes that a reference could be made to a relevant body to examine the current difficulties impacting the NCS and develop proposals for reform. That consideration will likely include overseas jurisdictions and consultations with the Department of Broadband, Communications and the Digital Economy, the Australian Communications and Media Authority and with key industry stakeholders. A report will be prepared for consideration by SCAG outlining options to address these issues.

*Consideration of an R18+ category for computer games*

Technological change has resulted in a shift in the use of computer games from a younger to an older demographic. As a result, SCAG is progressing work on a proposed R18+ classification for computer games. Following a substantial public consultation on whether an R18+ category should be created, SCAG Ministers agreed [REDACTED]

Comment [b68]: s47C

*Review of Refused Classification Material*

The increased delivery of online content has posed challenges for ensuring prohibited material is not generally available to the public. The Government, in July 2010 announced the delay of the introduction of mandatory filtering at the Internet Service Provider level for overseas-hosted content that is classified RC (Refused Classification), until a review of the RC classification is completed.

Prior to the election, the Minister for Home Affairs wrote to SCAG Ministers seeking to include the review on the agenda for the SCAG meeting in November 2010. [REDACTED]

Comment [b69]: s47C

**Copyright**

The Department will examine potential reforms to copyright laws or other solutions that, consistent with international treaty standards, facilitate and support:

- evolving business models to increase legitimate access to copyright material over the internet; to provide incentive and fair economic returns to creators and the widest possible availability to consumers
- clearer lines of responsibility for copyright owners, Internet Service Providers and consumers to ensure adequate protection in the online environment
- greater access to and use of public sector information and material where the copyright owner is unknown or cannot be located (ie, 'orphan works') and minor non-commercial uses of material that do not impact on the copyright owner's market
- more efficient and fair statutory licence schemes for use of digital material in the public interest by educational institutions and governments

Section 2 – Policy Implementation Strategies

- development of measures to respond to new enforcement challenges (eg, illegal taking of broadcast signals) consistent with broader efforts to address cybercrime.

As a priority the Department will develop options to address the growth of illegal file sharing (or online copyright infringements), on the internet. The options will include legislative and non-legislative responses. The views of the major copyright industries and internet industries and reforms in other countries will be considered.

Government intervention in this issue will desirably await the outcome of the litigation between *Village Roadshow and others v inet* presently under appeal before the Federal Court.

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Comment [b70]: s47F

**Telecommunications Interception Policies**

Technological and Industry change will have a significant impact on the effectiveness of telecommunications interception into the future. [REDACTED]

Comment [b71]: s47C

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Comment [b72]: s47F

**POLICY: CONSTITUTIONAL REFORM – INDIGENOUS RECOGNITION**

**Strategies**

The Government has said that it is committed to constitutional recognition of Indigenous Australians. The Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP, announced on 8 August 2010 that the Government will establish a bipartisan expert panel 'comprising Indigenous leaders, Members of Parliament, constitutional law experts and members of the broader Australian community'. It 'would be charged with broad consultation on recognition of Indigenous people in the Constitution, providing options on the form of the amendment and guidance on the information needed for public discussion'. The Prime Minister and Leader of the Opposition would jointly determine the terms of reference and membership of the panel.

In the agreement signed after the election on 1 September 2010 by the Greens and the Labor Party, both parties agreed to 'work together and with other parliamentarians to ... [h]old referenda during the 43<sup>rd</sup> Parliament or at the next election on Indigenous constitutional recognition and recognition of local government in the Constitution.' In the agreement signed after the election on 2 September 2010 between Prime Minister Gillard and Andrew Wilkie MP (elect) both parties to the agreement 'acknowledge[d] specifically that reform proposals are being developed on...[h]olding referenda during the 43<sup>rd</sup> Parliament or at the next election on Indigenous constitutional recognition and recognition of local government'.

The Coalition said in the lead up to the election that it supported constitutional recognition of Indigenous Australians and would, if elected, 'seek bipartisan support for a referendum to be put to the Australian people at the 2013 election'. The then Coalition spokesman on Indigenous Australians, Senator Nigel Scullion, was reported on 10 August as saying the Opposition did not support use of an expert panel to progress the issue. Greens leader Bob Brown was also reported on 10 August as supporting Indigenous recognition but not a panel.

[REDACTED]

Comment [b73]: s47C

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Comment [b74]: s47F

**POLICY: CONSTITUTIONAL REFORM – LOCAL GOVERNMENT RECOGNITION**

**Strategies**

In the agreement signed after the election on 1 September 2010 by the Greens and the Labor Party, both parties agreed to 'work together and with other parliamentarians to ... [h]old referenda during the 43<sup>rd</sup> Parliament or at the next election on Indigenous constitutional recognition and recognition of local government in the Constitution.' In the agreement signed after the election on 2 September 2010 between Prime Minister Gillard and Andrew Wilkie MP (elect) both parties to the agreement 'acknowledge[d] specifically that reform proposals are being developed on...[h]olding referenda during the 43<sup>rd</sup> Parliament or at the next election on Indigenous constitutional recognition and recognition of local government'.

In the agreement signed on 7 September 2010 by the Labor Party and the Independents Tony Windsor MP and Rob Oakeshott MP, the parties agreed that there should be a Minister for Regional Australia and to the restructure of the workings of government, the public service and the Parliament to ensure fairer treatment of regional Australia, as outlined in Annex B to the agreement. Annex B includes a statement that '[t]he Government recognises the importance of local government to local communities in regional Australia. It is committed to working towards achieving constitutional recognition for local Government and continue [sic] to invest in strengthening the capacities of local councils and boosting local and community infrastructure.'

If the Government wishes to progress the issue of constitutional recognition of local government during the new term with a view to a referendum, it would be desirable to settle the process early. The process should also take into account the Government's broader constitutional objectives, particularly any announced process in relation to recognition of Indigenous Australians.

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Comment [b75]: s47F

**POLICY:            BREAKING THE CYCLE OF ALCOHOL AND DRUG ABUSE IN  
INDIGENOUS COMMUNITIES**

**Strategies**

Government ALP proposes to break the cycle of alcohol and drug abuse in Indigenous communities by contributing \$20 million towards an Indigenous alcohol National Partnership and developing a national framework, through COAG, for tackling Indigenous alcohol and substance abuse.

**Strategies**

The Government has committed to tackling alcohol and drug abuse in Indigenous communities across Australia through supporting community-led solutions by committing \$20 million towards:

- Assisting Indigenous communities to work with government and non-profit organisations, to develop and implement alcohol and drug abuse management plans aimed at reducing the supply and availability of alcohol and drugs, as well as reducing demand.
- Supporting community groups and non-profit organisations to work at a local level, in order to drive the alcohol and drug abuse management plans and support the community.
- Provide prevention programs to tackle youth substance abuse.

The Government will also implement a National Framework for Tackling Alcohol and Substance Abuse and will support the first Australian study into the prevalence and impact of Foetal Alcohol Spectrum Disorder on Indigenous children, which is being managed by FaHCSIA. The announcement forms part of the new Indigenous Family Safety Agenda, which aims to tackle alcohol abuse by working with communities to stem the supply of alcohol where it leads to high-levels of family violence.

The Attorney-General's Department will contribute to work led by FaHCSIA to develop both the national partnership agreement and national framework for dealing with the cycle of alcohol and substance abuse in Indigenous people. These initiatives would encourage a coordinated approach and build on existing national frameworks and National Partnership Agreements which relate to reducing the harm caused by alcohol and other substances.

Governance arrangements for negotiations with the States and Territories require development by FaHCSIA in consultation with relevant agencies as at present there is no directly responsible Ministerial Council.

The Department is unlikely to be in a position to make a financial contribution to the National Partnership. Offsets for this initiative would likely need to be found within other portfolios.

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Comment [b76]: s47F

**COMMITMENTS IN OTHER PORTFOLIOS WHICH HAVE A SIGNIFICANT ROLE FOR THE ATTORNEY-GENERAL OR MINISTER**

This brief indicates some election commitments that are primarily the responsibility of Ministers outside this portfolio. Implementation of these policies is likely to significantly involve this portfolio for the reasons listed under each.

**Arts**

The implementation of the Arts policy is primarily the responsibility of the Minister for arts and cultural matters. This policy includes a commitment to support and continue with the Strategic Contemporary Music Industry Plan, and the development of a National Cultural Policy. The Attorney-General will have a role in implementing the copyright aspects of this policy.

**Broadband and Telecommunications**

Implementation of the National Broadband Network (NBN) policy is primarily the responsibility of the Minister for broadband and communication matters. The Attorney-General will have a role in ensuring that decisions on the design and rollout of the NBN address national security concerns and the provision of an adequate emergency call service. The Attorney-General's Department will continue to provide and monitor constitutional and international legal advice on issues surrounding the implementation of the NBN.

**Critical Infrastructure**

The provision of \$1.5m funding to Geoscience Australia to enhance the National Exposure Information System (NEXIS) is the primary responsibility of the Minister for environmental matters. The Attorney-General has the lead on critical infrastructure policy matters for this commitment, and the Department is a major stakeholder in the building of NEXIS through the provision of Critical Infrastructure Program for Modelling and Analysis funds.

**Indigenous Affairs**

Implementation of policies on future directions for the Northern Territory Emergency Response is primarily the responsibility for the Minister for Indigenous Affairs. The Attorney-General has a significant role in many aspects of Indigenous affairs, especially in the area of Indigenous community safety, in particular law and justice issues.

**Illegal Logging**

The commitment to introduce legislation involving a due diligence obligation for timber importers and producers, and criminal penalties for importing illegally logged timber, is primarily the responsibility of the Minister with responsibility for fisheries and forestry. The Attorney-General will have a role in related criminal law and law enforcement issues, Australia's WTO and free trade agreement obligations, and existing relevant capacity building measures (eg anti-money laundering).

**Not for Profit Sector**

The reforms to Australia's not-for-profit sector, and the proposed Office for the Non-Profit Sector, are primarily the responsibility of the Prime Minister (and assisting ministers). However, the Attorney-General will have a role in reducing red tape, supporting the wage test case for community workers, improving transparency and accountability and better engaging with the sector. Any financial impacts on the funding for service providers under the Family Relationship Services Program will also be monitored by the Attorney General's Department.

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Comment [b77]: s47F