

# CHAPTER 1

## ANNUAL REPORTS OF DEPARTMENTS

1.1 The annual reports for the financial year 2009-10 of the following departments were referred to the committee for examination and report:

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

### Department of Immigration and Citizenship

1.2 The Department of Immigration and Citizenship has again presented a report that provides a good account of its activities and performance for the year under review. Performance information is clearly presented along with a range of statistics covering broad timeframes to provide trend information. The committee welcomes the inclusion of a number of items in the report which are suggested but not mandatory under the annual reporting guidelines, for example, the overview of the department's performance and financial results<sup>1</sup> and the outlook for 2010-11<sup>2</sup>.

1.3 The report outlined reforms in a range of policy areas implemented by the department in 2009-10. These included a number of reforms to the Migration Program.

1.4 A significant undertaking was reform of the Skilled Migration Program to make it more responsive to the needs of the Australian economy and to meet relevant labour market requirements. Changes included:

- revoking the Migration Occupations Demand List;
- development of a new Skilled Occupation List; and
- a review of the points test to ensure it focuses on applicants with high-value skills that will meet Australia's medium-to-long-term economic needs.<sup>3</sup>

1.5 The committee noted that the department reported an operating surplus of \$5.5 million for 2009-10, which compares with a \$47.6 million operating loss in the previous financial year.<sup>4</sup> In the discussion and analysis of financial performance for 2009-10, the report noted that the surplus was achieved in a challenging operating environment where the main contributing factors included:

- the department's strong focus on financial management and performance;

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1 *Department of Immigration and Citizenship Annual Report 2009-10*, pp 34-39.

2 *Department of Immigration and Citizenship Annual Report 2009-10*, pp 13-14.

3 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 5.

4 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 34.

- efficiencies achieved throughout the financial year, including a reduction in overhead expenditure; and
- improved business planning and budget reporting activities.<sup>5</sup>

1.6 In his review, the Secretary discussed the significant increase in the number of asylum seekers arriving by boat in Australia during 2009-10. The impact on programs of the department and management of resources in response to this challenge has been a focus of Senators during recent estimates hearings of this committee.

1.7 The Secretary outlined how the department was responding in managing the rise in the number of arrivals and people in immigration detention, advising that:

To support the department's response to the increasing number of boat arrivals, there have been significant efforts in recruitment and training of staff to provide enhanced case management and detention review, as well as enhancements to decision-making on asylum claims, independent merits review and the department's capacity to remove those who have no lawful basis to remain in Australia. There were also strong efforts to ensure that the department maintained, and improved upon, client service in our other areas of operations.

Despite the scale of the challenges we are facing, the department and our service providers have shown a strong commitment to the government's detention values and continue to work very hard to provide fair and reasonable service to people required by law to be in immigration detention.<sup>6</sup>

1.8 In regard to the impact on the department's Humanitarian Program, it was reported that the challenges were met through careful management of resources to achieve 39 per cent more protection visa decisions and 2,697 more Refugee Status Assessments compared to the previous financial year.<sup>7</sup> It was explained that:

The combined impact of irregular maritime arrivals on the overall available places in the Humanitarian Program and responding to their needs to be reunited with their families, presented a challenge to the program.<sup>8</sup>

1.9 From 1 July 2009, the Office of the Migration Agents Registration Authority (MARA) commenced operations as a discrete office attached to the department. The Secretary of the department reported that the Office has achieved a seamless transition.<sup>9</sup> The committee was advised at the supplementary budget estimates hearings in October 2010 that, as a result of the new arrangements, the Office will

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5 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 34.

6 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 7.

7 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 99.

8 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 99.

9 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 6.

provide annual report information in both the department's annual report and in a separate report of the Office:

What we are doing this year is we are providing the annual report information that is required under the act through the department's own report. We have also decided to produce a separate report for the Office of the MARA under our own regulations and that will provide more operation detail.<sup>10</sup>

1.10 The department presented the Office of the MARA's results against deliverables and key performance indicators. The committee notes that the Office failed to meet the target of 50% for the key performance indicator (KPI) concerning the percentage of relevant recommendations appropriately implemented from the 2007-08 Review of Statutory Self-regulation of the Migration Advice Profession. The report noted, however, that there had been action on all recommendations and they were at various stages of implementation.<sup>11</sup>

1.11 The online version of the annual report was readily located on the website and provided both HTML and PDF versions. As in recent years, this year's online report included an introductory video message from the Secretary which highlighted the major challenges and achievements during 2009-10. It also included short videos for a number of the 12 case studies presented in this year's report. A helpful online search facility for the annual report was also available.

1.12 The report provided an overview of the new budgetary reporting framework which is based on outcomes and programs from 2009-10, and included a useful transition table for the new framework at Appendix 7.<sup>12</sup>

1.13 A focus of the 2009-10 annual report was the celebration of the department's 65<sup>th</sup> anniversary. The report features articles on Australian immigration history over the past 65 years, accompanied by a range of photographs. While the Secretary highlighted the many achievements and contributions the department has made to the nation, the committee appreciates his candour in also acknowledging the mistakes that have occurred over the years and a commitment to continually improve services in the future.<sup>13</sup>

1.14 The committee considers the annual report of the Department of Immigration and Citizenship to be 'apparently satisfactory'.

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10 *Committee Hansard*, 19 October 2010, p. 17-18.

11 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 92.

12 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 435

13 *Department of Immigration and Citizenship Annual Report 2009-10*, p. 14.

## Attorney-General's Department

1.15 The annual report of the Attorney-General's Department was presented out of session in the Senate on 13 October 2010. The committee commends the department for presenting its report in a timely manner, which made it available to Senators prior to the supplementary budget estimates hearings on 18 and 19 October 2010.

1.16 The report provides a good account of the activities that have contributed to the achievement of the departmental outcomes. It also provides a good review of how the department has performed during the year in relation to its KPIs. Performance information is presented in table format and is clear and accessible. The committee notes that the KPIs were mostly achieved or partially/substantially achieved for 2009-10.

1.17 In the summary of financial management, the department reported an operating deficit of \$0.244 million for 2009-10, which was less than 1 per cent of total revenues. This compares to a deficit of \$1.749 million for 2008-09.<sup>14</sup>

1.18 Among the range of activities and initiatives undertaken by the department during the year and highlighted in the report, the committee notes some major achievements. The department implemented and promoted the strategic framework for access to justice, which was a central recommendation of the September 2009 report of the Access to Justice Taskforce and adopted by the government. The annual report explained that:

The framework emphasises providing better and more accessible sources of information and assistance at an earlier stage to meet legal needs, better use of non-legal gateways and increased coordination.<sup>15</sup>

1.19 The department advised that it will use the framework to guide decisions and develop initiatives to improve access to justice for all Australians in the future.<sup>16</sup>

1.20 The committee also noted with interest the development of the *Disability (Access to Premises – Buildings) Standards 2010*. According to the annual report, the Premises Standards:

...are part of a wider scheme, led by the Australian Government, to provide improved, updated and, for the first time, nationally uniform rules for appropriate and dignified access to public buildings and offices for people with disability.

...

The Premises Standards impose obligations on building certifiers, developers and managers to ensure compliance with those matters in the

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14 Attorney-General's Department Annual Report 2009-10, p. 185.

15 Attorney-General's Department Annual Report 2009-10, p. 43.

16 Attorney-General's Department Annual Report 2009-10, p. 43-44.

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Premises Standards for which they are responsible or will have control over.<sup>17</sup>

1.21 The report outlined the department's role in the development of these standards: namely, providing advice to the Attorney-General on their preparation, and involvement in the government's response to the House of Representatives Standing Committee on Legal and Constitutional Affairs Committee's report, *Access All Areas*. The department also worked with a number of relevant stakeholders.<sup>18</sup>

1.22 During the year under review, the department was also involved in the development and implementation of Australia's Human Rights Framework. The Attorney-General released this policy in April 2010 in response to the report of the National Human Rights Consultation Committee. The framework outlines a range of key measures to further protect and promote human rights in Australia.<sup>19</sup>

1.23 The department has begun implementing a number of measures under this policy initiative, including preparation and presentation of bills to establish a parliamentary joint committee on human rights and to require that statements of compatibility with human rights accompany new legislation and legislative instruments.<sup>20</sup> The committee will continue to monitor with interest a number of key projects the department will progress under this policy in the coming year which are outlined in the report, including the consolidation of Commonwealth Anti-Discrimination Laws and the development of the Human Rights National Action Plan.<sup>21</sup>

1.24 The report provided detail on the most significant developments in external scrutiny from the Australian National Audit Office, the courts, parliamentary committees, the Office of the Privacy Commissioner, the Australian Human Rights Commission, Royal Commissions and the Coordinator General for Remote Indigenous Services. However, the committee notes that two reports of the House of Representatives Standing Committee on Legal and Constitutional Affairs were incorrectly attributed to the Senate Legal and Constitutional Affairs Committee.<sup>22</sup>

1.25 The online version of the report is easily accessible on the department's website and is available in PDF and HTML formats.

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17 *Attorney-General's Department Annual Report 2009-10*, p. 48.

18 *Attorney-General's Department Annual Report 2009-10*, p. 48.

19 *Attorney-General's Department Annual Report 2009-10*, p. 47.

20 *Attorney-General's Department Annual Report 2009-10*, pp 47-48.

21 *Attorney-General's Department Annual Report 2009-10*, p. 60.

22 The reports on *Older People and the Law* and *Access All Areas* were listed under the Senate Legal and Constitutional Affairs Committee: see *Attorney-General's Department Annual Report 2009-10*, pp 177-178.

1.26 The report closely adheres to the annual reports requirements and includes suggested as well as mandatory information, including a compliance index. The committee considers the report of the Attorney-General's Department to be 'apparently satisfactory'.