

The Senate

Legal and Constitutional Affairs
Legislation Committee

Annual reports (No. 1 of 2018)

March 2018

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45th Parliament

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Preface

Terms of reference

On 31 August 2016, a resolution of the Senate allocated the following portfolios to the Senate Legal and Constitutional Affairs Legislation Committee (the committee):

- Attorney-General's portfolio; and
- Immigration and Border Protection portfolio.¹

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.
- (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.

This report examines annual reports tabled between 1 May 2017 and 31 October 2017. As discussed later, the report also includes the annual report for the Department of

¹ *Journals of the Senate*, No. 2, 31 August 2016, pp.75–76; The Immigration and Border Protection portfolio was subsequently replaced by the Home Affairs portfolio, see: *Journals of the Senate*, No. 84, 12 February 2018, pp. 2668-2669.

Immigration and Border Protection, which has been included in the committee's examination despite not being tabled in the Senate until after 31 October 2017.

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. 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

Departments and agencies report under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), which commenced on 1 July 2014. The PGPA Act establishes a performance reporting framework for all Commonwealth entities and companies. Section 46 of the PGPA Act sets out the annual reporting requirements in relation to Commonwealth entities, including that annual reports must comply with any requirements prescribed by rules. Section 97 sets out the annual reporting requirements for Commonwealth companies. The *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) supports the PGPA Act.

Annual reports for the 2016–17 reporting period were prepared under the following requirements:

- for non-corporate Commonwealth entities (departments, executive agencies and statutory agencies): the PGPA Act, section 46, and the PGPA Rule, Division 3A(A); the *Public Service Act 1999*, sections 63(2) and 70(2); and other relevant enabling legislation for statutory bodies;
- for corporate Commonwealth entities: the PGPA Act, section 46, and the PGPA Rule, Division 3A(AB); and other relevant enabling legislation for statutory bodies;
- for Commonwealth companies: PGPA Act, section 97, which also refers to requirements under the *Corporations Act 2001* and the PGPA Rule, Part 3-3; and other relevant enabling legislation for statutory bodies; and
- for non-statutory bodies: the guidelines are contained in the government response to the Senate Standing Committee on Finance and Public Administration Report on Non-Statutory bodies.²

Reporting guidelines

The Department of Finance has produced three Resource Management Guides (RMGs) which set out the obligations for entities under the Act and provide guidance on fulfilling the mandatory requirements for the contents of annual reports prescribed by the PGPA Rule:

- Resource Management Guide No. 135: *Annual reports for non-corporate Commonwealth entities*;

2 Senate Hansard, 8 December 1987, pp. 2632–45.

- Resource Management Guide No. 136: *Annual reports for corporate Commonwealth entities*; and
- Resource Management Guide No. 137: *Annual reports for Commonwealth companies*.

In addition to the RMGs listed above, the Department of Finance has produced a guide intended to improve the quality of non-financial performance information in annual reports, *Resource Management Guide No. 131: Developing good performance information*. This guide sets out best practice for developing and reporting on performance measures, including key performance indicators and deliverables. The committee recommends that agencies use this RMG when preparing their reports.

Reports examined

This report examines the following annual reports; tabled in the Senate or presented out of session to the President of the Senate and referred to the committee between 1 May 2017 and 31 October 2017:

Attorney-General's portfolio

- Administrative Appeals Tribunal—report for 2016–17;
- Attorney-General's Department—report for 2016–17;
- Australian Commission for Law Enforcement Integrity—report for 2016–17;
- Australian Financial Security Authority—report for 2016–17;
- Australian Information Commissioner—report for 2016–17;
- Australian Law Reform Commission—report for 2016–17
- Australian Security Intelligence Organisation—report for 2016–17;
- Australian Transaction Reports and Analysis Centre—report for 2016–17;
- Board of the Australian Crime Commission—report for 2015–16;
- Federal Court of Australia—report for 2016–17, including the report of the National Native Title Tribunal;
- National Archives of Australia and National Archives of Australia Advisory Council—report for 2016–17; and
- Office of Parliamentary Counsel—report for 2016–17.

Immigration and border protection portfolio

- Department of Immigration and Border Protection—report for 2016–17.

'Apparently satisfactory'

Under 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 committee has found all reports referred in this period to be 'apparently satisfactory' in reporting the annual performance of the relevant agency.

The reports of these departments and agencies are considered in detail at chapters 1 and 2.

Timeliness

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

Section 46 of the PGPA Act sets out the requirements for the presentation of annual reports for Commonwealth entities to the responsible minister by the 15th day of the fourth month after the end of the reporting period for the entity. For entities reporting on a financial-year basis, this requires reports to be provided to the minister by 15 October of that year. RMG No. 135, which relates to departments, executive agencies and other non-corporate Commonwealth entities, and RMG 136, which relates to corporate Commonwealth entities, states that:

It has been practice for the responsible Minister to present the report to each house of the Parliament on or before 31 October. If Senate Supplementary Budget Estimates hearings are scheduled to occur before 31 October, Ministers have sought to table annual reports prior to these hearings.³

Where a body is unable to meet this deadline, an extension of time to report can be sought under the provisions of subsections 34C(4)–(7) of the *Acts Interpretation Act 1901*.⁴

Section 97 of the PGPA Act sets out the requirements for the provision of annual reports of Commonwealth companies to the responsible minister.

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 2017 and 31 October 2017, and which have been referred to the committee for examination, can be found at Appendix 1.⁵ Also included in this table is the date each report was tabled in the House of Representatives.

Subject to the exception described below, the annual reports included and examined in this report were tabled in the Senate and referred to the committee by 31 October 2017.⁶ This date for reporting applied to all reports examined.

The annual reports of a number of agencies were provided to the Minister by the prescribed date of 15 October and subsequently tabled in the House of Representatives before, or at the time of, the Supplementary Budget Estimates hearings (23 and 24

3 Department of Finance, *Resource Management Guide No. 135: Annual reports for non-corporate Commonwealth entities*, p. 8; Department of Finance, *Resource Management Guide No. 136: Annual reports for corporate Commonwealth entities*, p. 7.

4 *Acts Interpretation Act 1901*, s. 34.

5 The table also includes reports on the operation of acts or programs, reports tabled in accordance with agencies' legislative requirements, and reports on the work of Royal Commissions, which have been referred to the committee.

6 See Appendix 1.

October 2017). However, the reports were not received by the Senate or referred to the committee until 13 November 2017.⁷ These reports included:

- Australian Crime Intelligence Commission;
- Australian Federal Police;
- Australian Human Rights Commission;
- Australian Institute of Criminology;
- Commonwealth Director of Public Prosecutions;
- Family Court of Australia; and
- Federal Circuit Court of Australia.

The committee notes that these agencies' annual reports were tabled in the House of Representatives by the correct date, but were delayed in their tabling in the Senate and subsequent referral to the committee. The committee thus accepts the reports as being on time, but will consider these agencies' annual reports in *Report on Annual Reports (No. 2 of 2018)*.

The report for the Department of Immigration and Border Protection was tabled in the House of Representatives on 19 October 2017 but was not tabled in the Senate or referred to the committee until 13 November 2017. Although the deadline for the report's provision to the committee within the appointed time was missed, the committee accepts that tabling and referral of the report in the Senate was unintentionally delayed. The committee has therefore decided to include the report in its consideration of annual reports in this *Report on Annual Reports* (see Chapter 1).

The committee continues to encourage bodies to table annual reports before the Supplementary Budget Estimates hearings in October each year, in accordance with best practice, as outlined in RMG No. 135 and RMG No. 136.⁸

Comments made in the Senate

Under the terms of Standing Order 25(20)(d), the committee is required to take into account any relevant remarks made about an annual report in debate in the Senate.

The committee identified one occasion on which an annual report was remarked upon during debate in the Senate during the period between 1 May and 31 October 2017.

The report for the Administrative Appeals Tribunal (AAT) was remarked upon during debate in the Senate on 18 October 2017. Senator Nick McKim remarked on the AAT's role in the rule of law in Australia, and the importance of it being an independent decision-making body.⁹

The committee notes the remarks made by Senator McKim.

7 See Appendix 1.

8 Department of Finance, *Resource Management Guide No. 135: Annual reports for non-corporate Commonwealth entities*, p. 8; Department of Finance, *Resource Management Guide No. 136: Annual reports for corporate Commonwealth entities*, p. 7.

9 *Senate Hansard*, 18 November 2017, p. 7938.

Requirement for non-reporting bodies to report

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

The committee identified that the Family Law Council, a statutory committee in the Attorney-General's portfolio, failed to table an annual report for 2016–17 in accordance with subsection 115(9) of the *Family Law Act 1975*. The committee observed in *Report on Annual Reports (No. 1 of 2017)* that the Family Law Council also failed to table an annual report for 2015–16.

On this occasion, the committee is unaware of any other body required to table an annual report for 2016–17 which has failed to do so.

Chapter 1

Annual reports of departments

1.1 The annual reports of the following departments for the financial year 2016–17, were referred to the committee for examination and report:

- Attorney-General's Department; and
- Department of Immigration and Border Protection.

Attorney-General's Department

Tabling of report

1.2 The 2016–17 annual report was tabled in the Senate on 16 October 2017. The report was available to senators for the Supplementary Budget Estimates 2017–18 hearing on 24 October 2017.

Secretary's review

1.3 In his review for 2016–17, the secretary of the Attorney-General's Department (the department), Mr Chris Moraitis PSM, focused on program and policy delivery in the areas of national security, countering violent extremism, and disaster support and assistance.¹

1.4 Other key areas of work for the reporting period included: advancements in the criminal justice system; the launch of the Face Verification Service; finalising the National Firearms Agreement and subsequent launch of the National Firearms Amnesty; leading reforms to criminalise the non-consensual sharing of intimate images; the introduction of Carly's law; international engagement and cooperation to address criminal activity; progressing reforms to Commonwealth justice institutions; reforms to corporate and personal insolvency laws; and a report on a review of Commonwealth legal services.²

1.5 The review noted that the consolidation of the Australian Government Solicitor (AGS) into the department had been highly successful. The Secretary reported that AGS had provided training and workshops, delivered an extensive pro bono program for clients domestically and internationally, and provided advice and acted in a number of high profile cases and matters.³

1.6 The Secretary reported that the department had concluded the Defence Abuse Response Taskforce after four years of operation and providing outcomes for 1,700 people. The Department had commenced work on the Royal Commission into the Protection and Detention of Children in the Northern Territory, and also held further public hearings for the Royal Commission into Institutional Responses to Child

1 *Attorney-General's Department Annual Report 2016–17*, p. 2.

2 *Attorney-General's Department Annual Report 2016–17*, pp. 2–3.

3 *Attorney-General's Department Annual Report 2016–17*, p. 3.

Sexual Abuse.⁴ The Secretary noted that he was 'consistently impressed by the agility and professionalism the department demonstrates in establishing and administering these types of arrangements'.⁵

1.7 The Secretary's outlook for 2017–18 noted that the implementation of reforms to Australia's national security arrangements 'promises a busy year ahead'.⁶ Key priorities identified included: enhancements to the family law system; implementing recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse; and developing a wide range of responses to issues such as terrorism, cyber security and foreign interference.⁷

1.8 Additionally, the Secretary noted the impending changes within the department that would occur as a result of the establishment of the Home Affairs portfolio.⁸

Performance reporting

1.9 This is the second annual report published since the Attorney-General's Department made significant changes to its performance reporting scheme. The committee noted in its *Report on Annual Reports (No. 1 of 2017)* that the department had adopted a new structure for performance reporting, applying four high-level KPIs (Community impact; Effectiveness in achieving objectives; Efficiency in meeting goals; Professionalism, skills and commitment) to each of the seven strategic priorities across the department.⁹

1.10 Performance criteria and targets under each strategic priority outlined in the Portfolio Budget Statement (PBS) for 2016–17¹⁰ are reflected in the Corporate Plan 2016–17.¹¹ The Corporate Plan outlines the relevant Key Performance Indicators (KPIs) under each strategic priority and explains how each are connected to the performance criteria outlined in the PBS.¹² The performance statement contained in the annual report reflects a combination of the performance criteria in the PBS and the KPIs set by the Corporate Plan. This approach provides a 'clean read' when compared with the PBS and Corporate Plan.

1.11 The department largely met its KPIs for 2016–17.

4 *Attorney-General's Department Annual Report 2016–17*, p. 3.

5 *Attorney-General's Department Annual Report 2016–17*, p. 3.

6 *Attorney-General's Department Annual Report 2016–17*, p. 4.

7 *Attorney-General's Department Annual Report 2016–17*, p. 4.

8 *Attorney-General's Department Annual Report 2016–17*, p. 4.

9 Senate Legal and Constitutional Affairs Legislation Committee, *Report on Annual Reports: No. 1 of 2017*, pp. 2–4.

10 *Portfolio Budget Statements 2016–17, Attorney-General's Portfolio*, pp. 16–29.

11 *Attorney-General's Department Corporate Plan 2016–17*, p. 21.

12 *Attorney-General's Department Corporate Plan 2016–17*, p. 11.

1.12 KPIs that were not met included:

- Strategic Policy 5, KPI 1: Community Impact – Australia's regional and global position on fundamental rights (Factor 4) in the World Justice Project Rule of Law Index measuring how the rule of law is experienced by the public of countries around the world. The set target was a position of 10 (maintain or improve current position), however the department reported a result of position 13.¹³ In providing analysis of the result, the department noted that the number of countries listed in the World Justice Project Rule of Law Index had increased from 102 to 113;¹⁴
- Strategic Policy 6, KPI 1: Community Impact – Stakeholder satisfaction that EMA assists individual states and territories to achieve their priorities and minimise loss in emergency events. The set target of 80 per cent was not achieved, the department instead reporting a 75 per cent satisfaction result;¹⁵ and
- Strategic Policy 6, KPI 2: Effectiveness at achieving objectives – Stakeholder and client satisfaction with the department's effectiveness in providing national leadership in emergency management. The department reported a 77 per cent result, missing its target of 80 per cent.¹⁶

1.13 In analysing the two KPIs under Strategic Policy 6 that were not met, the department explained that the survey results informing the results were reflective of the department's responsibilities in assisting stakeholders to carry out vital functions during emergency situations; and that the department continues to work closely to further understand their needs and provide support when appropriate.¹⁷

1.14 As was the case in the department's annual report of 2015–16, large amount of performance information for reporting period was informed by the stakeholder survey conducted from May to June 2017.¹⁸ As found previously in the previous stakeholder survey, the 2017 survey 'indicated very high levels of stakeholder satisfaction'.¹⁹

Financial performance

1.15 The Secretary's review did not include a summary of financial results. There was also no substantive discussion of financial results in the body of the report, and only minimal explanatory notes in the financial statements at Part 4.²⁰

13 *Attorney-General's Department Annual Report 2016–17*, p. 43.

14 *Attorney-General's Department Annual Report 2016–17*, p. 43.

15 *Attorney-General's Department Annual Report 2016–17*, p. 47.

16 *Attorney-General's Department Annual Report 2016–17*, p. 47.

17 *Attorney-General's Department Annual Report 2016–17*, p. 47.

18 *Attorney-General's Department Annual Report 2016–17*, p. 13.

19 *Attorney-General's Department Annual Report 2016–17*, p. 13.

20 *Attorney-General's Department Annual Report 2016–17*, pp. 77–147.

1.16 The PGPA Rule requires that agencies provide 'a discussion and analysis of the entity's financial performance' be included in annual reports.²¹

1.17 The committee is disappointed to observe that the Department has not undertaken to improve their financial reporting given that the committee commented on this issue previously.²² Considering its obligations under the PGPA Rule, the committee encourages the Department to report on financial performance in compliance with the guidelines in future reports.

1.18 The department reported a departmental operating surplus of \$7.558 million for 2016–17. This surplus compares to an operating deficit of \$14.275 million in 2015–16, and is a \$23.155 million improvement from the deficit of \$15.597 million anticipated in the PAES. The 2016–17 result partly reflects underspend of appropriation, the transfer of leased premises and fitout to other Government agencies, and the better than expected operating outcome for the Australian Government Solicitor.²³

Conclusion

1.19 The committee encourages closer compliance to reporting guidelines in future annual reports, particularly in relation to financial performance reporting, but nonetheless considers the report to be 'apparently satisfactory'.

Department of Immigration and Border Protection

Tabling of report

1.20 The 2016–17 annual report was tabled in the House of Representatives on 19 October 2017, and later in the Senate on 13 November 2017. The report was available to senators for the Supplementary Budget Estimates 2016–17 hearing on 23 October 2017.

Secretary's and Commissioner's review

1.21 Both the Secretary of the Department of Immigration and Border Protection (the department), Mr Michael Pezzullo, and the Acting Commissioner of the Australian Border Force (ABF), Mr Michael Outram, provided a combined review for the annual report. This marked a departure from the 2015–16 annual report, which provided separate reviews from both officers.

1.22 The review notes that the annual report marks two years since the integration of the former Australian Customs and Border Protection Service and the department, and the ABF.²⁴

21 *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule), p. 27.

22 Senate Legal and Constitutional Affairs Legislation Committee, *Report on Annual Reports (No. 1 of 2017)*, p. 4.

23 *Attorney-General's Department Annual Report 2016–17*, p. 100.

24 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 2.

1.23 Key areas of the review included: the introduction of the Simplified Student Visa Framework; the implementation of the new Entrepreneur visa and amendment of the points test for skilled migration; a \$5 million Bay Class Vessel Refresh Works Program to improve the operational capability of two current ABF vessels; the establishment of an independent Child Protection Panel and the launch of the department's Child Safeguarding Framework; the release of the Detention Capability Review report; the ongoing closure and security of immigration detention facilities; development of a trusted operator model for cruise ships; progression towards the implementation of new generation Arrivals SmartGates; identifying persons of national security interest with Counter Terrorism Units stationed at major airports; the introduction of Visa Risk Assessment capacity; and the work of Taskforce Cadena.²⁵

Performance reporting

1.24 The annual report for 2016–17 provides comprehensive reporting on performance in accordance with the requirements of the PGPA Act and PGPA Rule.

1.25 Performance reporting is displayed in a clear format and footnotes throughout provide information about the source of each criterion, including page references from the PBS and/or Corporate Plan, distinction between deliverables and KPIs, and relevant outcome and/or program information.

1.26 Quantitative deliverables and KPIs are reported in tables with separate columns for description of the KPIs, 2016–17 Target [figure, for KPIs only], 2016–17 Result [figure], and Source of the relevant KPI. In a departure from the 2015–16 annual reports, results were not displayed as Met/Not met as applicable. There is limited-to-no explanatory text evaluating individual quantitative criteria.

1.27 The committee is pleased to note the department's overall high standard of performance reporting in this annual report.

1.28 However, the committee notes that results against KPIs were not clearly displayed as Met/Not Met, as has been the practice in previous annual reports.

1.29 The committee further finds that while the department met a substantial proportion of its KPIs, a number were not met across the following Purposes:

- (a) Purpose 1 (Manage the movement of people and goods to contribute to a strong economy): visa decisions and revenue made within service standards;²⁶ border declarations finalised;²⁷ number of imported sea cargo reports;²⁸ completion of tariff classification rulings;²⁹ rate of compliant import declarations assessed pre-clearance through the

25 *Department of Immigration and Border Protection Annual Report 2016–17*, pp. 2–9.

26 *Department of Immigration and Border Protection Annual Report 2016–17*, pp. 34, 40–1.

27 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 46.

28 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 46.

29 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 46.

general monitoring programme;³⁰ rate of customs cargo control checks identifying a significant compliance breach;³¹ rate of passengers processed within 30 minutes of joining the inwards queue;³² rate of total passengers and crew arrivals refused immigration clearance at airports and seaports;³³ and rate of eligible passengers and crew processed using automated systems on departure.³⁴

- (b) Purpose 2 (Manage the movement and stay of people to contribute to a cohesive society): visits to the Citizenship Wizard website;³⁵ citizenship conferrals decisions made within service standards;³⁶ indicative primary decisions in the IMA legacy caseload;³⁷ and unlawful non-citizens seeking status resolution being appropriately accommodated based on risk.³⁸
- (c) Purpose 3 (Manage the border to contribute to a safer, secure Australia): import reports received in relation to sea cargo;³⁹ total passenger and crew refused immigration at the border (air and sea); number of vessel patrol days;⁴⁰ and joint ABF and ADF aircraft coverage.⁴¹

1.30 Details regarding the failure to meet KPIs were generally provided in overviews of the Strategic Performance Measures (SPM).

1.31 The committee notes the failure to meet a number of the required KPIs, particularly under Purpose 1. However, the committee recognises that the department has explained the cause of the failures, albeit in the overview of the relevant SPM. The committee encourages the department to address each individual KPI and explain its result in a clear and comprehensive format in the future.

Proposed addition of KPIs

1.32 During the Supplementary Budget Estimates hearing on 23 October 2017, the committee examined how the annual report did not incorporate KPIs relating to illicit

30 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 47.

31 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 48.

32 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 48.

33 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 48.

34 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 49.

35 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 68.

36 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 68.

37 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 75.

38 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 82.

39 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 92.

40 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 100.

41 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 100.

tobacco and air cargo or air passengers.⁴² It was noted that KPIs were included in the annual report for illicit tobacco detections in sea cargo and international mail.⁴³ The Secretary agreed to examine the incorporation of a KPI for illicit tobacco captured in air cargo and air passengers.⁴⁴

Financial performance

1.33 The total departmental expenses for 2016–17 were \$2924.3 million, \$61.7 million lower than in 2015–16. The total variance between departmental expenses and the original budget estimates demonstrated was an increase of \$181 million.⁴⁵ The total administered expenses in the same period were \$2116.8 million, which was lower than budget and the prior year figure of \$2307 million. This was attributable to lower supplier costs, underspends in legal costs, and lower personal benefits expense.⁴⁶

1.34 There was a reported \$24.3 million increase in departmental assets compared with 2015–16, with total assets now equal to \$1858.3 million at 30 June 2017. Total administered assets were equal to \$2077.2 million on 30 June 2017. The 2016–17 reporting period also saw a decrease in total liabilities: departmental liabilities decreased by \$48.2 million to \$689.3 million; and administered liabilities increased by \$41.6 million to \$320.8 million. The department's net asset position at 30 June 2017 was therefore \$1169 million, an increase of \$24.3 million from 30 June 2016.⁴⁷

1.35 The overall operating result for 2016–17 was a deficit of \$21.7 million, due to an increase in depreciation and amortisation expenses, attributed to changes in government bond rates. The depreciation and amortisation expenses for 2016–17 were \$285.3 million. The department stated in the annual report that, had it not been for this increased expense, the department would have reported an \$8.7 million surplus.⁴⁸

Correction of previous errors

1.36 Six errors made in the Australian Customs and Border Protective Service (ACBPS) annual report for 2015–16 were corrected in the department's report for 2016–17.⁴⁹

1.37 Under Part 4, Report on financial performance in the 2015–16 report, non-cash items were excluded from reported budget figures. The corrections in the 2016–17 report stated that it was subsequently 'not possible to make an accurate comparison

42 *Estimates Hansard*, 23 October 2017, p. 206.

43 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 94.

44 *Estimates Hansard*, 23 October 2017, p. 206.

45 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 190.

46 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 116.

47 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 117.

48 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 116.

49 *Department of Immigration and Border Protection Annual Report 2016–17*, pp. 258–63.

of budget versus actual by outcome'.⁵⁰ The corrections reported changes the 2015–16 total budget administered expenses from \$2,396,702 to \$2,551,542.

Information required by other legislation

1.38 The annual report also includes information required by other legislation, including: compliance with the *Work Health and Safety Act (Cth) 2011*;⁵¹ compliance with the *Environment Protection and Biodiversity Act 1999*;⁵² and a brief report on the Office of the Migration Agents Registration Authority, as required under the *Migration Act 1958*.⁵³

1.39 The committee found that for the purpose of the annual report, the department met the reporting requirements of these Acts.

Management of human resources

1.40 The PGPA Rule requires that statistics be provided regarding an entity's APS employees on an ongoing or non-ongoing basis, including staffing classification level, full-time employees, part-time employees, gender, staff location, and employees who identify as indigenous.⁵⁴

1.41 The annual report failed to provide statistics regarding employees who identify as indigenous.

1.42 Statistics were provided regarding gender for the department as a whole, reporting that 53.5 per cent of the department comprised of female staff, and 46.5 per cent comprised of male staff.⁵⁵ Statistics were also provided in relation to gender in the composition of the Senior Executive Service.⁵⁶ However, the statistics were not broken down to provide information regarding gender composition at each classification level.

1.43 The PGPA Rule does not specifically require an assessment of gender at each classification level, only that 'statistics on gender' are provided. However, the committee notes that it now appears to be common practice for agencies to provide statistics on gender for each classification level. In addition to providing a complete picture of an agency's staffing, it provides an indication of classifications where gender differences are most pronounced.

1.44 The committee encourages the department to provide additional statistics on gender in order to deliver a fulsome illustration of the composition of its workforce.

50 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 258.

51 *Department of Immigration and Border Protection Annual Report 2016–17*, pp. 238–41.

52 *Department of Immigration and Border Protection Annual Report 2016–17*, pp. 248–77.

53 *Department of Immigration and Border Protection Annual Report 2016–17*, pp. 276–8.

54 *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule), p. 27.

55 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 225.

56 *Department of Immigration and Border Protection Annual Report 2016–17*, p. 227.

The committee also encourages the department to provide statistics on indigenous staff as required by the reporting guidelines.

Conclusion

1.45 The committee found the annual report to be 'apparently satisfactory'.

Chapter 2

Annual reports of agencies

2.1 The annual reports of the following agencies in the Attorney-General's portfolio were referred to the committee for examination and report during the period 1 May to 31 October 2017:

- Administrative Appeals Tribunal;
- Australian Commission for Law Enforcement Integrity;
- Australian Financial Security Authority;
- Australian Information Commissioner
- Australian Law Reform Commission;
- Australian Security Intelligence Organisation;
- Australian Transaction Reports and Analysis Centre;
- Board of the Australian Crime Commission;
- Federal Court of Australia;
- National Archives of Australia and National Archives of Australia Advisory Council; and
- Office of Parliamentary Counsel.

2.2 As of 1 July 2015, there are no statutory agencies under the Immigration and Border Protection Portfolio.

Consideration of annual reports

2.3 The list of agencies that did not table their annual reports in the Senate during the period 1 May to 31 October 2017 is provided in the preface of this report. The committee will consider those annual reports in the *Report on Annual Reports (No. 2 of 2017)*.¹

2.4 On this occasion, the committee has examined in more detail the reports of the National Archives of Australia (NAA), as it has not been examined by the committee since its incorporation into the Legal and Constitutional Affairs portfolio; and the Office of Parliamentary Counsel (OPC), which the committee has not examined since 2008.²

National Archives of Australia

2.5 The NAA is a statutory agency, established by the *Archives Act 1983*.

1 See Preface, pp. x–xi.

2 See: Senate Legal and Constitutional Affairs Legislation Committee, *Report on Annual Reports (No 1 of 2008)*.

2.6 The NAA is responsible for the maintenance and preservation of Commonwealth records. Its key functions include: creating and maintaining standards for Australian Government entities in creating and storing records; authorising retention and disposal of Commonwealth records; identifying records of national archival value; transferring and preserving records of importance; and making publicly available the archives of the Commonwealth in accordance with legislative requirements.³

2.7 The NAA has an advisory council, the National Archives of Australia Advisory Council (the council), which provides advice to the Attorney-General and the Director-General of the NAA. The Attorney-General and the Director-General can also seek advice from the council.⁴ A report of the council's activities and expenditure is included in the NAA's annual report.

2.8 The NAA annual report for 2016–17 was prepared in accordance with section 68 of the *Archives Act 1983* and section 46 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).⁵ It was tabled out of session in the Senate on 31 October 2017 and was therefore not available for the Supplementary Budget Estimates hearings on 24 October 2017.⁶

Director-General's review

2.9 The Director-General, Mr David Fricker, opened his review of the 2016–17 period with a recognition of a societal transition towards digital record-keeping. Mr Fricker noted that the NAA's role remained to preserve the essential records of government, but that it must be adaptable to the needs of the digital age.⁷

2.10 Key topics included: the launch of the Information Management Standard, designed to be used by all Commonwealth Government agencies; running public engagement programs, including exhibitions on World War I, historical forced adoption, and immigration; activities regarding the recognition of Indigenous history and culture; opening the new National Archives Preservation Facility; a review of the Archives' access examination process and implementation of its subsequent recommendations.⁸

Performance reporting

2.11 Annual performance information for the NAA was well-presented and provided a 'clear read' when cross-checked with the Portfolio Budget Statement (PBS) and Corporate Plan. The presentation of performance criteria results closely matched

3 *National Archives of Australia and National Archives of Australia Advisory Council Annual Report 2016-17* (NAA Annual Report 2016-17), p. 8.

4 *NAA Annual Report 2016–17*, p. 8.

5 *NAA Annual Report 2016–17*, p. iii.

6 See Appendix 1.

7 *NAA Annual Report 2016–17*, p. 2.

8 *NAA Annual Report 2016–17*, pp. 2–6.

the format recommended by the Department of Finance in *Resource Management Guide No. 135*,⁹ clearly listing each criterion with its source, and providing detailed discussion of how it was or was not achieved.¹⁰

2.12 The NAA achieved most of its performance criteria set for 2016–17. It worked to the performance criteria of both the PBS and Corporate Plan, reporting on these performance criteria in the annual report.

2.13 The NAA achieved particularly strong results in Program 1.1 deliverables in the following performance criteria:

- *Number of identified at-risk items provided with preservation treatment:* A total of 389,042 at-risk items were treated, well above the target of 150,000.¹¹ This was attributed in part to the relocation of records to the new facility, resulting in the redirection of digitisation staff to preservation activities. The transfer of audiovisual material from various locations also enabled opportunities to provide preservation treatment to a large number of items.¹²
- *Number of record pages added to RecordSearch:* The NAA's target of 1.5 million pages was vastly surpassed in the addition of 9,476,711 pages to RecordSearch. The NAA explained that the impressive result was due to 'the completion of a number of outsourced projects and new, one-off funding sources which augmented usual activity'.¹³

2.14 Of the performance criteria set for 2016–17 in the PBS and Corporate Plan, the NAA failed to achieve two targets:

- Total number of visits to the Archives' online and onsite programs and services were considerably under the 11.5 million visits target, achieving a total of 4,747,254.¹⁴ The NAA explained that the missed target was due to the relocation and subsequent limited access of 15 million records to its new facility. Additionally, the retirement of older technology that provided a wider range of documents to be viewed impacted on the number of documents accessed;¹⁵ and
- The percentage of entities engaging with information management training, events and services achieved in 2016–17 was reported to be 60 per cent, missing the target of 75 per cent.¹⁶ The NAA explained that the lower than

9 Department of Finance, *Resource Management Guide No. 135: Annual reports for non-corporate Commonwealth entities*, Appendix A, pp. 37–8.

10 *NAA Annual Report 2016–17*, pp. 12–24.

11 *NAA Annual Report 2016–17*, p. 13.

12 *NAA Annual Report 2016–17*, p. 13.

13 *NAA Annual Report 2016–17*, p. 17.

14 *NAA Annual Report 2016–17*, p. 16.

15 *NAA Annual Report 2016–17*, pp. 16–7.

16 *NAA Annual Report 2016–17*, p. 21.

projected result was as a result of 'the cessation of information management training to entities in December 2016, as part of a programmed downsizing of the Archives' discretionary activities'.¹⁷ The NAA continues to run consultative forums, information sessions and events in place of training from 1 January 2017. The performance assessment noted that the shift in priorities was anticipated to continue into 2017–18.¹⁸

2.15 The committee recognises that the physical relocation of a vast multitude of the NAA's archived documents into its new facility had a significant impact on its ability to meet its deadline. The committee also appreciated the changing priorities of the agency overall and that this impacted its ability to meet its performance criteria in relation to information management training, events and services. A reflection of the changing circumstances in the PBS and Corporate Plan may be one way to enable the NAA to meet its performance criteria and provide a clear trajectory forward.

2.16 The committee identified that the terminology in describing performance was unclear at times. In describing whether results were met, the report used words such as 'achieved', 'accomplished' or 'advanced' to indicate results against the criteria.¹⁹ It is unclear why the different wording was used. Furthermore, the committee is unclear whether 'achieved' or 'accomplished' are intended to convey different meanings and thus whether the exact result was realised.

2.17 Additionally, in some instances, performance assessments failed to explicitly indicate whether the performance criteria in question were met.

2.18 The committee encourages agencies to use clear and consistent language to demonstrate whether performance criteria have been met.

2.19 The committee further notes that explanations of certain results were not tied to specific measurable targets. For example, *Performance criterion: Increased awareness of the value of the Archives' collection and understanding of Aboriginal and Torres Strait Islander people, culture and history*, sourced from the Corporate Plan, does not provide a specific and measurable target by which performance can be assessed.²⁰ The NAA provided an explanation as to measures taken with the performance criterion in mind, but it is unclear whether the measures clearly achieved the result as stated by the criterion.²¹ As noted in Chapter 1, the committee encourages the use of specific and measurable performance targets.

2.20 Notwithstanding the issues identified, the committee commends the NAA in achieving its otherwise impressive results demonstrated in the performance criteria.

17 NAA Annual Report 2016–17, p. 21.

18 NAA Annual Report 2016–17, p. 21.

19 NAA Annual Report 2016–17, pp. 13–4.

20 NAA Annual Report 2016–17, p. 18.

21 NAA Annual Report 2016–17, p. 18.

Financial performance

2.21 The NAA reported total expenditure of \$89.6 million in 2016–17, with total revenue (including appropriations) of \$85.2 million, resulting in a deficit of \$4.4 million. Excluding depreciation and amortisation, the NAA reported a net surplus of \$12.9 million for the reporting period.²²

2.22 Income for 2016–17 was supplemented by an additional \$12.7 million from the Australian Government for the National Archives Preservation Facility (NAPF). The NAA also reported \$2.6 million in income which was received from the intake of records from Australian Government entities.²³

2.23 The NAA stated that the deficit was due to lower income in comparison with total expenses in 2016–17.²⁴ Increased costs also contributed to higher expenses, such as increases in supplier expenses as a result of a rise in rental expenditure due to the NAPF. Employee expenses were reduced in order to offset increased expenses overall.²⁵

Conclusion

2.24 The committee acknowledges the NAA for its well-presented and accessible report. In particular, the NAA's clear and informative performance reporting is commended by the committee, but the committee notes the importance of specific and measurable performance targets.

2.25 The committee finds the annual report of the NAA to be 'apparently satisfactory'.

Office of Parliamentary Counsel

2.26 The OPC is a statutory agency established under the *Parliamentary Counsel Act 1970*. The OPC is the Commonwealth's principal provider of professional legislative drafting and publishing services.²⁶

2.27 The OPC annual report for 2016–17 was prepared under section 16A of the *Parliamentary Counsel Act 2010*, and section 46 of the PGPA Act, and includes reporting under the *Freedom of Information Act 1982*. The report was tabled on 17 October 2017 and was available for Supplementary Budget Estimates on 23 and 24 October 2017.²⁷

22 NAA Annual Report 2016–17, p. 24.

23 NAA Annual Report 2016–17, p. 24.

24 NAA Annual Report 2016–17, p. 24.

25 NAA Annual Report 2016–17, p. 24.

26 Office of Parliamentary Counsel Annual Report 2016–17, p. 10.

27 See Appendix 1.

First Parliamentary Counsel's review

2.28 The First Parliamentary Counsel, Mr Peter Quiggin PSM, provided an overview of the work of the OPC in the 2016–17 period,²⁸ Themes included: an increase in demand for OPC's services, particularly from Treasury; creation of major items of legislation such as reforms to the parliamentary entitlements scheme and education funding legislation; providing advice to other portfolios and departments regarding sunseting instruments; encouraging high drafting standards for legislative instruments; and liaising with other departments to provide advice, including running workshops for persons involved in legislative drafting.²⁹

Performance reporting

2.29 Annual performance information for the OPC provided a 'clear read' in the overview section when cross-checked with the Portfolio Budget Statement (PBS) and Corporate Plan. The presentation of performance criteria results closely matched the format recommended by the Department of Finance in *Resource Management Guide No. 135*,³⁰ providing detailed discussion of how it was or was not achieved, but failed to include clear information regarding the source of the performance criteria.³¹

2.30 The OPC met each of its performance criteria targets in the 2016–17 period.³² The performance statement provided a detailed explanation for how each performance criteria was met for the period.³³

2.31 During the reporting period, 217 bills, totalling 7,368 pages, were drafted in the OPC and were introduced into the Parliament.³⁴ The performance statement provided statistics on: classification of bills drafted; placement on the original Parliamentary Business Committee program; bills introduced into Parliament; and the total number and type of bills introduced in each parliamentary session.³⁵

2.32 The First Parliamentary Counsel's review stated that the number of bills and pages introduced into Parliament was a 'substantial increase over recent years';³⁶ however, no reference to previous years' statistics was included in the report to provide a comparison.

28 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 1–9.

29 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 1–9.

30 Department of Finance, *Resource Management Guide No. 135: Annual reports for non-corporate Commonwealth entities*, Appendix A, pp. 37–8.

31 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 13–35.

32 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 13–4.

33 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 13–35.

34 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 17.

35 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 18.

36 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 1.

2.33 Statistics regarding parliamentary amendments drafted were also provided.³⁷ Here, retrospective comparisons of statistics were presented to compare results to previous years.

2.34 The OPC used client surveys as a method of assessing performance, as required by Performance criterion 1.1 and 1.2.³⁸ In particular, the target identified in the PBS for 'overall satisfaction' is a rating of 4 out of 5.³⁹ The OPC achieved an average rating of 4.9 out of 5 for responses received on client survey forms for overall satisfaction with the drafting process and draft legislation.⁴⁰ The performance statement provided excerpts from surveys, which supported the high levels of satisfaction reported.⁴¹

2.35 The committee commends the OPC on meeting, and in some instances exceeding, all its targets.

Financial reporting

2.36 The OPC reported total expenditure of \$20.573 million in 2016–17, with total revenue (including appropriations) of \$20.4 million.⁴² Consequently, the deficit attributable to the Australian Government for 2016–17 was \$0.186 million. After adding back non-cost recovered depreciation and amortisation, this resulted in a total surplus of \$0.437 million for 2016–17.⁴³

2.37 Revenue from the Australian Government decreased by \$0.366 million to \$13.773 million, as per the ongoing budget measure *Attorney General's—one-off efficiency savings to specific agencies*.⁴⁴ Own-source revenue decreased by \$0.047 million, while employee expenses increased by \$0.146 million and supplier expenses increased by \$0.184 million compared to 2015–16.⁴⁵

2.38 In his review, the First Parliamentary Counsel noted that increased demand from Treasury for drafting services in 2016–17 had led to additional funding being provided to the OPC from 2017–18 onwards.⁴⁶

37 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 20.

38 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 13.

39 PBS, pp. 278–9, Table 2.2.

40 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 18–9.

41 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 18–9.

42 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 39.

43 *Office of Parliamentary Counsel Annual Report 2016–17*, pp. 38–9; 92.

44 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 39.

45 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 39.

46 *Office of Parliamentary Counsel Annual Report 2016–17*, p. 5.

PGPA Rule mandatory requirements

2.39 Section 17AG(4)(b) of the PGPA Rule requires that an annual report provides statistics on the entity's APS employees on an ongoing and non-ongoing basis, including statistics such as: staffing classification; full-time employees; part-time employees; gender; staff location; and employees who identify as indigenous.⁴⁷ The PGPA Rule does not provide advice on how agencies should provide these statistics or to what extent, but the committee encourages agencies to provide information as fulsomely as possible.

2.40 The OPC provided an excellent presentation of statistics regarding its workforce. It provided statistics on all required fields, including additional statistics not required by the Rule, including employees on leave without pay, employees on maternity leave, and employees on temporary transfer.⁴⁸ This significant level of detail is infrequently provided in annual reports, and the committee commends the OPC's efforts in this regard.

Style

2.41 The OPC has chosen to present its annual report in a style which, while appealing in its simplicity, does not always aid reading. Chapters and headings are not clearly marked, which can be confusing for readers to identify where a subject matter ends and another begins. On the whole, the style appears to be disjointed at times and not ideally suited for an annual report.

2.42 The two-column format, in particular, appears to create issues in the document's readability. For example, where text surrounds an inserted table, the text cuts off around the table and continues in an illogical placement on the page, disrupting the reading process.

2.43 The committee further notes that the OPC annual reports in recent years were presented in the same style.⁴⁹

2.44 The committee asks that the OPC consider updating its reporting style to aid the reader in accessing the wealth of information provided.

47 PGPA Rule, p. 29.

48 PGPA Rule, pp. 20–1.

49 See: *Office of Parliamentary Counsel Annual Report 2014–15*; *Office of Parliamentary Counsel Annual Report 2015–16*.

Conclusion

2.45 The committee thanks the OPC on its thorough and detailed reporting, particularly by fulfilling and referencing all mandatory requirements of the PGPA Rule, and in some cases providing further information. However, it recommends that the OPC examine the style and format used in preparing its annual reports and consider changes to improve readability.

2.46 The committee considers the annual report of the OPC to be 'apparently satisfactory'.

Senator the Hon Ian Macdonald
Chair

Appendix 1

Reports tabled during the period 1.5.2017 and 31.10.2017 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
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Attorney-General's Portfolio

<i>Department/authority – Report</i>			
Australian Law Reform Commission—Report no. 131—Elder Abuse: A National Legal Response—Final and summary reports, dated May 2017.	7.6.2017/ 7.6.2017	14.6.2017	14.6.2017
Australian Human Rights Commission—Report— No. 111—BA v Commonwealth of Australia (Department of Immigration and Border Protection).	30.5.2017/ 30.5.2017	21.6.2017	21.6.2017
Australian Human Rights Commission—Report— No. 112—AX v Commonwealth of Australia (Department of Immigration and Border Protection).	30.5.2017/ 30.5.2017	21.6.2017	21.6.2017
Australian Human Rights Commission—Report—No. 113—Gentleman v Linfox Australia Pty Ltd.	30.5.2017/ 30.5.2017	21.6.2017	21.6.2017
Australian Human Rights Commission—Report—No. 114—Mr BF on behalf of Master BG v Commonwealth of Australia (Department of Immigration and Border Protection).	30.5.2017/ 30.5.2017	21.6.2017	21.6.2017
Australian Human Rights Commission—Report— No. 115—BW v Commonwealth of Australia (Department of Immigration and Border Protection).	30.5.2017/ 30.5.2017	21.6.2017	21.6.2017
Australian Crime Commission (ACC) Board—Report for 2015-16.	6.7.2017/ 6.7.2017	4.9.2017	4.9.2017

Attorney-General's Department—Report for 2016-17.	5.10.2017/ 5.10.2017	(13.10.2017) 16.10.2017	16.10.2017
Australian Law Reform Commission (ALRC)—Report for 2016-17.	5.10.2017/ 5.10.2017	16.10.2017	16.10.2017
Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2016-17.	4.10.2017/ 4.10.2017	16.10.2017	16.10.2017
Australian Security Intelligence Organisation (ASIO)—Report for 2016-17.	6.10.2017/ 6.10.2017	17.10.2017	17.10.2017
Office of Parliamentary Counsel—Report for 2016-17.	5.10.2017/ 5.10.2017	17.10.2017	17.10.2017
Administrative Appeals Tribunal—Report for 2016-17, including the report of the Immigration Assessment Authority.	9.10.2017/ 9.10.2017	18.10.2017	18.10.2017
Australian Information Commissioner—Report for 2016-17.	6.10.2017/ 6.10.2017	18.10.2017	18.10.2017
Federal Court of Australia—Report for 2016-17, including report of the National Native Title Tribunal.	11.10.2017/ 11.10.2017	18.10.2017	18.10.2017
Australian Commission for Law Enforcement Integrity—Report for 2016-17.	13.10.2017/ 13.10.2017	(27.10.2017) 11.11.2017	4.12.2017
Australian Financial Security Authority (AFSA)—Report for 2016-17, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009.	22.9.2017/ 22.9.2017	(27.10.2017) 31.10.2017	27.11.2017
National Archives of Australia and National Archives of Australia Advisory Council—Report for 2016-17.	4.10.2017/ 4.10.2017	(31.10.2017) 13.11.2017	4.12.2017

<i>Operation of an act/program</i>			
<i>Telecommunications (Interception and Access) Act 1979</i> —Commonwealth Ombudsman's report for 2015-16 of inspections conducted under section 186B.	17.3.2017/ 17.3.2017	22.5.2017	23.5.2017
<i>Surveillance Devices Act 2004</i> —Commonwealth Ombudsman's report to the Attorney-General on agencies' compliance for the period 1 July to 31 December 2016.	11.5.2017/ 11.5.2017	(10.10.2017) 13.6.2017	24.5.2017
Commonwealth Ombudsman—Activities under Part V of the <i>Australian Federal Police Act 1979</i> —Report for 2015-16.	...	13.6.2017	30.5.2017
<i>Crimes Act 1914</i> —Report for 2015-16 on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Commission for Law Enforcement Integrity, the Australian Crime Commission and the Australian Federal Police.	29.5.2017/ 29.5.2017	19.6.2017	19.6.2017
<i>Surveillance Devices Act 2004</i> —Report for 2015-16 on the operation of the Act.	16.6.2017/ 16.6.2017	8.8.2017	22.6.2017
<i>Telecommunications (Interception and Access) Act 1979</i> —Report for 2015-16 on the operation of the Act.	29.7.2017/ 29.7.2017	14.8.2017	14.8.2017
<i>Crimes Act 1914</i> —Authorisations for the acquisition and use of assumed identities—Australian Crime Commission—Report for 2016-17.	4.10.2017/ 4.10.2017	(10.10.2017) 16.10.2017	16.10.2017
<i>Crimes Act 1914</i> —Controlled Operations—Report for 2016-17.	15.9.2017/ 15.9.2017	(9.10.2017) 16.10.2017	16.10.2017
<i>War Crimes Act 1945</i> —Report on the operation of the Act for 2016-17	7.9.2017/ 7.9.2017	13.11.2017	23.10.2017

<i>Royal Commission – Report</i> <i>Note: There is no legislative requirement to table these reports</i>			
Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 36—The response of the Church of England Boys’ Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse, dated May 2017.	2.6.2017/ 2.6.2017	13.6.2017	13.6.2017
Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 41—Institutional responses to allegations of the sexual abuse of children with disability, dated May 2017.	7.6.2017/ 7.6.2017	14.6.2017	14.6.2017
Institutional Responses to Child Sexual Abuse—Royal Commission—Criminal justice report, dated August 2017 (3 volumes).	3.8.2017/ 3.8.2017	14.8.2017	14.8.2017
Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 40—The response of Australian Defence Force to allegations of child sexual abuse, dated August 2017.	3.8.2017/ 3.8.2017	(22.8.2017) 4.9.2017	4.9.2017
Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 45—Problematic and harmful sexual behaviours of children in schools, dated October 2017.	10.10.2017/ 10.10.2017	18.10.2017	18.10.2017

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
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Immigration and Border Protection portfolio

<i>Department/authority – Report</i>			
Department of Immigration and Border Protection—Report for 2016-17.	29.9.2017/ 29.9.2017	(10.10.2017) 13.11.2017	19.10.2017

<i>Operation of an act/program</i>			
<i>Migration Act 1958</i>			
<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements—Personal identifier 000408-O, 1000142-O, 1000173-O, 1000267-O, 1000279-O, 1000785-O, 1001003-O, 1001044-O, 1001170-O, 1001207-O1, 1001365-O, 1001647-O, 1002144-O, 1002292-O1, 1002337-O1, 1002389-O, 1002391-O, 1002393-O, 1002397-O, 1002399-O, 1002407-O, 1002432-O, 1002450-O, 1002487-O and 1002488-O—</p> <p>Commonwealth Ombudsman’s reports—Report no. 6 of 2017.</p> <p>Government response to Ombudsman’s reports, dated 8 May 2017.</p>	20.4.2017/ 27.4.2017	10.5.2017	10.5.2017

<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000479-O, 1000341-O, 1000782-O, 1000856-O, 1000874-O, 1001023-O, 1001048-O, 1001249-O, 1001304-O, 1001349-O, 1001416-O, 1001518-O, 1001693-O, 1001761-O, 1001901-O, 1001950-O, 1001973-O, 1002052-O, 1002057-O, 1002059-O, 1002089-O, 1002121-O, 1002146-O, 1002161-O, 1002146-O, 1002161-O, 1002167-O, 1002169-O, 1002173-O, 1002185-O, 1002192-O, 1002198-O1, 1002200-O1, 1002201-O1, 1002289-O1, 1002333-O, 1002341-O1, 1002347-O1, 1002348-O, 1002355-O1, 1002382-O, 1002388-O, 1002415-O, 1002424-O, 1002430-O, 1002445-O, 1002455-O, 1002485-O, 1002491-O, 1002493-O, 1002501-O and 1002512-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 7 of 2017.</p> <p>Government response to Ombudsman's reports, dated 8 May 2017.</p>	20.4.2017/ 27.4.2017	10.5.2017	10.5.2017
<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000034-O, 1000120-O1, 1000980-O, 1001134-O, 1001384-O, 1001386-O, 1001534-O, 1001822-O, 1001939-O1, 1002168-O, 1002171-O, 1002181-O, 1002232-O1, 1002241-O1, 1002245-O1, 1002266 O1, 1002428-O, 1002429-O1, 1002448-O, 1002454-O, 1002456 O, 1002464-O, 1002467-O, 1002490-O and 1002542-O—</p> <p>Commonwealth Ombudsman's reports— Report No. 8 of 2017.</p> <p>Government response to Ombudsman's reports, dated 22 May 2017.</p>	2.5.2017/ 3.5.2017	13.6.2017	24.5.2017

<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements—Personal identifier 1000923-O, 1000924-O, 1000942-O, 1000990-O, 1001175-O, 1001383-O, 1001388-O, 1001391-O, 1001398-O, 1001581-O, 1001616-O, 1001628-O, 1001690-O, 1001991-O, 1002116-O, 1002242-O1, 1002286-O1, 1002288-O1, 1002406-O, 1002408-O, 1002425-O, 1002433 O, 1002441-O, 1002444-O and 1002560-O—</p> <p>Commonwealth Ombudsman's reports—Report No. 9 of 2017.</p> <p>Government response to Ombudsman's reports, dated 25 May 2017.</p>	4.5.2017/ 11.5.2017	13.6.2017	31.5.2017
<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements—Personal identifier 000408-O, 1000142-O, 1000173-O, 1000267-O, 1000279-O, 1000785-O, 1001003-O, 1001044-O, 1001170-O, 1001207-O1, 1001365-O, 1001647-O, 1002144-O, 1002292-O1, 1002337-O1, 1002389-O, 1002391-O, 1002393-O, 1002397-O, 1002399-O, 1002407-O, 1002432-O, 1002450-O, 1002487-O and 1002488-O</p> <p>Government response to Ombudsman's reports, dated 13 June 2017—Replacement for document previously tabled on 10 May 2017.</p>	29.5.2017/ 29.5.2017	19.6.2017	15.6.2017

<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements—Personal identifier 000479-O, 1000341-O, 1000782-O, 1000856-O, 1000874-O, 1001023-O, 1001048-O, 1001249-O, 1001304-O, 1001347-O, 1001349-O, 1001416-O, 1001518-O1, 1001693-O, 1001761-O, 1001901-O, 1001950-O, 1001973-O1, 1002052-O, 1002057-O, 1002059-O, 1002089-O, 1002121-O, 1002146-O, 1002161-O, 1002167-O, 1002169-O, 1002173-O, 1002185-O, 1002192-O, 1002198-O1, 1002200-O1, 1002201-O1, 1002289-O1, 1002333-O, 1002341-O, 1002347-O1, 1002348-O, 1002354-O, 1002355-O, 1002379-O, 1002382-O, 1002385-O, 1002388-O, 1002404-O, 1002415-O, 1002424-O, 1002426-O, 1002430-O, 1002445-O, 1002452-O, 1002455-O, 1002485-O, 1002491-O, 1002493-O, 1002501-O and 1002512-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 7 of 2017—Replacement for document previously tabled on 10 May 2017.</p> <p>Government response to Ombudsman's reports, dated 13 June 2017— Replacement for document previously tabled on 10 May 2017.</p>	29.5.2017/ 29.5.2017	19.6.2017	15.6.2017
<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements—Personal identifier 1000420-O, 1000925-O, 1000969-O, 1001592-O, 1001665-O1, 1001705-O, 1001759-O, 1001760-O, 1001816-O, 1001833-O, 1001905-O, 1001971-O, 1002216-O, 1002275-O1, 1002395-O, 1002414-O, 1002420-O, 1002423-O, 1002431-O, 1002434-O, 1002436-O, 1002437-O, 1002439-O, 1002443-O and 1002446-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 10 of 2017.</p> <p>Government response to Ombudsman's reports, dated 13 June 2017.</p>	29.5.2017/ 29.5.2017	19.6.2017	15.6.2017

<p><i>Migration Act 1958—Section 486O—</i> Assessment of detention arrangements— Personal identifier 1000030-O, 1000372-O, 1000814-O, 1000979-O1, 1001254-O, 1001260-O, 1001337-O, 1001377-O1, 1001711-O, 1001738-O, 1001753-O, 1001896-O, 1001924-O, 1002172-O, 1002174-O, 1002206-O1, 1002214-O1, 1002236-O1, 1002255-O1, 1002367-O1, 1002392-O, 1002413-O, 1002418-O, 1002421-O, 1002442-O, 1002511-O, 1002513-O and 1002557-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 11 of 2017.</p> <p>Government response to Ombudsman's reports, dated 13 June 2017.</p>	29.5.2017/ 29.5.2017	19.6.2017	15.6.2017
<p><i>Migration Act 1958—Section 486O—</i> Assessment of detention arrangements— Personal identifier 1000037-O, 1000806-O, 1000940-O, 1001053-O, 1001094-O, 1001115-O, 1001253-O, 1001285-O, 1001758-O, 1001762-O, 1001801-O1, 1001947-O, 1002051-O, 1002213-O1, 1002265-O1, 1002291-O1, 1002320-O1, 1002419-O, 1002440-O, 1002469-O, 1002472-O, 1002474-O, 1002489-O, 1002498-O and 1002508-O—</p> <p>Commonwealth Ombudsman's reports— Report No. 12 of 2017.</p> <p>Government response to Ombudsman's reports, dated 19 June 2017.</p>	5.6.2017/ 5.6.2017	21.6.2017	21.6.2017

<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements—Personal identifier 1000153-O, 1000283-O, 1000518-O, 1000878-O, 1000881-O, 1001086-O, 1001122-O, 1001232-O1, 1001236-O, 1001244-O, 1001250-O, 1001266-O, 1001308-O, 1001338-O, 1001688-O1, 1001768-O, 1001810-O1, 1001913-O, 1001936-O1, 1001975-O, 1002031-O, 1002053-O, 1002107-O, 1002128-O, 1002267-O1, 1002284-O2, 1002300-O1, 1002301-O1, 1002332-O1, 1002350-O, 1002351-O1, 1002373-O1, 1002447-O, 1002453-O, 1002457-O, 1002458-O, 1002459-O, 1002462-O, 1002468-O, 1002473-O, 1002475-O, 1002479-O, 1002484-O, 1002492-O, 1002505-O, 1002507-O, 1002526-O, 1002533-O and 1002606-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 13 of 2017.</p> <p>Government response to Ombudsman's reports, dated 4 September 2017.</p>	10.8.2017/ 10.8.2017	6.9.2017	6.9.2017
<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements—Personal identifier 1000319-O, 1000525-O, 1000557-O, 1000633-O, 1000958-O1, 1001058-O, 1001246-O, 1001288-O1, 1001295-O, 1001306-O, 1001322-O, 1001339-O, 1001428-O1, 1001489-O, 1001676-O1, 1001921-O, 1001930-O, 1001934-O, 1001952-O, 1001981-O, 1002017-O, 1002156-O, 1002177-O, 1002205-O1, 1002218-O1, 1002359-O1, 1002364-O1, 1002366-O1, 1002380-O1, 1002384-O1, 1002386-O1, 1002460-O, 1002465-O, 1002470-O, 1002471-O, 1002476-O, 1002480-O, 1002482-O, 1002494-O, 1002495-O, 1002506-O, 1002510-O, 1002520-O, 1002527-O, 1002528-O, 100257-O, 1002563-O, 1002591-O and 1002678-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 14 of 2017.</p> <p>Government response to Ombudsman's reports, dated 11 September 2017.</p>	24.8.2017/ 24.8.2017	16.10.2017	14.9.2017

<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000437-O1, 1000441-O, 1000688-O, 1000689-O1, 1000819-O, 1000888-O, 1000893-O, 1000964-O1, 1001135-O, 1001181-O1, 1001272-O, 1001280-O, 1001412-O1, 1001502-O1, 1001639-O1, 1001653-O1, 1001659-O1, 1001675-O1, 1001678-O1, 1001873-O, 1002022-O, 1002101-O, 1002203-O1, 1002222-O1, 1002229-O1, 1002231-O1, 1002233-O1, 1002334-O1, 1002370-O1, 1002371-O1, 1002394-O1, 1002410-O1, 1002461-O, 1002466-O, 1002483-O, 1002486-O, 1002500-O, 1002509-O, 1002518-O, 1002529-O, 1002530-O, 1002534-O, 1002535-O, 1002538-O, 1002544-O, 1002545-O, 1002648-O, 1002694-O, 1002699-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 15 of 2017.</p> <p>Government response to Ombudsman's reports, dated 11 September 2017.</p>	6.9.2017/ 6.9.2017	16.10.2017	14.9.2017
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<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000653-O, 1000903-O1, 1000961-O, 1000965-O, 1000966-O1, 1001172-O, 1001247-O, 1001283-O, 1001286-O, 1001444-O1, 1001472-O, 1001543-O1, 1001784-O1, 1001933-O1, 1002100-O, 1002115-O, 1002118-O, 1002133-O, 1002197-O1, 1002224-O1, 1002235-O1, 1002247-O1, 1002283-O1, 1002353-O1, 1002411-O1, 1002416-O1, 1002449-O1, 1002478-O, 1002496-O, 1002515-O, 1002543-O, 1002546-O, 1002547-O, 1002633-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 16 of 2017.</p> <p>Government response to Ombudsman's reports, dated 10 October 2017.</p> <p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000512-O1, 1000677-O, 1000727-O1, 1000790-O, 1000908-O, 1000994-O, 1001101-O, 1001267-O1, 1001529-O1, 1002065-O, 1002151-O, 1002228-O1, 1002240-O1, 1002260-O1, 1002278-O1, 1002339-O1, 1002343-O1, 1002368-O1, 1002497-O, 1002499-O, 1002502-O, 1002504-O, 1002517-O, 1002540-O, 1002541-O and 1002548-O—</p>	<p>27.9.2017/ 27.9.2017</p>	<p>18.10.2017</p>	<p>18.10.2017</p>
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