The Senate

Legal and Constitutional Affairs Legislation Committee

Annual reports (No. 1 of 2013)

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TABLE OF CONTENTS

MEMBERS OF THE COMMITTEE ..... **iii**

PREFACE ..... **vii**

Terms of reference vii

Role of annual reports viii

Annual reporting requirements viii

'Apparently satisfactory' ix

Timeliness ix

Requirement for non-reporting bodies to report xi

CHAPTER 1 ..... **1**

ANNUAL REPORTS OF DEPARTMENTS **1**

Attorney-General's Department 1

Department of Immigration and Citizenship 3

CHAPTER 2 ..... **9**

ANNUAL REPORTS OF STATUTORY BODIES **9**

Attorney-General's Portfolio 9

Immigration and Citizenship Portfolio 10

Consideration of annual reports 10

Administrative Appeals Tribunal 10

CrimTrac Agency 11

Migration Review Tribunal (MRT) and Refugee Review Tribunal (RRT) 12

CHAPTER 3 ..... **15**

REPORTS ON THE OPERATION OF ACTS AND PROGRAMS **15**

Report to the Attorney-General on the results of inspections of records under section 55 of the *Surveillance Devices Act 2004* 15

Refugee Review Tribunal reviews not completed within 90 days 16

APPENDIX 1 ..... **19**

Reports tabled during the period 1 May and 31 October 2012 and referred to the committee **19**

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:

- 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 28 June 2012. Amendments to the latest issue of the *Requirements for Annual Reports* are:

- Consultancy reporting – recognising the functionality provided by the AusTender database, the requirement to provide details of consultancy contracts let in the reporting year has been omitted.
- Carer recognition – a new requirement has been added for public service care agencies to report on compliance with the *Carer Recognition Act 2010*.
- Freedom of Information – simplification of reporting following accommodation of major reforms to freedom of information reporting in the 2010-11 Requirements.[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.

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1 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies (Requirements for Annual Reports)*, 28 June 2012, Part 1, subsection 3(1).

2 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 28 June 2012, p. i.

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

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. However, the committee notes some reports could be improved with a closer adherence to the *Requirements for the Annual Reports*.[4] 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*, 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.[5]

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

4 For example, the committee is disappointed to note that the Australian Human Rights Commission's annual report lacked a list of requirements, including a mandatory compliance index and a 'clear read' between the PBS and the report, despite concerns expressed by the committee in its *Annual Reports (No. 2 of 2012)* report, tabled on 12 September 2012: see pp 3-5.

5 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 28 June 2012, Part 1, section 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.[6]

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 6 months after the end of the period reported upon (subsection 34C(2)), and ministers must table reports within 15 sitting days after receipt.

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6 Department of the Prime Minister and Cabinet, *Guidelines for the Presentation of Documents to the Parliament (including Government Documents, Government Responses to Committee Reports, Ministerial Statements, Annual Reports and other instruments)*, Canberra, 28 June 2012, p. 5. Provisions for seeking an extension to the reporting period can be found in subsections 34C(4) to (7) of the *Acts Interpretation Act 1901*.

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 May 2012 and 31 October 2012, and which have been referred to the committee for examination, can be found at Appendix 1.[7] Also included in this table, is the date each report was tabled in the House of Representatives.

The annual reports of bodies examined in this report met the reporting deadline of 31 October 2012. The committee commends the Department of Immigration and Citizenship, the Australian Federal Police, the Australian Law Reform Commission, the Australian Security Intelligence Organisation, the Australian Transaction Reports and Analysis Centre, the CrimTrac Agency, the Office of the Australian Information Commissioner, the Migration Agents Registration Authority, and the Migration Review Tribunal and the Refugee Review Tribunal for making their annual reports available for examination prior to the supplementary estimates hearings on 15 and 16 October 2012.

A number of agencies just missed the deadline in the Senate, tabling their reports in the Senate in November 2012. Accordingly, the reports of the following agencies will be examined in the committee's second report for 2013:

- Administrative Review Council;
- High Court of Australia; and
- National Native Title Tribunal.

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] The committee is disappointed to note there were fewer annual reports available prior to the committee's supplementary budget estimates hearings on 15 and 16 October 2012 compared to those previously examined. The committee commends the Australian Security Intelligence Organisation for making its annual report accessible for examination prior to the Supplementary Estimates hearings on 16 October 2012.[9]

Requirement for non-reporting bodies to report

In accordance with Standing Order 25(20)(h), the committee is required to report on bodies which do not present an annual report to the Senate and which should present such a report.

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

8 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 28 June 2012, Part 1, section 4.

9 See Appendix 1 for those bodies which tabled or presented their reports prior to 15 and 16 October 2012.

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

CHAPTER 1

ANNUAL REPORTS OF DEPARTMENTS

1.1 The annual reports of the following departments for the financial year 2011-12, were referred to the committee for examination and report:

- Attorney-General's Department
- Department of Immigration and Citizenship

Attorney-General's Department

Tabling of report

1.2 The 2011-12 annual report was tabled in the Senate on 31 October 2012, and was not available to Senators for the Supplementary Budget Estimates 2012-13 hearings. The committee notes that this is in contrast to the department's timely tabling of its report prior to the October estimates hearings in the previous year.

Performance reporting

1.3 The report's performance information addresses the key performance indicators (KPIs) as listed in the Portfolio Budget Statement for 2011-12. The committee notes that all KPIs for the department were assessed as being achieved, substantially achieved, or partially achieved, with a brief supporting comment following each result.[1]

1.4 The report presents a 'clear read' from the Portfolio Budget Statements to the annual report in relation to reporting on performance. The committee notes that the KPIs for the 2011-12 annual report continued to be similar in format to the 2010-11 annual report, which does not have a quantitative measure for performance or targets. This is in contrast to the department's previous inclusion of quantitative measures for some KPIs and identified targets in the annual report.[2]

1.5 As previously noted by the committee, the development of quantitative KPIs for departmental programs involving policy development and advice may be challenging and use of qualitative KPIs may be a more appropriate reporting tool. Nevertheless, the inclusion of quantitative KPIs for some program areas may be more instructive in regards to whether a program objective has being achieved.[3]

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1 *Attorney-General's Department Annual Report 2011-12*, pp 104, 112-113, 116, 120-121, 146-147, 157-160 and 162.

2 Refer to *Annual Reports (No.1 of 2012)*, Senate Legal and Constitutional Affairs Legislation Committee, p. 2 and *Attorney-General's Department Annual Report 2010-11*, pp 70 and 71. For a comparison, see previous *Attorney-General's Department Annual Report 2008-09*, Part 2 - Performance reports, pp 25-179.

3 *Annual Reports 2010-11 (No.1 of 2012)*, Senate Legal and Constitutional Affairs Legislation Committee, p. 2.

1.6 In the Department of Finance and Deregulation's *Performance Information and Indicators* it is recommended that KPIs within the outcomes and programs reporting framework, 'should measure the effectiveness and efficiency of the program and clearly measure the program's success, particularly against the intended result of the relevant outcome statement.'[4]

1.7 Further, the Australian National Audit Office's (ANAO) *Development and implementation of key performance indicators to support the outcomes and programs framework* recommends agencies, where suitable, to develop KPIs that have an appropriate emphasis on quantitative and measureable indicators, including targets.[5] This would demonstrate the effectiveness of a program in achieving its objectives in support of the relevant outcome. The ANAO report found that:

> The tendency for entities to rely on qualitative KPIs reduces their ability to measure the results of program activities over time. A mix of effectiveness KPIs, that place greater emphasis on quantitative KPIs and targets, would provide a more measureable basis for performance assessment. Targets, in particular, should be used more often to express quantifiable performance levels to be attained at a future date. By enabling a more direct assessment of performance, the greater use of targets would assist to clarify and simplify the process of performance monitoring.[6]

Social inclusion outcomes

1.8 Among the list of mandatory reporting requirements for agencies whose activities impact on social inclusion outcomes, is information about relevant programs and progress in relation to social inclusion strategic change indicators.[7] The department's contribution to the whole-of-government social inclusion agenda of 'giv[ing] every Australian the help they need to access the support and opportunities our society has to offer'[8] is from a law and justice perspective, for which the department has responsibility.

1.9 Among some of the department's contributions to the whole-of-government social inclusion agenda, are: providing legal assistance to address disadvantage via the funding of legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander legal services and Indigenous family violence prevention legal services,

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4 Department of Finance and Deregulation, *Performance Information and Indicators*, October 2010, p. 8.

5 Australian National Audit Office, Audit Report No. 5 2011-12, *Performance Audit, Development and implementation of key performance indicators to support the outcomes and programs framework*, Recommendation No. 1, p. 28.

6 Australian National Audit Office, *Audit Report No. 5 2011-12, Performance Audit, Development and implementation of key performance indicators to support the outcomes and programs framework*, p. 53. See also, Senate Legal and Constitutional Affairs Legislation Committee, *Annual Reports (No.1 of 2012)*, pp 2 and 3.

7 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 28 June 2012, p. 7.

8 *Attorney-General's Department Annual Report 2011-12*, p. 225.

and legal financial assistance schemes;[9] protecting and promoting human rights; and improving access to justice across a range of areas, such as family law, rights for people with a disability and Indigenous-specific programs to advance social inclusion.[10]

Reconciliation Action Plan (RAP)

1.10 In 2011, the department signed the Attorney-General's Portfolio Indigenous Statement of Commitment, which brings together existing individual statements from portfolio agencies into one unified statement supporting reconciliation.[11]

1.11 The department has established a Reconciliation Committee, which is responsible for implementing and maintaining the department's RAP. Some practical initiatives to arise from the department's RAP include: providing opportunities to indigenous staff; engaging with staff to develop and promote cultural awareness; involvement in the Attorney-General's Portfolio Reconciliation Network; participation in events of significance to Indigenous people – such as National Reconciliation Week, NAIDOC Week, Sorry Day and Mabo Day; and the co-hosting of an event during National Reconciliation Week to reaffirm the department's commitment to the Portfolio's Statement of Commitment.[12]

Conclusion

1.12 The report closely complies with the *Requirements for Annual Reports* and includes most 'suggested' items in addition to mandatory requirements.[13] The committee considers the report to be 'apparently satisfactory'.

Department of Immigration and Citizenship

Tabling of report

1.13 The department presented the annual report for 2011-12 out of session on 12 October 2011. This made it available to the committee for examination during the Supplementary Budget Estimates hearings on 15 and 16 October 2012.

Secretary's review

1.14 Among the Acting Secretary's highlights for 2011-12, was the department's achievement of passing the milestone of 4.5 million migrants and refugees becoming Australian citizens.[14] There were 114,685 people who were approved as Australian citizens either by conferral, descent or resumption. Of the 71,662 clients who sat the

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9 *Attorney-General's Department Annual Report 2011-12*, p. 225.

10 *Attorney-General's Department Annual Report 2011-12*, pp 226-229.

11 *Attorney-General's Department Annual Report 2011-12*, p. 179.

12 *Attorney-General's Department Annual Report 2011-12*, pp 176 and 179.

13 Despite incorrectly referencing an earlier version of the *Requirements for annual reports for departments, executive agencies and FMA Act bodies* (July 2011) for the preparation of the 2011-12 annual report, the list of requirements in the report conforms with the later 28 June 2012 requirements, p. viii.

14 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 6.

Australian citizenship test, 98.7 per cent passed. In the Australian citizenship course, which is an alternate testing pathway towards citizenship, 285 applicants successfully completed the course.[15]

Office of the Migration Agents Registration Authority

1.15 The department presented the Office of the Migration Agents Registration Authority's (MARA) results against deliverables and key performance indicators. The committee notes that the MARA met or exceeded its targets in four of the five key performance indicators (KPIs).

1.16 For example, in relation to the percentage of complete registration applicants finalised within service standards, the MARA exceeded its KPI target of 95 per cent with a 98.9 per cent result. The MARA also exceeded its KPI target of greater than 65 per cent for the percentage of registered migration agents who participated in continuing professional development activities and found them useful, achieving a greater than 82 per cent result. The only key performance indicator the MARA failed to meet was the percentage of complaints finalised within service standards, achieving a 70 per cent result as opposed to its KPI target of 100 per cent.[16]

Social inclusions outcomes

1.17 The report provides a brief statement supporting the government's social inclusion agenda and highlights some examples of the department's input to advancing this agenda. Areas covered include: assisting new arrivals, including refugees, to settle into the community through a comprehensive suite of settlement support services, including learning English and linking people to essential services such as health, housing and community and family programs.[17]

1.18 The department's contribution to the government's broader social inclusion agenda can also be found in various programs and services: a diversity and social cohesion program; a humanitarian settlement program, which supports an anti-homelessness strategy; services provided by the non-government sector; and support of government agencies to fulfil their access and equity obligations to clients, including culturally and linguistically diverse clients with different needs.[18]

Reconciliation Action Plan

1.19 The department's *Reconciliation Action Plan 2010-2012* was launched in March 2011. The then Secretary's foreword states that the department's vision for reconciliation is to 'work in partnership with Australia's Indigenous Aboriginal and Torres Strait Islander peoples to develop business practices that overcome their

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15 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 7.

16 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 109.

17 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 340.

18 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 340.

disadvantage and foster the same social and economic opportunities for them as other Australians'.[19]

1.20 The department's goal is to:

> …develop mutually beneficial relationships with Indigenous Australians through building a culturally diverse workforce, raising awareness of and informing new Australians of the unique history and culture of Indigenous people in this country.[20]

1.21 Under the National Partnership Agreement on Indigenous Economic Participation, the department is committed to raising the number of its Indigenous employees, from the current 0.9 per cent to 2.7 per cent by 2015.[21] In 2011-12, the indigenous employment team was able to recruit 24 additional employees using the Australian Public Service Commission's pathways program.[22]

1.22 To further support reconciliation during the reporting period, the Aboriginal and Torres Strait Islander Cultural Awareness eLearning training package was developed to build staff awareness about Australia's indigenous peoples.[23] This initiative was created following extensive consultation with the department's Indigenous Employees Network and Reconciliation Ambassador Network, with input from Reconciliation Australia, the Australian National University and the Torres Strait Regional Authority.[24]

1.23 Other initiatives the department undertook included: the addition of the department's *Welcome to Country and Acknowledgement of Country Protocols* at meetings and events, including at citizenship ceremonies; an information kit for supervisors of Aboriginal and Torres Strait Islander employees; the appointment of a Reconciliation Champion at the SES level, as well as 27 Reconciliation Ambassadors across Australia, who play an important role in organising activities to celebrate significant Indigenous events.[25]

Performance reporting

1.24 The department's performance information in relation to deliverables and KPIs is clearly presented and provides a 'clear read' between the report and the Portfolio Budget Statements 2010-11. The inclusion of information in a tabular format to present quantitative KPI information as well as indicators/targets and actual results, adds to the report's accessibility. Similarly, the committee found the addition of trend information, detailed statistics and supporting discussion accompanying various

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19 *Department of Immigration and Citizenship Reconciliation Action Plan 2010-2012*, p. 1.

20 *Department of Immigration and Citizenship Reconciliation Action Plan 2010-2012*, p. 1.

21 *Department of Immigration and Citizenship Reconciliation Action Plan 2010-2012*, p. 1.

22 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 321.

23 *Department of Immigration and Citizenship Annual Report 2011-12*, pp 321 and 325.

24 *Department of Immigration and Citizenship Annual Report 2011-12*, pp 321 and 325.

25 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 321.

migration programs and visa categories helpful and instructive in providing valuable context.[26]

1.25 The committee notes that the performance result for the processing of onshore protection applications decided within 90 days, in accordance with section 65A of the *Migration Act 1958*[27] (Migration Act) has improved slightly for 2011-12 compared to the result for previous reporting period. The actual result of 64.8 per cent is up from the 60.7 per cent for 2010-11. Nonetheless, this result is below the result for the reporting periods 2009-10 (71.8 per cent) and 2008-09 (77 per cent), and is well below the target result of 100 per cent.[28]

1.26 The committee notes that in accordance with section 91Y of the Migration Act, monitoring of performance and reporting on processing within 90 days relates to protection visa decision-making only. A similar provision does not exist for refugee status assessments of people who arrive at an excised offshore place.[29]

1.27 For the period 2011-12, 84 per cent of protection visa decisions which took more than 90 days were caused by departmental-related delays, such as the complexity of some cases which required additional investigation, and resource-related issues. This is a large rise from 73 per cent caused by departmental-related delays in the previous 2010-11 period. Other reasons for delays in processing onshore protection visa applications were 'client-related' and 'external agency/third party'-related.[30]

1.28 It was reported that in 2011-12, there were 14,415 protection visa applications and refugee status determination requests from people seeking asylum in Australia. This is an increase of 25 per cent on the previous year. Of these protection visas granted, 7,038 visas were granted to irregular maritime arrivals (IMAs) and non-IMAs, an increase of 46 per cent compared with 2010-11. The majority of this increase was due to the grant of protection visas to IMAs, which increased by 75 per cent, while the number of protection visas granted to non-IMAs were slightly higher than 2010-11, by 8 per cent.[31]

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26 *Department of Immigration and Citizenship Annual Report 2011-12*, Chapter 3 - Report on performance, pp 33-280.

27 Department of Immigration and Citizenship, *Protection visa processing taking more than 90 days for the reporting period 1 March 2012 to June 2012*, tabled in the Senate on 19 September 2012: see letter of transmittal to Minister on the first page.

28 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 120. Also *Department of Immigration and Citizenship Annual Report 2010-11*, p. 106.

29 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 134.

30 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 134.

31 *Department of Immigration and Citizenship Annual Report 2011-12*, p. 131.

Conclusion

1.29 The report is a comprehensive document which appears to give full coverage of operations during the year and which closely follows the *Requirements for Annual Reports*. The committee considers the report to be 'apparently satisfactory'.

CHAPTER 2

ANNUAL REPORTS OF STATUTORY BODIES

2.1 The annual reports of the following statutory bodies for the financial year 2011-12 were referred to the committee for examination and report during the period 1 May to 31 October 2012:

Attorney-General's Portfolio

- Administrative Appeals Tribunal
- Australian Commission for Law Enforcement Integrity[1]
- Australian Crime Commission[2]
- Australian Customs and Border Protection Service
- Australian Federal Police[3]
- Australian Government Solicitor
- Australian Human Rights Commission
- Australian Institute of Criminology
- Australian Law Reform Commission
- Australian Security Intelligence Organisation
- Australian Transaction Reports and Analysis Centre
- Classification Board and Classification Review Board
- Commonwealth Director of Public Prosecutions
- CrimTrac Agency
- Family Law Council
- Family Court of Australia
- Federal Court of Australia
- Federal Magistrates Court of Australia
- Insolvency and Trustee Service Australia
- Office of the Australian Information Commissioner
- Office of the Commonwealth Ombudsman[4]

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

2 Also stands referred to the Parliamentary Joint Committee on Law Enforcement under the *Australian Crime Commission Act 2002*.

3 Also stands referred to the Parliamentary Joint Committee on Law Enforcement under the *Australian Federal Police Act 1979*.

- Office of Parliamentary Counsel

Immigration and Citizenship Portfolio

- Migration Review Tribunal and Refugee Review Tribunal
- Office of the Migration Agents Registration Authority (*Sub-program 1.1.3*)

Consideration of annual reports

2.2 The committee has determined to consider, but not report on, the annual reports of the Australian Commission for Law Enforcement Integrity and the Australian Crime Commission, as the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity and the Parliamentary Joint Committee on Law Enforcement have specific responsibility for overseeing these agencies.

2.3 Similarly, the Committee has determined to consider, but not report on, the annual reports of the Australian Federal Police and the Office of the Commonwealth Ombudsman, as the Parliamentary Joint Committee on Law Enforcement and the Senate Finance and Public Administration Legislation Committee have specific responsibility for overseeing these agencies.

2.4 On this occasion, the committee has decided to examine in more detail the reports of the Administrative Appeals Tribunal, the CrimTrac Agency, and the Migration Review Tribunal and the Refugee Review Tribunal.

Administrative Appeals Tribunal

2.5 The annual report of the Administrative Appeals Tribunal (AAT) was tabled in the Senate on 31 October 2012.

2.6 The AAT has one outcome and is a one program agency. Its outcome is:

> Access to a fair, just, economical, informal and quick review mechanism for applicants through reviews of government administrative decisions, including dispute resolution processes and independent formal hearings.[5]

2.7 Its primary deliverable is completed reviews of decisions, and there are two parts to achieving it:

- applications finalised without a hearing, and
- applications finalised with a hearing.[6]

2.8 The AAT reported an operating surplus of $1.505 million in 2011-12 before unfunded depreciation costs, which is attributed to once-off savings in property costs,

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

5 *Administrative Appeals Tribunal 2011-12 Annual Report*, p. 26. Also in *Attorney-General's Portfolio, Portfolio Budget Statements 2011-12, Administrative Appeals Tribunal*, p. 59.

6 *Administrative Appeals Tribunal 2011-12 Annual Report*, p. 26.

reduced usage of part-time members during the year and a number of vacant positions.[7]

2.9 The AAT's performance information in relation to program deliverables and performance outcomes corresponds closely to those provided in the Portfolio Budget Statements. Performance results are measured against projected standards, with both qualitative and quantitative information presented in a tabular format. For example, for 'Program 1.1.1 – Applications finalised without a hearing', the AAT's actual performance of 91 per cent exceeded the projected standard of 85 per cent of matters having first conference within 13 weeks. However, in relation to quantity, the actual result of 4,011 fell short of the projected standard of 5,218. Likewise the price per completed application was higher at $4,190 than was the projected standard of $3,190.[8]

2.10 The inclusion of the Tribunal's service charter in the annual report provides accountability and transparency in reporting. The number and types of complaints made about the Tribunal are usefully broken down into relevant issues, as well as in relation to whether the Tribunal responded (in writing) within the target of 20 working days. [9] Such information is a valuable measurement of performance.

2.11 The committee is pleased to note the report closely follows the list of *Requirements for Annual Reports* and considers the report of the AAT to be 'apparently satisfactory'.

CrimTrac Agency

2.12 The annual report of the CrimTrac Agency (CrimTrac) was presented out of session on 12 October 2012.

2.13 The committee is pleased with the report's conformity with the list of *Requirements for Annual Reports*, and with the inclusion of some suggested information, such as policy and practices on the establishment and maintenance of appropriate ethical standards,[10] workforce planning, staff turnover and retention,[11] names of the senior executive and their responsibilities,[12] and senior management committees and their roles.[13]

2.14 The agency's reported a surplus of $4.747 million for 2011-12 compared to a surplus of $6.480 million for the previous period.[14]

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7 *Administrative Appeals Tribunal Annual Report 2011-12*, p. 50.

8 *Administrative Appeals Tribunal Annual Report 2011-12*, p. 27.

9 *Administrative Appeals Tribunal Annual Report 2011-12*, pp 32 and 33.

10 *CrimTrac Annual Report 2011-12*, p. 55.

11 *CrimTrac Annual Report 2011-12*, pp 64-68.

12 *CrimTrac Annual Report 2011-12*, pp 8 and 9.

13 *CrimTrac Annual Report 2011-12*, pp 12-18.

14 *CrimTrac Annual Report 2011-12*, p. 48.

2.15 Information in the agency's performance outcomes correlates to that contained in the 2011-12 Portfolio Budget Statements. The inclusion of snapshots to illustrate the variety of CrimTrac's work is very helpful in illustrating the complex environment in which CrimTrac operates.

2.16 The committee notes, however, that actual performance information measured against KPIs does not seem to contain targets. The inclusion of targets is desirable not only for benchmarking of actual results but for enhancing accountability and transparency in reporting. For example, in relation to the National Police Checking Service (NPCS), although information on the quality and quantity of performance are available ('such as 95 per cent of routine checks are processed within ten working days' and 'all enquiries for accreditation are processed according to guidelines in a timely manner') there is no information on targets to judge whether performances have met their objectives.[15]

2.17 The report has generally complied with the list of *Requirements for Annual Reports*. The committee considers that the annual report of CrimTrac is 'apparently satisfactory'.

Migration Review Tribunal (MRT) and Refugee Review Tribunal (RRT)

2.18 The Migration Review Tribunal-Refugee Review Tribunal's (MRT-RRT) annual report was presented out of session on 12 October 2012. The committee notes its presentation out of session was two days (falling on a weekend) before the October estimates hearings, which meant the report was not made readily accessible for examination prior to the hearings.

2.19 The Principal Member's overview for 2011-12 provided some contextual background for the environment in which the MRT-RRT operates. For example, the Principal Member revealed that the MRT-RRTs' decision-making for 2011-12 increased by 18 per cent from the previous 2010-11 period and combined application lodgements rose by 30 per cent. The active caseload has significantly increased by 55 per cent as at 30 June 2012 and it was highlighted that the increase in caseload and outputs of the MRT-RRT has been part of a consistent trend in recent years. For 2011-12 the MRT-RRT made 10,815 decisions and active caseload reached 18,364 cases.[16] This significant increase in applications, combined with the unavailability of some experienced members, meant that the proportion of RRT cases decided within 90 days fell noticeably short of the previous 2010-11 figure of 71 per cent, to 32 per cent for 2011-12.[17]

2.20 The committee is pleased to note that the MRT-RRT's performance in 2011-12 exceeded its program deliverable measures and key performance indicators set in its 2011-12 Portfolio Budget Statements. In 2011-12, the MRT-RRT exceeded its deliverable measure of 8,300 cases, with 10,815 cases being decided. In relation to the

15 *CrimTrac Annual Report 2011-12*, pp 43 and 44.

16 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, p. 2.

17 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, p. 2.

key performance indicator target of less than 5 per cent of tribunal decisions set aside by judicial review, the MRT-RRT achieved 0.2 per cent of MRT and 0.8 per cent of RRT decisions made in 2011-12 that have been set aside by judicial review.[18]

2.21 The report's inclusion of statistical and trend information presented in graphs, charts and tables means information is easy to locate and readily accessible. The close adherence to the compliance index, as well as the inclusion of suggested information, such as significant changes in the nature of principal functions or services,[19] names of the senior executive and their responsibilities,[20] corporate and operational planning and associated performance reporting and review,[21] work health and safety performance[22] and workforce planning.[23]

2.22 Finally, the integration of a range of real life case studies is a very effective way of presenting complex information. By fleshing out the complexities within each case study, the MRT-RRT provides valuable insight into the work undertaken by the tribunals.

2.23 The MRT-RRT annual report is well presented, with easy to locate information and provides a 'clear read' with the Portfolio Budget Statements. The committee considers the report to be 'apparently satisfactory'.

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18 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, p. 17.

19 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, p. 43.

20 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, p. 54.

21 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, pp 55 and 56.

22 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, pp 64 and 65.

23 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, pp 61 and 62.

CHAPTER 3

REPORTS ON THE OPERATION OF ACTS AND PROGRAMS

3.1 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 the following reports:

- Report to the Attorney-General on the results of inspections of records under section 55 of the *Surveillance Devices Act 2004* (inspections finalised between 1 July – 31 December 2011);
- Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 November 2011 to 29 February 2012 (published by the Refugee Review Tribunal); and
- Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 March 2012 to 30 June 2012 (published by the Refugee Review Tribunal).

Report to the Attorney-General on the results of inspections of records under section 55 of the *Surveillance Devices Act 2004*

3.2 Subsection 55(1) of the *Surveillance Devices Act 2004* (SD Act) requires the Commonwealth Ombudsman (Ombudsman) to inspect the records of each law enforcement agency to determine the extent of their compliance with the SD Act. Under subsection 6(1) of the SD Act, 'law enforcement agency' covers the Australian Crime Commission (ACC), the Australian Federal Police (AFP), the Australian Commission for Law Enforcement Integrity (ACLEI), state and territory police forces, as well as other specified state and territory law enforcement agencies.[1] The report reviewed by the committee covers the period between 1 July to 31 December 2011, and examines the ACC, the AFP and the Victoria Police Special Projects Unit.

3.3 The Ombudsman's inspections found these agencies complied with the SD Act and had a strong compliance culture, with a high standard of record keeping. The AFP and the ACC were found to have significantly improved their standard of record-keeping to demonstrate compliance with warrants; this compared well to the Ombudsman's previous report to the Attorney-General.[2]

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1 *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, p. 1.

2 *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, pp 2 and 3.

3.4 In relation to inspection of the ACC, conducted from 31 January to 2 February 2011, the Ombudsman's assessment of a 45 per cent sample (25 warrants and authorisations) were assessed to have complied with the SD Act. In contrast to the Ombudsman's previous inspection, the ACC was able to provide sufficient information to show compliance with subparagraph18(2)(c)(i)[3] for 100 per cent of the 'person warrants' under inspection. This is a significant improvement from the ACC's 26 per cent of 'person warrants' that did not comply with the SD Act in the previous reporting period.[4]

3.5 Similarly, there were improvements found in the inspection results of the AFP, conducted from 4 to 8 April 2011. Compared to the previous report, whereby the Ombudsman could not provide compliance assessment against subparagraph 18(2)(c)(i) for 44 per cent of the AFP's 'person warrants' due to insufficient record-keeping, for this reporting period, 95 per cent of the 'person warrants' were found to be in compliance. Further, the AFP advised that, since inspection, it has revised its guidelines to provide staff with clear guidance on the use and retrieval of surveillance devices and the SD Act's reporting requirements. [5]

3.6 The inspection of the Victoria Police Special Projects Unit's surveillance device records took place on 9 August 2011, with the examination of one surveillance device warrant (and associated records) that expired during the period 1 July 2010 to 30 June 2011. The Ombudsman's inspection assessed the Victoria Police Special Project Unit as compliant with the SD Act and commended its positive attitude to compliance.[6]

Refugee Review Tribunal reviews not completed within 90 days

3.7 Section 440A of the *Migration Act 1958* (Migration Act) requires the Refugee Review Tribunal (RRT) to report on reviews not completed within 90 days. The RRT is required to report every four months. The reports reviewed by the committee cover the period 1 July 2011 to 30 June 2012.

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3 *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, p. 3. Subparagraph 18(2)(c)(i) of the SD Act provides that a 'person warrant' authorises the installation, use and maintenance of devices on premises where the person is reasonably believed to be or likely to be. Where surveillance devices have been installed on premises under a 'person warrant', there is an expectation that there would be information relating to the use of these devices linking the premises to the person named in the warrant.

4 *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, p. 4.

5 *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, p. 5. The inspection examined surveillance device warrants and authorisations (and associated records) that expired during the period 1 July to 31 December 2010.

6 *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, p. 7.

3.8 The table below sets out the number of RRT reviews not completed within 90 days compared to those that were completed for the previous three reporting periods; and the RRT number for cases outside of 90 days not decided at the end of the reporting period.[7]

	1 July 2011 to 31 October 2011	**1 November 2011 to 29 February 2012**	**1 March 2012 to 30 June 2012**
Reviews completed *outside* of 90 days	386 (47% of 816)	619 (74% of 840)	847 (74% of 1,147)
Reviews completed *within* 90 days (or Tribunal had no jurisdiction)	430 (53% of 816)	221 (26% of 840)	300 (26% of 1,147)
Total	**816**	**840**	**1,147**
Cases outside 90 days and *not decided* at end of reporting period	509 (38% of 1,328 of active cases as at 31.10.11)	752 (50% of 1,499 of active cases as at 29.02.12)	642 (43% of 1,501 of active cases as at 30.06.12)

3.9 The MRT-RRT has a KPI target of 70% of RRT cases decided within 90 calendar days.[8]

3.10 The committee notes the percentage of reviews completed within 90 days remained the same at 26 per cent for the most recent period, and is down from 53 per cent for July to October 2011.

3.11 Reasons attributed to reviews taking longer than 90 days were: tribunal responsibility; compliance with statutory procedural requirements; applicant or adviser related; and third party responsibility.

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7 *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 March 2012 to 30 June 2012*, p. 1; *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 November 2011 to 29 February 2012*, p. 1; *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 July 2011 to 31 October 2011*, p. 1.

8 *Migration Review Tribunal - Refugee Review Tribunal Annual Report 2011-12*, p. 17.

3.12 The results for the number of RRT cases outside 90 days, and which have not been decided at the end of the reporting period, fell from 50 per cent for the previous period to 43 per cent for the most recent period, but were an improvement from 38 per cent for July to October 2011.

3.13 Reasons attributed to the delays included: an increase in RRT lodgements; and reduced availability of members who had been working for the Independent Protection Assessment Office.[9]

Senator Trish Crossin
Chair

9 *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 March 2012 to 30 June 2012*, p. 1; *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 November 2011 to 29 February 2012*, p. 1; *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 July 2011 to 31 October 2011*, p. 1.

APPENDIX 1

Reports tabled during the period 1 May and 31 October 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 – Report for 2011-12			
Administrative Review Council – Report No.50 – Federal judicial review in Australia, dated September 2012	12.9.12/ 12.9.12	9.10.12	21.9.12
Administrative Appeals Tribunal	28.9.12/ 28.9.12	31.10.12	
Attorney-General's Department	11.10.12/ 11.10.12	31.10.12	
Australian Commission for Law Enforcement Integrity – Report of the Integrity Commissioner[1]		29.10.12 (25.10.12)	
Australian Crime Commission[2]	22.9.12/ 24.9.12	30.10.12	11.10.12
Australian Customs and Border Protection Service		29.10.12 (23.10.12)	
Australian Federal Police[3]		29.10.12 (12.10.12)	

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 the Law Enforcement, under the *Australian Crime Commission Act 2002*.

3 Also stands referred to the Parliamentary Joint Committee on Law Enforcement under the *Australian Federal Police Act 1979*.

Australian Government Solicitor		29.10.12 (24.10.12)	
Australian Government Solicitor – Statement of corporate intent 2012 to 2013	6.7.12/ 6.7.12	11.9.12	10.9.12
Australian Human Rights Commission	12.10.12/ 12.10.12	30.10.12	29.10.12
Australian Human Rights Commission – Review into the treatment of women in the Australian Defence Force – Phase 2 – Report, dated 8 August 2012	14.8.12/ 14.8.12	11.9.12	22.8.12
Australian Human Rights Commission – Reports – - No.49 – Cherkupalli v Commonwealth of Australia (Department of Immigration and Citizenship) - No.50 – Campbell v Black & White Cabs Pty Ltd and Tighe - No.51 – Brown v Commonwealth of Australia (Department of Immigration and Citizenship)	5.4.12/ 10.4.12	19.6.12	
Australian Human Rights Commission – Reports - - No.52 – Mr SD v Commonwealth of Australia (Department of Immigration and Citizenship) - No.53 – Miss Judy Tuifangaloka v Commonwealth of Australia (Department of Immigration and Citizenship)	20.6.12/ 20.6.12	12.9.12	
Australian Human Rights Commission – Report - - No.54 – Pak family v Commonwealth of Australia (Department of Immigration and Citizenship)	25.7.12/ 25.7.12	12.9.12	

Australian Human Rights Commission – Report No.55-BZ and AD v Commonwealth of Australia (Department of Immigration and Citizenship)		29.10.12 (17.10.12)	
Australian Human Rights Commission – Report – An age of uncertainty – Inquiry into the treatment of individuals suspected of people smuggling offences who say that they are children, dated July 2012		14.8.12 (27.7.12)	
Australian Information Commissioner – Personally Controlled Electronic Health Records 2011-12 under section 107 of the *Personally Controlled Electronic Health Records Act 2012*	24.9.12/ 24.9.12	30.10.12	29.10.12
Australian Institute of Criminology	28.9.12/ 28.9.12	30.10.12	11.10.12
Australian Law Reform Commission – Report 119		29.10.12 (15.10.12)	
Australian Security Intelligence Organisation	19.9.12/ 19.9.12 Corrigenda 12.11.12/ 12.11.12	10.10.12 Corrigenda tabled 28.11.12	Corrigenda tabled 28.11.12
Australian Transaction Reports and Analysis Centre		29.10.12 (12.10.12)	
Classification Board and Classification Review Board	14.9.12/ 14.9.12	30.10.12	11.10.12
Commonwealth Director of Public Prosecutions	28.9.12/ 28.9.12	30.10.12	29.10.12
CrimTrac Agency		29.10.12 (12.10.12)	
Family Law Council		29.10.12 (17.10.12)	

Family Court of Australia		29.10.12 (24.10.12)	
Federal Court of Australia		29.10.12 (24.10.12)	
Federal Magistrates Court of Australia		29.10.12 (17.10.12)	
Insolvency and Trustee Service Australia – Report for 2011-12, including reports on the operation of the *Bankruptcy Act 1966* and *Personal Property Securities 2009*	10.10.12/ 10.10.12	31.10.12	
Australian Information Commissioner		29.10.12 (12.10.12)	
Australian Information Commissioner – Compliance and enforcement activities under the *Healthcare Identifiers Act 2010*	24.9.12/ 24.9.12	30.10.12	29.10.12
Commonwealth Ombudsman[4]	29.10.12/ 29.10.12	31.10.12	
Office of Parliamentary Counsel	3.10.12/ 3.10.12	31.10.12	
Operation of an act/program			
Crimes Act 1914 – Australian Commission for Law Enforcement Integrity – Reports 2011-12 – Authorisations for the acquisition and use of assumed identities Witness identity protection certificates	25.7.12/ 26.7.12	11.9.12	10.9.12
Crimes Act 1914 – Authorisations for the acquisition and use of assumed identities – Australian Customs and Border Protection Service – Report for 2011-12	20.8.12/ 21.8.12	9.10.12	21.9.12

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

Crimes Act 1914 Authorisations for the acquisition and use of assumed identities – Australian Federal Police – Report for 2011-12		29.10.12 (12.10.12)	
Crimes Act 1914– Controlled operations –Report for 2011-12	24.10.12/ 24.10.12	30.10.12	
Crimes Act 1914 – Reports for 2011-12 on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police	17.9.12/ 17.9.12	10.10.12	
Customs Act 1901 – Conduct of Customs Officers [Managed deliveries] – Report for 2011-12	3.10.12/ 3.10.12	9.10.12	
Freedom of Information Act 1982 – Review of the operation of the Freedom of Information Act 1982 insofar as it applied to documents held by NBN Co. Limited – Section 100A of the *National Broadband Network Companies Act 2011*	15.8.12/ 15.8.12	21.8.12	16.8.12
Surveillance Devices Act 2004 – Commonwealth Ombudsman's reports on inspections of surveillance device records for the period 1 January to 30 June 2012 – Australian Crime Commission and Australian Federal Police for the period of 1 January to 30 June 2011 – New South Wales Police for the period 1 July 2009 to 30 June 2011	21.9.12/ 21.9.12	10.10.12	
Surveillance Devices Act 2004 – Commonwealth Ombudsman's reports on inspections of surveillance device records for the period 1 July to 31 December 2010 – Australian Crime Commission and Australian Federal Police, and Victoria Police Special Projects Unit for the period 1 July 2010 to 30 June 2011	24.4.12/ 26.4.12	19.6.12	29.5.12

Witness Protection Act 1994 – Report for 2011-12 on the operation of the National Witness Protection Program		29.10.12 (12.10.12)	

Immigration and Citizenship Portfolio

Department/authority – Report for 2011-12			
Department of Immigration and Citizenship		29.10.12 (12.10.12)	
Department of Immigration and Citizenship – Report – Implementation of the recommendations of the independent review of the incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre, dated September 2012	No legislative requirement to table the report. 6.9.12/ 6.9.12	9.10.12	21.9.12
Migration Agents Registration Authority		29.10.12 (12.10.12)	
Migration Review Tribunal and Refugee Review Tribunal		29.10.12 (12.10.12)	
Migration Act 1958			
Migration Act 1958 – Section 486O – Assessment of detention of arrangements – Personal identifiers 683/12, 790/12, 791/12, 806/12, 809/12, 856/12, 948/12 and 979/12 – - Commonwealth Ombudsman's reports - Government response to the Ombudsman's reports, dated 29 October 2012	12.10.12/ 12.10.12	31.10.12	

Migration Act 1958 – Section 486O – Assessment of detention arrangements – Personal identifiers 757/12, 767/12, 774/12, 804/12, 807/12, 814/12, 824/12, 847/12, 853/12, 862/12, 869/12, 872 to 873/12, 879 to 899/12, 901 to 928/12, 930 to 943/12, 945 to 946/12, 950 to 959/12, 970 to 971/12 and 982/12 – - Commonwealth Ombudsman's reports - Government response to Ombudsman's reports, dated 11 September 2012	30.8.12/ 31.8.12	19.9.12	
Migration Act 1958 – Reports for the period 1 March to 30 June 2012 - Section 91Y – Protection visa processing taking more than 90 days - Section 440A – Conduct of Refugee Review Tribunal reviews not completed within 90 days	15.8.12/ 15.8.12	19.9.12	
Migration Act 1958 – Section 486O – Assessment of detention of arrangements – Personal identifiers 662/11, 675/12, 677/12, 690/12, 709/12, 711/12, 715/12, 723/12, 730/12, 733/12, 735/12, 739/12, 756/12, 759/12, 761/12, 765 to 766/12, 772/12, 775 to 776/12, 778 to 780/12, 782/12, 785/12, 787 to 789/12, 794/12, 797/12, 800 to 803/12, 805/12, 808/12, 811 to 812/12, 819 to 821/12, 833 to 834/12, 844/12, 846/12, 857/12 and 863/12 – - Commonwealth Ombudsman's reports - Government response to Ombudsman's reports	15.8.12/ 15.8.12	22.8.12	

Migration Act 1958 – Section 486O – Assessment of detention arrangements – Personal identifiers 707/12, 710/12, 713/12, 714/12, 717/12, 718/12, 721/12, 722/12, 724-28/12, 732/12, 734/12, 736-38/12, 742/12, 747-49/12, 751/12, 752/12, 755/12, 758/12, 760/12, 763/12, 764/12, 768-71/12, 773/12, 777/12, 781/12, 784/12, 786/12 and 829/12 – - Commonwealth Ombudsman's reports - Government response to Ombudsman's reports	8.6.12/ 8.6.12	20.6.12	
Migration Act 1958 – Reports for the period 1 November 2011 to 29 February 2012 – - Section 91Y – Protection visa processing taking more than 90 days for the reporting period 1 November 2011 to 29 February 2012 - Section 440A – Conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 November 2011 to 29 February 2012	12.4.12/ 13.4.12	20.6.12	
Migration Act 1958 – Section 486O – Assessment of detention of arrangements – Personal identifiers 674/12, 676/12, 678/12 to 680/12, 682/12, 684/12 to 686/12, 691/12 to 69812, 700/12 to 702/12, 704/12, 705/12, 708/12, 712/12, 716/12, 719/12, 720/12, 729/12, 731/12, 743/12, 744/12, 753/12, 754/12, 762/12 – - Commonwealth Ombudsman's reports - Government response to Ombudsman's reports	30.4.12/ 1.5.12	9.5.12	