The Senate

Legal and Constitutional Affairs Legislation Committee

Annual reports (No. 2 of 2012)

September 2012

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978-1-74229-685-2

This document was printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

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PREFACE

Terms of reference

On 29 September 2010, a resolution of the Senate allocated the following portfolios to the Senate Standing Committee on Legal and Constitutional Affairs (committee):

- Attorney-General's portfolio; and
- Immigration and Citizenship portfolio.

This report was prepared pursuant to Standing Order 25(20) relating to the consideration of annual reports by committees. The Standing Order states:

> Annual reports of departments and agencies shall stand referred to the committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:
>
> (a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory;
>
> (b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration;
>
> (c) Investigate and report to the Senate on any lateness in the presentation of annual reports;
>
> (d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate;
>
> (e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates;
>
> (f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year;
>
> (g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports; and
>
> (h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.

Role of annual reports

Annual reports place a great deal of information about government departments and agencies on the public record. Accordingly, the tabling of annual reports is an important element of accountability to Parliament, as the information provided in annual reports assists in the effective examination of the performance of departments and agencies, and the administration of government programs.

Annual reporting requirements

Standing Order 25(20)(f) requires that committees report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.

Pursuant to subsections 63(2) and 70(2) of the *Public Service Act 1999*, departments of state and executive agencies must prepare annual reports in accordance with the *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, (*Requirements for Annual Reports*). As a matter of policy, the *Requirements for Annual Reports* also apply to prescribed agencies under section 5 of the *Financial Management and Accountability Act 1997* (FMA Act).[1]

The 2010-11 annual reports are prepared in accordance with the *Requirements for Annual Reports* issued on 8 July 2011. Amendments to the latest issue of the *Requirements for Annual Reports* are:

- Commonwealth Disability Strategy – the requirement to report on the implementation of the Commonwealth Disability Strategy in annual reports has been discontinued.
- Social inclusion reporting – accommodating social inclusion measurement and reporting strategies.
- Freedom of Information – accommodating recent major reforms to Freedom of Information legislation.[2]

Orders made by the Minister under section 48 of the *Commonwealth Authorities and Companies Act 1997* (CAC Act) set out guidelines for the annual reports of Commonwealth authorities. The content of annual reports of Commonwealth companies is based on the reporting requirements under the *Corporations Act 2001*, in accordance with section 36 of the CAC Act.

Statutory authorities must also report in accordance with their establishing legislation.

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1 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 8 July 2011, Part 1, subsection 3(1).

2 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 8 July 2011, p. i.

Guidelines for the annual reports of non-statutory bodies are set out in the Government Response to recommendations of the then Senate Standing Committee on Finance and Government Operations, in its report entitled *Reporting Requirements for the Annual Reports of Non-Statutory Bodies.* The Government Response was incorporated into the Senate Hansard of 8 December 1987.[3]

'Apparently satisfactory'

Under the terms of Standing Order 25(20)(a), the committee is required to report to the Senate whether reports are 'apparently satisfactory'. In making this assessment, the committee considers such aspects as compliance with relevant reporting guidelines.

The reports examined by the committee in this report were found to be of a satisfactory standard, adequately describing the functions, activities, performance and financial positions of the departments and agencies. The committee finds all submitted annual reports to be 'apparently satisfactory'.

Timeliness

Under Standing Order 25(20)(c), the committee must also report to the Senate on any lateness in the presentation of annual reports.

In accordance with the *Requirements for Annual Reports* published in July 2011, agencies are required to present:

> A copy of the annual report...to each House of the Parliament on or before 31 October in the year in which the report is given. If Senate Estimates is scheduled to occur prior to 31 October, it is best practice for annual reports to be tabled prior to those hearings.
>
> …
>
> Where an agency's own legislation provides a timeframe for its annual report, for example "within six months" or "as soon as practicable after 30 June in each year", that timeframe applies.[4]

If a department or agency is unable to meet this deadline, the secretary or agency head is to advise the responsible Minister of the reasons for the delay and the expected tabling date. The responsible Minister is to table this explanation in the Parliament.[5]

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3 *Official Senate Hansard,* 8 December 1987, pp 2643-2645.

4 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports,* 8 July 2011, Part 1, section 4.

5 Department of the Prime Minister and Cabinet, *Guidelines for the Presentation of Government Documents to the Parliament,* Canberra, June 2010, p. 5.

Subsection 9(1) of the CAC Act requires the director of a Commonwealth authority to:

> (a) prepare an annual report in accordance with Schedule 1 for each financial year; and
> (b) give it to the responsible Minister by the deadline for the financial year for presentation to the Parliament.
>
> …
>
> (2) The deadline is:
> (a) the 15th day of the 4th month after the end of the financial year; or
> (b) the end of such further period granted under subsection 34C(5) of the *Acts Interpretation Act 1901*.

Under section 36 of the CAC Act:

> (1) A Commonwealth company must give the responsible Minister:
> (a) a copy of the company's financial report, directors' report and auditor's report that the company is required by the *Corporations Act 2001* to have for the financial year (or would be required by that Act to have if the company were a public company); and
> (b) any additional report under subsection (2); and
> (c) in the case of a wholly-owned Commonwealth company— any additional information or report required by the Finance Minister's Orders.
>
> (1A) The Commonwealth company must give the reports and information by:
> (a) if the company is required by the *Corporations Act 2001* to hold an annual general meeting—the earlier of the following:
>
> (i) 21 days before the next annual general meeting after the end of the financial year;
> (ii) 4 months after the end of the financial year; and
> (b) in any other case—4 months after the end of the financial year; or the end of such further period granted under subsection 34C(5) of the *Acts Interpretation Act 1901*.

In the absence of any specific provision, the *Acts Interpretation Act 1901* requires bodies to present annual reports to Ministers within six months after the end of the period reported upon (subsection 34C(2)), and Ministers must table reports within 15 sitting days after receipt.

A table listing the annual reports of departments and agencies tabled in the Senate (or presented out of session to the President of the Senate) between 1 November 2011 and 30 April 2012, and which have been referred to the committee for examination, can be found at Appendix 1 to this report.[6] Also included in this table is the date each report was tabled in the House of Representatives.

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6 This table also includes the reports on the operation of acts or programs which have been referred to the committee.

Although the annual reports of FMA Act bodies examined in this report missed the 31 October 2011 tabling deadline for the Senate, a number of reports were tabled in the House of Representatives before that date.

The committee notes the annual report of the Australian Human Rights Commission was tabled in both Houses of Parliament on 1 November 2011, and hopes to see a more timely tabling of future reports.

In contrast, although the reports of the Commonwealth Ombudsman and the High Court of Australia were tabled after 31 October 2011, both the Commonwealth Ombudsman and the High Court of Australia (which is a body not bound by the FMA Act), presented their annual reports in accordance with their respective legislative provisions.[7]

In accordance with best practice, as outlined in the *Requirements for Annual Reports*, the committee encourages bodies to table annual reports before the supplementary budget estimates hearings in October each year.[8]

Requirement for non-reporting bodies to report

In accordance with Standing Order 25(20)(h), the committee must report on bodies which are required to present an annual report to the Senate, but which have failed to do so.

On this occasion, the committee makes no recommendation for any organisation not presenting an annual report to do so.

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7 Subsection 19(1) of the *Ombudsman Act 1976* allows the Commonwealth Ombudsman six months after 30 June to submit its annual report to the Minister for presentation to the Parliament. Subsections 47(1) of the *High Court Act 1979* and 34C(2) of the *Acts Interpretation Act 1901* gives the High Court a period of six months after the end of the reporting period to submit to the Minister an annual report.

8 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 8 July 2011, Part 1, Section 4.

CHAPTER 1

ANNUAL REPORTS OF STATUTORY AUTHORITIES

1.1 The reports of the following statutory authorities for the financial year 2010-11 were referred to the committee for examination and report.

Attorney-General's Portfolio

- Audio-Visual Copyright Society Limited (Screenrights)
- Australian Commission for Law Enforcement Integrity
- Australian Crime Commission
- Australian Human Rights Commission
- Australian Institute of Criminology and Criminology Research Council
- Australian Transaction Reports and Analysis Centre
- Commonwealth Ombudsman
- Copyright Agency Limited
- High Court of Australia
- Office of the Australian Information Commissioner
- Office of the Commonwealth Director of Public Prosecutions

1.2 As in previous reports of the committee, it has decided to select a small number of annual reports for closer examination. On this occasion, the reports of the following agencies will be examined:

- Audio-Visual Copyright Society Limited (Screenrights);
- Australian Human Rights Commission;
- Australian Transaction Reports and Analysis Centre;
- High Court of Australia;
- Office of the Australian Information Commissioner; and
- Office of the Commonwealth Director of Public Prosecutions.

1.3 The committee has determined to consider, but not report on, the annual report of the Australian Crime Commission, as the Parliamentary Joint Committee on Law Enforcement has specific responsibility for overseeing this agency.

1.4 The committee has similarly determined to consider, but not report on, the annual report of the Australian Commission for Law Enforcement Integrity, as the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity has specific responsibility for overseeing this agency.

1.5 The annual report of the Commonwealth Ombudsman also stands referred to the Senate Finance and Public Administration Legislation Committee and, as this

body sits within the Prime Minister and Cabinet Portfolio, the committee has also determined to consider, but not to report on, this annual report.

Audio-Visual Copyright Society Limited

1.6 Audio-Visual Copyright Society Limited (Screenrights), which trades as Screenrights, is a non-profit copyright collecting society for producers, distributors, script writers, music copyright owners in artistic works and sound recordings, and other rights owners in films.[1]

1.7 The work of Screenrights is to administer rights through a number of collective licensing services. Users employ these services to access audio-visual material, and copyright owners are paid for the use of their work. Therefore, Screenrights' core business is to administer 'institutional use of broadcast programming'.[2]

1.8 Screenrights' annual report was tabled in the House of Representatives on 16 February 2012 and tabled in the Senate on 28 February 2012. It was submitted and received by the Minister on 6 February 2012.

1.9 The company is limited by guarantee and, pursuant to section 34(2) of the *Commonwealth Authorities and Companies Act 1997* (CAC Act), is a wholly-owned Commonwealth company. In the event of the company winding up the report notes its members' liability is $10 for each member. As at 30 June 2011, the company's total liability was $33,210 from 3,321 full members from 59 countries.[3] This is an increase from its liability of $31,450 from 3,145 members in 2010.[4]

1.10 The annual report of Screenrights needs to comply with Ministerial orders made under section 48 of the CAC Act, which are set out in the *Commonwealth Companies (Annual Reporting) Orders 2011*. The content of annual reports of Commonwealth companies is based on the reporting requirements under the *Corporations Act 2001*, in accordance with section 36 of the CAC Act. The reporting provisions for Screenrights are contained in sections 135R, 135ZZD, 135ZZV and 183D of the *Copyright Act 1968*.

1.11 The committee is disappointed to note that the 2010-11 annual report is missing some important information, such as a letter of transmittal, a contents page, a compliance index page and a glossary page. Inclusion of such information would have considerably assisted the committee in its examination of the report. The committee also considers that the report does not have a clear organisational structure and little indication of the enabling legislation under which Screenrights operates or the reporting requirements with which the annual report complies. Further, the size of the report does not conform to the usual annual report size dimension of B5, taking a

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1 *Screenrights Annual Report 2010-11*, pp 23 and 38.

2 *Screenrights Annual Report 2010-11*, p. 23.

3 *Screenrights Annual Report 2010-11*, pp 20 and 55.

4 *Screenrights Annual Report 2010-11*, p. 55.

more 'brochure-like' format; and information presented in colourful graphs could have been enhanced with the inclusion of accompanying headings.

1.12 Despite these issues, the committee is of the view that the mission statement in the report provides useful background information about the role and functions of Screenrights, its objectives, board members and company membership. The financial statements and 'Notes to the Consolidated Financial Statements' are also clearly set out and easy to follow.

1.13 In 2010-11, Screenrights reported a net operating loss of $229,690, which is an increase from the $63,150 loss reported in the preceding reporting period. The financial statements of subsidiaries were also included in the financial statements contained in the report.[5] However, the total income figure of $36.3 million reported in both the Chairman's note to members and the Chief Executive's report does not appear to match the total income of $36,596,199 contained in the report's statement of comprehensive income.[6]

1.14 In conclusion, the committee considers the annual report of Screenrights to be 'apparently satisfactory', but expresses some concerns over the clarity and accessibility of some information contained within it and the omission of some required information.

Australian Human Rights Commission

1.15 The annual report of the Australian Human Rights Commission (AHRC) was tabled in both Houses of Parliament on 1 November 2011. Its tabling occurred within 15 sitting days after its receipt by the Minister on 26 October 2011.

1.16 The report begins with a snapshot of the AHRC's broad role, functions and vision, and moves to information about its organisational structure. Also included is a profile of each of the four commissioners overseeing human rights; sex; age; disability and race discrimination; and Aboriginal and Torres Strait Islander social justice matters.

1.17 The inclusion of relevant legislation enriches the reader's overall understanding of the varied works and responsibilities of the AHRC, including its *amicus curiae* ('friend of the court') status.[7]

1.18 Among some of the highlights and achievements for the 2010-11 period were:

- amendments to the sex and age discrimination acts, including the creation of the new office of the Age Discrimination Commissioner with two individuals holding the respective offices within the AHRC;

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5 *Screenrights Annual Report 2010-11*, pp 33-34.

6 *Screenrights Annual Report 2010-11*, pp 13-14 and 34.

7 *Australian Human Rights Commission Annual Report 2010-11*, pp 7, 41 and 123. The role of an *amicus curiae* is to provide special assistance to the court in resolving issues raised in relevant cases, and to draw attention to aspects of a case that might otherwise have been overlooked.

- the government's high uptake of the AHRC's recommendations to it during the United Nations Human Rights Council's Universal Periodic Review, resulting in some recommendations being incorporated into the National Action Plan on Human Rights that forms part of the Australian Human Rights Framework;
- the launch of a range of resources to assist Australia's Indigenous peoples to understand and protect their rights; and
- the release of a guideline to assist people working in the building industry to better understand standards relating to disability access to premises.[8]

1.19 In the annual report, the AHRC continued to communicate its concerns about Australia's immigration detention system, and the rise in the number of people detained and incidences of self-harm among long-term detainees. Other concerns documented related to the conditions of some detention facilities, particularly those in remote locations or in locations with limited infrastructure or limited access to mental, health, education and communication services. The AHRC urged the government to expand its current program of community detention by utilising community-based alternatives, and advocated for the ratification and implementation of the *Optional Protocol to the Convention against Torture*.[9]

1.20 Information on performance in the area of complaints services remained strong in this annual report. Key performance indicators used to assess performance are: timeliness, conciliation rate and service satisfaction. Results in all areas exceeded performance standards in 2010-11. The AHRC achieved a 94 per cent finalisation rate within 12 months for complaints, with an average of 5.8 months from time of lodgement to finalisation. This exceeds the set standard of 80 per cent. Likewise, satisfaction among survey respondents who reported they were satisfied with the AHRC's service was 94 per cent.[10] The report also contains a detailed breakdown of statistics on the different categories of complaints, demographic data and conciliation rates across the different categories of complaints.[11]

1.21 The current report is comparable to previous reports and generally complies with the *Requirements for Annual Reports*. In some areas, however, it continues to disappoint, particularly with regards to the non-inclusion of a mandatory list of requirements to assist in the report's examination. The committee has on previous occasions remarked on the absence of a compliance list, and even suggested its inclusion before it became a mandatory item.[12] The *Requirements for Annual Reports* state:

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8 *Australian Human Rights Commission Annual Report 2010-11*, pp 8-9.

9 *Australian Human Rights Commission Annual Report 2010-11*, p. 12.

10 *Australian Human Rights Commission Annual Report 2010-11*, p. 52.

11 *Australian Human Rights Commission Annual Report 2010-11*, pp 101-119.

12 See, for example, *Legal and Constitutional Affairs Legislation Committee, Annual reports (No.2 of 2011)*, August 2011, p. 4.

> The List of Requirements must be included as an appendix to the annual report. If an item specified in the checklist is not applicable to an agency, it should be reported as not applicable rather than omitted from the list. Agencies should include a column indicating the location of the information in the annual report.[13]

1.22 Another area previously commented upon by the committee relates to the general concern over accuracy and attention to detail.[14] For example, in the current annual report a table reflecting salary ranges and staffing statistics was incorrectly referenced to Appendix 6 instead of Appendix 4,[15] and Appendix 6 could not be located in the report. Also, complaint statistics and demographic data in 'Resolving discrimination and human rights issues' were incorrectly directed to Appendix 4 instead of Appendix 2.[16] Appendix 5 relating to consultancy services was referred to incorrectly as Appendix 7, with no Appendix 7 existing in the report.[17]

1.23 The AHRC's financial statements indicated the agency continued to operate at a loss of $230,000 for 2010-11.[18] This is a smaller loss compared to the $614,000 loss in 2009-10, but the committee could not locate any discussion in the body of the report to explain why this was the case.

1.24 The committee considers the annual report to be 'apparently satisfactory', but reiterates its concerns about the general quality of the report's accuracy, and suggests closer adherence to the *Requirements for Annual Reports* guidelines in the future.

Australian Transaction Reports and Analysis Centre

1.25 Although the Australian Transaction Reports and Analysis Centre's (AUSTRAC) annual report was tabled in the Senate after 31 October 2011, the committee notes its tabling in the House of Representatives occurred before that date. The report's presentation to the Minister took place on 5 October 2011, ahead of the supplementary budget estimates hearings on 17 and 18 October 2011.

1.26 The Chief Executive Officer noted several areas of development and increased activity in 2010-11, including the agency's greater emphasis on assessing the transaction reporting performance of a broad range of regulated entities, receipt of increased volumes of transaction reports, increased funding for developing in-house

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13 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 8 July 2011, p. 34.

14 *Legal and Constitutional Affairs Legislation Committee, Annual reports (No.2 of 2011)*, August 2011, pp 3-4.

15 *Australian Human Rights Commission Annual Report 2010-11*, pp 50 and 121.

16 *Australian Human Rights Commission Annual Report 2010-11*, pp 39 and 101-119.

17 *Australian Human Rights Commission Annual Report 2010-11*, p. 55.

18 *Australian Human Rights Commission Annual Report 2010-11*, p. 61.

systems to combat organised and other serious crimes across the whole-of-government, and its contribution to law enforcement operations.[19]

1.27 The reporting of financial transactions and irregular activities from industry is the core of AUSTRAC's intelligence work. For the review period, AUSTRAC reported a 104 per cent increase in the number of transaction reports received, leading to a total of almost 36 million reports detailing international transaction funds transfers. This increased volume corresponds with recent trends.[20]

1.28 AUSTRAC received $24 million funding over four years in the May 2010 budget to develop its own systems to enhance its financial intelligence and regulatory capabilities. One such system to be implemented was a new analytics solution which has resulted in more efficient extraction and analysis of data by AUSTRAC and its partner agencies.[21]

1.29 Among AUSTRAC's contribution to law enforcement operations is its continued collaboration and cooperation with partner agencies to prevent and detect organised crimes. An example is the Australian Taxation Office's use of AUSTRAC information to investigate 1,619 cases with a value of $241.11 million in additional tax assessments.[22]

1.30 These activities dovetail with the agency's specific strategic priorities to: improve industry compliance; enhance 'financial intelligence'; build productive relationships; bolster the anti-money laundering and counter-terrorism financing (AML/CTF) regime; strengthen corporate governance; and continue to improve as an agency through ongoing staff development and support over the same reporting period.[23]

1.31 The committee again commends AUSTRAC for consistently preparing a report of impressive standard. The report closely adheres to the *Requirements for Annual Reports* and includes suggested as well as mandatory information, including a compliance index. This assists in the examination of the report.

1.32 The agency's stated outcome-program structure in the overview is clearly articulated in its 2010-11 annual report. The program is made up of two components: the anti-money laundering and counter-terrorism financing regulator (AML/CTF); and the financial intelligence unit (FIU).[24] AUSTRAC's performance information is presented in table formats that are clear, concise, and easy to follow; and includes measures of performance against program deliverables and key performance indicators as listed in the agency's Portfolio Budget Statements.

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19 *Australian Transaction Reports and Analysis Centre (AUSTRAC) Annual Report 2010-11*, pp 6-7.

20 *AUSTRAC Annual Report 2010-11*, p. 7.

21 *AUSTRAC Annual Report 2010-11*, p. 7.

22 *AUSTRAC Annual Report 2010-11*, p. 7.

23 *AUSTRAC Annual Report 2010-11*, p. 11.

24 *AUSTRAC Annual Report 2010-11*, p. 13.

1.33 The addition of a reader's guide early in the report, as well as an explanation of terms used in both the body of the report and the Portfolio Budget Statements, enriches the quality of information presented. In 2010-11 there was one new deliverable and two new key performance indicators (KPIs) for the AML/CTF component. The new deliverable was 'transaction reporting among regulated population'[25] and the new KPIs were recognition of transaction reporting responsibilities, and volume and quality of transaction reporting among entities with obligations to report.[26]

1.34 The inclusion of five real-life case studies published in *AUSTRAC typologies and case studies report 2011* demonstrates how partner agencies have incorporated AUSTRAC information to assist their business operations. These case studies, which represent a sample of AUSTRAC's work, cover serious crimes such as blackmail and extortion, fraud, human trafficking and servitude, and tax avoidance.[27]

1.35 For 2010-11 AUSTRAC reported a net operating deficit of $2.2 million, compared to a surplus of $0.6 million in the 2009-10 preceding period. This deficit included $3.3 million of unfunded depreciation and amortisation expenses.[28]

1.36 The committee considers AUSTRAC's annual report to be 'apparently satisfactory'.

High Court of Australia

1.37 The High Court of Australia's (High Court) annual report for 2010-11 is presented in accordance with section 47 of the *High Court of Australia Act 1979*. The High Court is not a prescribed agency under the *Financial Management and Accountability Act 1997*, due to its status under its enabling legislation. [29] Therefore, the *Requirements for Annual Reports* do not apply to the High Court's annual report. Nonetheless, section 3(4) of the *Requirements for Annual Reports* provides:

> In the case of an agency (including an executive agency established under section 65 of the *Public Service Act 1999*) that is neither prescribed under the FMA Act nor comes within the CAC Act, these Requirements may be used to the extent that they are consistent with any reporting requirements contained in the agency's own legislation (if any).[30]

1.38 The annual report of the High Court was tabled in both Houses of Parliament on 21 November 2011 (and presented out of session in the Senate on 18 November 2011), and complies with the High Court's own reporting requirements.

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25 *AUSTRAC Annual Report 2010-11*, p. 18.

26 *AUSTRAC Annual Report 2010-11*, p. 22.

27 *AUSTRAC Annual Report 2010-11*, pp 10 and 179.

28 *AUSTRAC Annual Report 2010-11*, p. 96.

29 Department of Finance and Deregulation, Chart of 111 Agencies under the *Financial Management and Accountability Act 1997* (FMA Act), July 2012.

30 Department of Prime Minister and Cabinet, *Requirements for Annual Reports*, 8 July 2011, p.1.

1.39 The court reported a smaller operating loss for 2010-11 than for the preceding period. For the year ending 2010-11, the court received an operating appropriation of $13.017 million and reported an operating deficit of $0.412 million.[31]

1.40 In a positive update to last year's financial concerns related to the funding of the court and the maintenance of the building and surrounds, the court received an increase in funding. The Chief Justice, in his overview, noted:

> The Court is grateful for the announcement by the Government in the 2011-12 Budget that it will receive an additional $1.5 million in base funding beginning in 2011-12 to enable it to meet its operational costs and to maintain services.[32]

1.41 Some of the court's maintenance works include work to address 'significant health and safety and structural issues'[33] in the building forecourt, the cascade waterfall and the court precinct. The restoration and repair projects are funded from the 2010 Budget allocation of $4.5 million for capital funding. Projects still in progress include work to the cascade waterfall, the forecourt's interface with the National Portrait Gallery and, pending approval from the National Capital Authority, rectification to the general western forecourt area.[34]

1.42 The Portfolio Budget Statements for 2010-11 shows a $3.492 million reduction in appropriation revenue from 2009-10. This is attributed to the removal of funding for depreciation.[35] Almost half of the equity injection the court received in 2010-11 ($4.330 million from $8.731 million) went into addressing safety and related structural issues.[36]

1.43 The committee notes that some issues commented on previously have resurfaced in the High Court's 2010-11 report. In the committee's last annual report, the committee made the observation that the court's outcome – to interpret and uphold the Australian Constitution and perform the functions of the ultimate appellate court in Australia – was not actually made clear in the 2009-10 annual report from the outset and was only identified near the end in the 'Notes to and forming part of the Financial Statements for the High Court of Australia.' This was also the case in the 2010-11 annual report.[37]

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31 *High Court of Australia Annual Report 2010-11*, p. 37. This figure excludes unfunded depreciation expenses.

32 *High Court of Australia Annual Report 2010-11*, p. 9.

33 *High Court of Australia Annual Report 2010-11*, p. 41.

34 *High Court of Australia Annual Report 2010-11*, p. 41.

35 *Portfolio Budget Statements 2010-11, Attorney General's Portfolio*, High Court of Australia, p. 366.

36 *High Court of Australia Annual Report 2010-11*, p. 37. Funding for minor capital purchases is now provided through a departmental budget and is recognised as equity funding in the balance sheet.

37 *High Court of Australia Annual Report 2010-11*, p. 86.

1.44 Another issue was the lack of explicit reporting of activities against 'program deliverables' as listed in the Portfolio Budget Statements in the annual report. Also, the Portfolio Budget Statements do not contain key performance indicators to be reported against in the High Court's annual reports. Despite this, the committee considers that the report does provide a clear and concise account of the year in review, including detailed information on the various activities of the court, statistics for judicial workload, and the High Court's public education and visitors programs.

1.45 Even so, the committee wishes to reiterate the importance of performance reporting in annual reports. This provides the relevant agency with an accountability framework as well as a monitoring mechanism of activities and practices. Again, the committee notes that although the *Requirements for Annual Reports* do not apply to the High Court:

> The 'clear read' between Portfolio Budget Statements and annual reports is an essential part of the accountability system that compares budgeted targets and figures to those actually achieved, and places a strong emphasis on compatibility between the two documents regarding budget and performance information.[38]

1.46 The committee considers the report of the High Court to be 'apparently satisfactory'.

Office of the Australian Information Commissioner

1.47 Although the annual report of the Office of the Australian Information Commissioner (OAIC) was tabled in the Senate on 7 February 2012 (presented out of session on 20 December 2011), it was tabled in the House of Representatives on 31 October 2011.

1.48 The OAIC commenced operations under the *Australian Information Commission Act 2010* on 1 November 2010; upon its commencement the Office of the Privacy Commissioner (OPC) was integrated into this newly formed statutory body. The agency is headed by the Australian Information Commissioner, whose functions are to provide strategic and policy advice on information management to the Australian Government.

1.49 The Information Commissioner is supported by the Privacy Commissioner and the Freedom of Information Commissioner, whose respective functions are to look after the proper handling of personal information in accordance with the *Privacy Act 1988* (and other relevant legislation) and to protect the public's right of access to documents under the *Freedom of Information Act 1982* (FOI Act). The 2010-11 annual report is the first annual report from this newly formed statutory body.

1.50 The report noted in its corrigendum that the OAIC had one outcome for the period 1 November 2010 to 30 June 2011: provision of public access to

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38 Department of Prime Minister and Cabinet, *Requirements for Annual Reports*, 8 July 2011, Part 2, p. 3.

Commonwealth Government information, protection of individuals' personal information, and performance of information commissioner, freedom of information and privacy functions. The committee understands that, since the OAIC is a newly established body, providing comprehensive information about the agency's outcome and program structure may be difficult during the agency's initial establishment phase. The committee looks forward to examining future reports containing detailed information from the agency.

1.51 The 2010-11 report examines the former Office of the OPC's performance against its stated outcome before its integration into the OAIC. The report also reviews the OAIC's performance during its establishment phase.

1.52 The annual report of the OAIC is well-structured and easy to follow. The list of requirements with page references assists in the examination of the report. The committee commends the OAIC for its inclusion of many suggested items in the *Requirements for Annual Reports*.[39]

1.53 The report provides a useful overview of the OAIC's performance to date. Chapters 3 and 4 cover FOI and information policy, while chapter 5 covers the performance of the former OPC prior to its incorporation into OAIC. The information provided complies with the requirement in section 30(3) of the *Australian Information Commissioner Act 2010* that the report include freedom of information and privacy matters.

1.54 Information relating to the former OPC's 2010-11 Portfolio Budget Statements and the outcome and program structure are located in Appendix 1. This provides a transparent comparison between budgeted targets and figures, and results achieved.[40] Some information in the 'Key Performance Indicators 2010-11 Target' table could be better presented, however, as it unclear whether performance results have met stated targets.[41] Further, the report states that the OPC was 'only in existence from 1 July 2010 to 31 October 2010' so information required to draw accurate comparisons to performance in previous years is not possible.[42]

1.55 The report has generally complied with the list of *Requirements for Annual Reports*. The committee notes that corrections of errors in the OPC's 2009-10 annual report have been included in the 2010-11 report.

1.56 The committee considers the OAIC's annual report to be 'apparently satisfactory'.

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39 *Office of the Australian Information Commissioner Annual Report 2010-11*, pp 5-7. Suggested information include: names of senior executives and their responsibilities, senior management committees and their roles, workforce planning, staff turnover and retention, and training and development.

40 Department of Prime Minister and Cabinet, *Requirements for Annual Reports*, 8 July 2011, p. 3.

41 *Office of the Australian Information Commissioner Annual Report 2010-11*, p. 65. It is unclear whether the information in the column '2010-11 Target' refers to targets or results achieved.

42 *Office of the Australian Information Commissioner Annual Report 2010-11*, p. 65.

Office of the Commonwealth Director of Public Prosecutions

1.57 The annual report of the Office of the Commonwealth Director of Public Prosecutions (CDPP) was tabled in the House of Representatives on 13 October 2011 and in the Senate on 1 November 2011. It was received by the Minister on 29 September 2011.

1.58 The committee commends the CDPP for a report of a high standard which is comprehensive in information, and features a clear and concise style that is easy to follow.

1.59 The Director of Public Prosecution's (Director) review noted several staff movements and departures in the CDPP, including a leadership change in three regional offices across the country. The contributions of all departing officers were acknowledged.

1.60 Also noted in the Director's review was the CDPP's close working relationships with other government agencies. The office received briefs of evidence from 36 Commonwealth, and state and territory agencies and noted that support from the Australian Federal Police (AFP) has resulted in a significant increase in people smuggling prosecutions under the *Migration Act 1958*.[43]

1.61 The committee is pleased to note that, in examining the report against the list of requirements under the Requirements of Annual Reports, all mandatory items were included and a number of suggested items were also added. The effective use of real-life prosecution cases throughout the report helped to illustrate the diverse areas of practice the CDPP deals with, and paints a vivid picture of the work undertaken.

1.62 Under the agency's overview, the outcome-program chart 2010-11 structure is clear and consistent with information in the 2010-11 Portfolio Budget Statements.

1.63 The CDPP's appropriations for 2010-11 decreased from $105.421 million in 2009-10 to $95.927 million in 2010-11. The report notes that the government has put in place interim funding arrangements to enable the CDPP to continue its work and to meet the requirements of the *Prosecution Policy of the Commonwealth.* Further decreases in future appropriations and financial statements as appear in the Portfolio Budget Statements are also included in the report. The review of CDPP funding arrangements was not complete at the time of publication of this report.[44]

1.64 The inclusion of statistics and performance indicators shows that the CDPP has met all prosecution performance indicators in 2010-11. The CDPP achieved a 99 per cent rate (4026 from 4083) of successful prosecutions, 100 per cent rate (6 from 6) of prosecution sentence appeals in summary prosecutions being upheld, and a 99 per cent rate (478 from 485) for defendants in defended committals resulting in a committal order.[45] Similarly presented data for previous years provides trend

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43 *Commonwealth Director of Public Prosecutions Annual Report 2010-11*, p. vii.

44 *Commonwealth Director of Public Prosecutions Annual Report 2010-11*, pp vii-viii.

45 *Commonwealth Director of Public Prosecutions Annual Report 2010-11*, p. 125.

information. A detailed breakdown of information on prosecution processes across a range of criminal offences, and duration of trials, provides a comprehensive background.[46]

1.65 The committee considers the annual report of the CDPP to be 'apparently satisfactory'.

46 *Commonwealth Director of Public Prosecutions Annual Report 2010-11*, Chapter 3.

CHAPTER 2

REPORTS ON THE OPERATION OF ACTS AND PROGRAMS

2.1 Standing Order 25(20) does not provide for the consideration of reports on the implementation or operation of acts or programs. The committee is not therefore required to include them in its report on the examination of annual reports. However, as on previous occasions, the committee has chosen to examine such reports, specifically:

- *Surveillance Devices Act 2004* Report for the year ending 30 June 2011; and
- Annual report on the Commonwealth Ombudsman's activities under Part V of the *Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011 (published by the Commonwealth Ombudsman).

Report on the operation of the *Surveillance Devices Act 2004*

2.2 The report for the operation of the *Surveillance Devices Act 2004* (SD Act) was tabled by the Minister in both Houses of Parliament on 1 November 2011. The report's presentation date to the Minister was 4 October 2011, just outside the SD Act's legislative provisions.

2.3 Under section 50(3) of the SD Act:

> The report must be submitted to the Minister as soon as practicable after the end of each financial year, and in any event within 3 months after the end of the financial year.

2.4 Among the significant developments relevant to the SD Act during 2010-11 is the Australian Federal Police's (AFP) reported increase in obtaining surveillance device warrants. The AFP obtained 406 warrants in 2010-11 compared to 311 in 2009-10, representing an increase of 29 per cent. This is in contrast to the Australian Crime Commission (ACC), which reported 179 warrants being obtained for 2010-11, a 10 per cent drop from the preceding reporting period of 199 warrants.[1]

2.5 There was no information in relation to the number of warrants obtained at the state/territory level as state and territory law enforcement agencies generally rely on their own legislative regimes for their use of surveillance devices, although they are able to make use of the SD Act when dealing with a Commonwealth matter or during a joint operation.[2]

2.6 There were no significant judicial decisions under the SD Act during the reporting period.

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1 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 8.

2 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 8.

2.7 Pursuant to paragraph 50(1)(a) of the SD Act, the annual report must provide information on the number of applications for warrants made and the number of warrants issued for the reporting period. Under subsection 50(2), the SD Act also requires the report to provide a breakdown of these numbers in respect of each different kind of surveillance device.[3]

2.8 For 2010-11 there was an approximate 12 per cent increase with 588 warrants issued, compared to 522 warrants issued during the preceding period. The law enforcement agencies, to which these warrants were issued, were: ACC; AFP; NSW Police; and Victoria Police.[4]

2.9 The report notes that section 10 of the SD Act allows a surveillance device warrant to cover more than one surveillance device or more than one kind of surveillance device. It could also be issued for composite devices, meaning devices that may have more than one function. For example, a warrant could authorise the use of separate listening and tracking devices for a vehicle or a composite device containing both listening and tracking functions.[5]

2.10 Section 15 of the SD Act provides for remote application for a warrant. There were no remote applications during the reporting period.

2.11 Section 50 requires the inclusion of additional information which is, for the committee's purpose, indicative of the SD Act's effective use, such as: the number of arrests; prosecutions and convictions; and the number of locations and safe recoveries of children, based on information obtained using surveillance devices.[6]

2.12 The table below shows the number of arrests, prosecutions and convictions for 2010-11. There was no information for the NSW Police as they had nil data for the reporting period.

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3 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 10.

4 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 10.

5 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 10.

6 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 14.

AGENCY	Arrests	Safe Recovery	Prosecutions	Convictions
ACC	30	-	4	4
AFP	47	-	50	10
Victoria Police	5	-	-	-
CCC	-	-	-	1[7]
Total	82[8]	-	54	15

2.13 The report notes that information regarding arrests, prosecutions (inclusive of committal proceedings) and convictions should be interpreted with caution, especially in presuming a relationship between them. An arrest in one reporting period might lead to a prosecution (if at all) in a later reporting period, likewise a conviction in one reporting period could be recorded in another period. Further, there is no correlation between the number of charges and arrests as an arrest could lead to conviction of multiple offences. Also, in situations where the weight of evidence obtained from surveillance devices is sufficient for defendants to enter guilty pleas, it may not be necessary for surveillance information to be introduced as evidence.[9]

Annual report on the Commonwealth Ombudsman's activities under Part V of the *Australian Federal Police Act 1979*

2.14 The Commonwealth Ombudsman's (Ombudsman) annual report into the Australian Federal Police's (AFP) activities under Part V of the *Australian Federal Police Act 1979* (AFP Act) was tabled in both Houses of Parliament on 22 November 2011.

2.15 Part V of the AFP Act confers to the Ombudsman oversight responsibilities in respect of the way that the AFP handles complaints about it and its members.[10]

2.16 The Ombudsman conducts annual and ad hoc reviews of AFP complaint-handling procedures and processes by undertaking an inspection of records. For the

7 This conviction is the result of a warrant and extensions granted during 2008-09.

8 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 15. The total figure in the report was 77. This figure does not appear to match the sum calculation of figures provided, which is 82.

9 Attorney-General's Department, *Surveillance Devices Act 2004 Report for the year ending 30 June 2011*, p. 15.

10 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 1.

2010-11 financial year, the Ombudsman conducted one review inspection pursuant to subsections 40XA and 40XD of the AFP Act.[11]

2.17 The review's findings regarding establishment rates for publicly generated complaints remain lower than for internally generated complaints. These findings are similar to those found in the two preceding reviews on the matter.[12]

2.18 The Ombudsman reported that timeliness in complaint resolution for 2010-11 deteriorated across all categories compared to those of the two preceding reviews. At the time of the Ombudsman's 2010-11 review, the AFP had implemented new complaint processes which had yet to operate effectively when the Ombudsman was conducting its review for the report. For the 2010-11 review, the Ombudsman examined 76 complaints in detail and found only six (eight per cent) of these complaints were finalised within the AFP's own standards. Twenty-seven complaints took in excess of a year to finalise, with two of those taking in excess of 1000 days to finalise.[13] The Ombudsman found the AFP's performance in this area to be well short of its own benchmarks.[14]

2.19 To address this issue, the AFP has established an Adjudication Panel and engaged a former senior officer to assist in the finalisation of a backlog of complaints. The AFP has also included a performance measure in the Human Resource Business Plan to improve the timeliness of complaint resolution by 25 per cent.[15] As a result of these measures, the AFP reported that it was able to finalise a large number of complaints in backlog[16] and has more recently advised the Ombudsman that it is achieving the benchmark for a majority of new complaints; however a significant backlog still remains.[17]

2.20 Another area of review by the Ombudsman was the frequency of contact with complainants. The Ombudsman reported an improvement in this area since its last review. In 2010-11, the review indicated investigators were contacting complainants and capturing their concerns in 45 per cent of cases. This compares well to 30 per cent and below of cases reported in previous reviews. In another 40 per cent of complaint

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11 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 2.

12 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 1.

13 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 14.

14 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, pp 14-15.

15 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 15.

16 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 15.

17 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 15.

cases, contact with the complainant was not necessary due to the nature of the complaint.[18] The complaint record did not clarify in the remaining cases whether a complainant was contacted or whether contact was simply not recorded.[19]

2.21 Reflecting similar findings in earlier reviews, the Ombudsman remain concerned that decision-makers showed a tendency to accept the evidence of an AFP member over a non-AFP member without sufficient justification or without demonstrating that 'sufficient effort was made to gather and test corroborating evidence from other members present or other witnesses.'[20]

2.22 The Ombudsman reported that in a large number of instances (88 per cent), there was little evidence to indicate that advice was provided about the complaint process to complainants.[21]

2.23 Complainants were advised of the outcome of investigations in more than 60 per cent of complaints. Thirty per cent of complaints did not require an outcome due to the nature of complaints, and seven per cent did not receive an outcome.[22]

2.24 The Ombudsman made no recommendation but continued to express its concerns in regards to timeliness of managing and finalising complaints, and frequency of contact with complainants.[23] It has indicated that these areas will be of interest in follow-up reviews in future reports.

Senator Trish Crossin
Chair

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18 They were either a self-report or an internal complaint.

19 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 17.

20 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 18.

21 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 17.

22 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, p. 17.

23 *Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011, pp 1 and 18.

APPENDIX 1

Reports tabled during the period 1 November 2011 and 30 April 2012 and referred to the committee

Department/authority/ Operation of an act or program	Date submitted to Minister/Date received by Minister	Date tabled in Senate (received in Senate out of session)	Date tabled in the House of Reps
Attorney-General's Portfolio			
Department/authority			
Aboriginal and Torres Strait Islander Social Justice Commissioner – Native Title Report for 2011.	No legislative requirement to table. 1.11.11/1.11.11	23.11.11	23.11.11
Aboriginal and Torres Strait Islander Social Justice Commissioner – Social Justice Report for 2011.	1.11.11/1.11.11	23.11.11	23.11.11
Anti-People Trafficking interdepartmental Committee – Third report – Trafficking in persons: The Australian government response, 1 July 2010 to 30 June 2011.	25.10.11/26.10.11	22.11.11	22.11.11
Audio-Visual Copyright Society Limited (Screenrights) – Annual Report for 2010-11.	6.2.12/6.2.12	28.2.12	16.2.12
Australian Commission for Law Enforcement Integrity – Annual Report of the Integrity Commissioner for 2010-11.[1]	30.9.11/30.9.11	1.11.11	13.10.11
Australian Crime Commission (ACC) – Annual Report for 2010-11.[2]	4.10.11/5.10.11	1.11.11	13.10.11

1 Also stands referred to the Joint Committee on the Australian Commission for Law Enforcement Integrity, under the *Law Enforcement Integrity Commissioner Act 2006*.

2 Also stands referred to the Joint Committee on Law Enforcement (formerly Australian Crime Commission), under the *Australian Crime Commission Act 2002*.

Australian Crime Commission (ACC) Board – Report for 2010-11.[3]		7.2.12 (Received 20.12.11)	7.2.12
Australian Customs and Border Protection Service – Annual Report for 2010-11 – Correction.[4]		27.2.12 (Received 10.2.12)	13.2.12
Australian Human Rights Commission – Report No. 46 – Mr Parvis Yousefi, Mrs Mehrnoosh Yousefi and Manoochehr Yousefi v Commonwealth of Australia (Department of Immigration and Citizenship).		7.11.11 (Received 4.11.11)	3.11.11
Australian Human Rights Commission – Report No. 47 – Mr Heyward v Commonwealth of Australia (Department of Immigration and Citizenship).		7.2.12 (Received 1.12.11)	7.2.12
Australian Human Rights Commission – Report No. 48 – Mr CG v State of New South Wales (Rail Corporation New South Wales).	17.2.12/17.2.12	13.3.12	13.3.12
Australian Human Rights Commission – Annual Report for 2010-11.	21.10.11/21.10.11	1.11.11	1.11.11
Australian Human Rights Commission – Report on the Review into the Treatment of Women at the Australian Defence Force Academy – Phase 1 of the Review into the Treatment of Women at the Australian Defence Force Academy.	26.10.11/26.10.11	8.11.11	3.11.11

3 Also stands referred to the Joint Committee on Law Enforcement (formerly Australian Crime Commission), under the *Australian Crime Commission Act 2002*.

4 An earlier version of the report without correction was submitted to the Senate and House of Representatives on 31.10.11 but presented to the Senate on 21.10.11. The report was submitted and received before this date by the Minister on 16.9.11 and 5.10.11 respectively.

Australian Institute of Criminology and Criminology Research Council – Annual Reports for 2010-11.	21.9.11/21.9.11	1.11.11	13.10.11
Australian intelligence agencies – Independent review of the intelligence community report by Mr Robert Cornall AO and Dr Rufus Black, dated November 2011.	No legislative requirement to table. 16.11.11/16.11.11	7.2.12	7.2.12
Australian Law Reform Commission – Report No.118 – Classification – Content regulation and convergent media – Final report, dated February 2012.	29.2.12/29.2.12	13.3.12	1.3.12
Australian Law Reform Commission – Report No.118 – Classification – Content regulation and convergent media – Summary Report – Section 20 *Australian Law Reform Commission Act 1996*.	29.2.12/29.2.12	20.3.12	19.3.12
Australian Law Reform Commission – Report No.117 – Family violence and Commonwealth laws – Improving legal frameworks – • Final report, dated November 2011. • Summary report, dated November 2011.	11.1.12/11.1.12	7.2.12	7.2.12
Australian Transaction Reports and Analysis Centre (AUSTRAC) – Annual Report for 2010-11.	5.10.11/5.10.11	1.11.11	13.10.11
Commonwealth Director of Public Prosecutions – Annual Report for 2010-11.	29.9.11/29.9.11	1.11.11	13.10.11
Commonwealth Ombudsman – Annual Report for 2010-11.[5]	23.12.11/23.12.11	7.2.12	7.2.12
Copyright Agency Limited – Annual Report for 2010-11.	20.12.11/22.12.11	13.3.12	13.3.12

5 Also forwarded to the Finance and Public Administration Legislation Committee.

High Court of Australia – Annual Report for 2010-11.		21.11.11 (Received 18.11.11)	21.11.11
Office of the Australian Information Commissioner – Annual Report for the period 1 November 2010 to 30 June 2011, including financial statements for the Office of the Privacy Commissioner for the period 1 July 2010 to 31 October 2010 – Corrigendum.		7.2.12 (Received 20.12.11)	7.2.12 (tabled with corrigendum) 31.10.11
Operation of an act or program			
Annual report on the Commonwealth Ombudsman's activities under Part V of the *Australian Federal Police Act 1979* for the period 1 July 2010 to 30 June 2011.		22.11.11	22.11.11
Crimes Act 1914 - Review of the operation of Subdivision A of Division 6 of Part VIIC of the Act – Final report, dated September 2011.	19.9.11/19.9.11	9.11.11	21.11.11
Crimes Act 1914 – Authorisations for the acquisition and use of assumed identities – Australian Customs and Border Protection Service – Report for 2010-11.	6.10.11/6.10.11	1.11.11	1.11.11
Crimes Act 1914 - Report for 2010-11 on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police.	21.2.12/22.2.12	13.3.12	13.3.12
Crimes Act 1914 – Authorisations for the acquisition and use of assumed identities – Australian Crime Commission – Report for 2010-11.	25.10.11/25.10.11	22.11.11	22.11.11
Freedom of Information Act 1982 – Report for 2010-11 on the operation of the Act.		7.2.12 (Received 2.12.11)	7.2.12

Surveillance Devices Act 2004 – - Commonwealth Ombudsman's reports on inspections of surveillance device records for the period 1 January to 30 June 2010 – Australian Crime Commission and Australian Federal Police, and Victoria Police (Ethical Standards Department) for the period 1 July 2009 to 31 July 2010.	30.9.11/30.9/11	1.11.11	13.10.11
Surveillance Devices Act 2004—Report for the year ending 30 June 2011.[6]	4.10.11/4.10.11	1.11.11	1.11.11
Telecommunications (Interception and Access) Act 1979 – Report for the 2010-11 on the operation of the Act.	4.10.11/4.10.11	1.11.11	
Telecommunications (Interception and Access) Act 1979—Report on the operation of the Act for 2010-11, including a corrigendum.		7.11.11 (4.11.11)	1.11.11
War Crimes Act 1945 – Report for 2010-11 on the operation of the Act.	13.9.11/13.9.11	1.11.11	1.11.11

6 The tabled report in the House of Representatives' 'Votes and Proceedings' indicated the report included a corrigendum but Senate documents do not appear to include a corrigendum.

Immigration and Citizenship Portfolio			
Migration Act 1958			
Reports for the period 1 July 2011 to 31 October 2011 – - Section 91Y – Protection visa processing taking more than 90 days. - Section 440A – Conduct of Refugee review Tribunal reviews not completed within 90 days.	14.12.11/15.12.11	14.3.12	14.3.12
Section 4860 – Assessment of detention arrangements – Personal identifiers 667/11, 669/11 to 671/11, 672/12 to 673/12, 687/12 to 689/12, 703/12 and 706/12 – - Commonwealth Ombudsman's reports. - Government response to Ombudsman's reports.	27.2.12/27.2.12	14.3.12	14.3.12
Section 4860 – Assessment of detention arrangements – Personal identifiers 644/11 to 647/11, 650/11, 651/11, 656/11, 660/11, 663/11 to 665/11 and 668/11 – - Commonwealth Ombudsman's reports. - Government response to Ombudsman's reports.	16.11.11/17.11.11	23.11.11	23.11.11
Section 4860 – Assessment of detention arrangements – Personal identifiers 643/11, 648/11 and 649/11, 652/11 to 655/11 and 657/11 to 659/11 – - Commonwealth Ombudsman's reports. - Government response to Ombudsman's reports.	11.10.11/11.10.11	2.11.11	2.11.11