

The Senate

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Legal and Constitutional Affairs  
Legislation Committee

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# PREFACE

## Terms of reference

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

- 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).<sup>1</sup>

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

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

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

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

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

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



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

### **'Apparently satisfactory'**

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

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

### **Timeliness**

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

In accordance with the Requirements for Annual Reports, 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.<sup>4</sup>

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.<sup>5</sup>

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

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

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

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

- (a) prepare an annual report in accordance with Schedule 1 for each financial year; and
- (b) give it to the responsible Minister by the deadline for the financial year for presentation to the Parliament.

...

(2) The deadline is:

- (a) the 15th day of the 4th month after the end of the financial year; or
- (b) the end of such further period granted under subsection 34C(5) of the *Acts Interpretation Act 1901*.

Under section 36 of the CAC Act:

- (1) A Commonwealth company must give the responsible Minister:
  - (a) a copy of the company's financial report, directors' report and auditor's report that the company is required by the *Corporations Act 2001* to have for the financial year (or would be required by that Act to have if the company were a public company); and
  - (b) any additional report under subsection (2); and
  - (c) in the case of a wholly-owned Commonwealth company— any additional information or report required by the Finance Minister's Orders.

(1A) The Commonwealth company must give the reports and information by:

- (a) if the company is required by the *Corporations Act 2001* to hold an annual general meeting—the earlier of the following:
  - (i) 21 days before the next annual general meeting after the end of the financial year;
  - (ii) 4 months after the end of the financial year; and
- (b) in any other case—4 months after the end of the financial year; or the end of such further period granted under subsection 34C(5) of the *Acts Interpretation Act 1901*.

In the absence of any specific provision, the *Acts Interpretation Act 1901* requires bodies to present annual reports to ministers within 6 months after the end of the period reported upon (subsection 34C(2)), and ministers must table reports within 15 sitting days after receipt.

A table listing the annual reports of departments and agencies tabled in the Senate (or presented out of session to the President of the Senate) between 1 May 2011 and 31 October 2011, and which have been referred to the committee for examination, can

be found at Appendix 1.<sup>6</sup> 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 2011. A number of agencies just missed the deadline in the Senate, tabling their reports on 1 November 2011.<sup>7</sup> Accordingly, the reports of the following agencies will be examined in the committee's second report for 2012:

- Australian Commission for Law Enforcement Integrity;
- Australian Crime Commission;
- Australian Institute of Criminology and Criminology Research Council;
- Australian Transaction Reports and Analysis Centre; and
- Commonwealth Director of Public Prosecutions.

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.<sup>8</sup> The committee acknowledges that most reports were available prior to the committee's supplementary budget estimates hearings on 17 and 18 October 2011.<sup>9</sup>

### **Requirement for non-reporting bodies to report**

In accordance with Standing Order 25(21)(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.

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

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

7 The committee notes, however, that these reports were tabled in the House of Representatives on 13 October 2011.

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

9 See Appendix 1 for those bodies which tabled or presented their reports prior to 17 and 18 October 2011.



# CHAPTER 1

## ANNUAL REPORTS OF DEPARTMENTS

1.1 The annual reports for the financial year 2010-11 of the following departments 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 2010-11 annual report was presented out of session on 14 October 2011 (and tabled in the Senate on 31 October 2011). The department's early presentation of the report made it available to Senators for the Supplementary Budget Estimates 2011-12 hearings.

#### ***Secretary's review***

1.3 The committee notes some of the achievements for the year across the department, as outlined by the Secretary in his review of 2010-11, including:

- coordinating a whole-of-government approach to the response and recovery efforts in response to nationwide natural disasters;
- supporting the Australian Government's response to a number of international natural disasters;
- leading the Australian component of the cyber security exercise called *Cyber Storm III*, sponsored by the United States Department of Homeland Security;
- developing the multi-agency Commonwealth Organised Crime Response Plan;
- continuing to implement recommendations from the Access to Justice Taskforce; and
- preparing a national action plan on human rights as part of the implementation of the Human Rights Framework.<sup>1</sup>

#### ***Performance reporting***

1.4 The report's performance information addresses the key performance indicators (KPIs) as listed in the Portfolio Budget Statement for 2010-11. The

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1 Attorney-General's Department Annual Report 2010-11, pp 2-3.

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.

1.5 The report presents a 'clear read' from the Portfolio Budget Statement to the annual report in relation to reporting on performance. The committee notes that no KPIs for the department provide a quantitative measure for performance or targets. The committee further notes that the department has previously included quantitative measures for some KPIs and has identified targets, and has presented results in response to those KPIs in the annual report.<sup>2</sup>

1.6 The committee acknowledges that the development of quantitative KPIs for departmental programs involving policy development and advice may pose a challenge, and that qualitative KPIs may be more appropriate in some areas. However, the inclusion of quantitative KPIs for some program areas would assist in demonstrating the effective achievement of a program objective.

1.7 For example, the KPI for Program 1.3 Justice Services was '[I]mprovement in access to education, information, advice and support services for disadvantaged Australians and communities'. The KPI was reported as being achieved with the supporting comment that '[C]ommunity legal centres have continued to provide legal assistance and advice to disadvantaged Australians on a wide range of issues'.<sup>3</sup> Although the supporting discussion provided support for the claim of this KPI being achieved, quantitative measures, such as centre/client numbers, would enhance the demonstration of this KPI and provide a basis for comparing results over time.

1.8 According to the Department of Finance and Deregulation, 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'.<sup>4</sup>

1.9 In line with the recent report of the Australian National Audit Office (ANAO), *Development and implementation of key performance indicators to support the outcomes and programs framework*,<sup>5</sup> the committee encourages agencies, where suitable, to develop KPIs that have an appropriate emphasis on quantitative and

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2 See, for example, Attorney-General's Portfolio, Portfolio Budget Statement 2008-09.

3 *Attorney-General's Department Annual Report 2010-11*, p. 77.

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

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

measureable indicators, including targets.<sup>6</sup> This would clearly 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.<sup>7</sup>

### ***Social inclusion outcomes***

1.10 As noted in the preface of this report, under the revised Requirements for Annual Reports issued in July 2011, it is now a mandatory requirement for agencies whose activities impact on social inclusion outcomes, to provide information about relevant programs and progress in relation to social inclusion strategic change indicators.<sup>8</sup>

1.11 The department had previously provided an account of progress toward its social justice agenda in recent reports. The 2010-11 report presents a summary of the department's contribution to the whole-of-government social inclusion agenda which is described as aiming to give every Australian the help they need to access the support and opportunities that Australian society has to offer. In this regard, the report notes that the Attorney-General's Department has responsibility for this agenda from the law and justice perspective.<sup>9</sup>

1.12 Some areas of the department's work contributing to the social inclusion agenda which are highlighted in the report include legal assistance, Indigenous community safety and law and justice matters, and the protection and promotion of human rights.<sup>10</sup> While the department is not one of the main Commonwealth social

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

7 Australian National Audit Office, Performance Audit Report No. 5 2011-12, *Development and implementation of key performance indicators to support the outcomes and programs framework*, p. 53.

8 See Requirements for Annual Reports, July 2011, subsection 11(4).

9 *Attorney-General's Department Annual Report 2010-11*, p. 180.

10 *Attorney-General's Department Annual Report 2010-11*, pp 180-181.

policy agencies responsible for delivering the identified strategic change indicators,<sup>11</sup> the report provides useful background on its contribution.

### ***Financial performance***

1.13 The department reported an operating surplus of \$0.367 million for 2010-11. This compares with an operating deficit of \$0.244 million for the previous year.<sup>12</sup>

1.14 Departmental income and expenses both increased slightly during the year—0.4 per cent and 0.6 per cent respectively—primarily reflecting additional funding from budget measures.<sup>13</sup>

1.15 The department's mix of administered expenses changed significantly during the year as a result of amendments to the Administrative Arrangement Orders on 14 September and 14 October 2010. These amendments related to the transfer of responsibility for the Australian Territories from the department to the Department of Regional Australia, Regional Development and Local Government, and the department's assumption of responsibility for natural recovery policy and the Australian Government Disaster Recovery Payment from the Department of Families, Housing, Community Services and Indigenous Affairs.<sup>14</sup>

### ***Conclusion***

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

## **Department of Immigration and Citizenship**

### ***Tabling of report***

1.17 The department presented the annual report for 2010-11 on 14 October 2011 (and tabled on 31 October 2011), which made it available to the committee for examination during the Supplementary Budget Estimates hearings on 17 and 18 October 2011.

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11 The Department of Education, Employment and Workplace Relations, the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Human Services, the Department of Health and Ageing, and the Department of Broadband, Communication and the Digital Economy are identified as the main bodies contributing to the strategic change indicators under the Government's Framework of Indicators for Social Inclusion.

12 *Attorney-General's Department Annual Report 2010-11*, p. 163.

13 *Attorney-General's Department Annual Report 2010-11*, p. 163.

14 *Attorney-General's Department Annual Report 2010-11*, p. 163.



### ***Secretary's review***

1.18 The Secretary's review of 2010-11 highlighted major initiatives and challenges for the department during the year. For example, the Secretary noted the launch of the government's new policy *The People of Australia – Australia's Multicultural Policy*, a key initiative of which is the establishment of a new independent body, the Australian Multicultural Council, to advise government on multicultural affairs.<sup>15</sup>

1.19 The Secretary also highlighted reforms to the Skilled Migration Program to make it more responsive to skilled labour demands. In particular, a new Skilled Occupation List was introduced on 1 July 2010, which included 183 high value occupations based on the advice of Skills Australia.<sup>16</sup>

1.20 The Secretary reported that irregular maritime arrivals continue to be a challenge for the department, and noted that 'serious issues' in relation to immigration detention centres are of concern to the department.<sup>17</sup>

1.21 The Secretary provided some brief contextual background on the worldwide situation in relation to asylum seekers, noting that Australia receives about two per cent of the global total of applications for asylum each year. He further noted that:

These new applications are only a small proportion of the total number of people displaced each year by war, civil unrest and persecution. Applications for asylum in developed nations peaked in 2002, then fell each year to 2006, before again beginning to rise. This pattern matches the experience of Australia over the last decade.<sup>18</sup>

1.22 Some other areas of challenge and achievement highlighted by the Secretary included the granting of citizenship to over 100,000 people; children's issues, including an audit of the impact on children of immigration legislation, policies and programs; and agreement to the Regional Cooperation Framework.<sup>19</sup>

### ***Social inclusions outcomes***

1.23 The report provides a brief description of the department's contribution to the social inclusion agenda. The areas covered include the provision of support services to assist in the settlement of new arrivals, including refugees; the contribution to a cohesive and harmonious society through the Diversity and Social Cohesion Program; and inclusion of culturally and linguistically diverse communities. The department

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15 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 8.

16 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 6.

17 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 5.

18 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 12.

19 *Department of Immigration and Citizenship Annual Report 2010-11*, pp 4-5.

also contributes to government programs related to homelessness and the not-for-profit sector.<sup>20</sup>

### ***Performance reporting***

1.24 The department's performance information in relation to deliverables and KPIs is well presented and provides a 'clear read' from the Portfolio Budget Statement 2010-11. The tabular presentation of performance information for quantitative KPIs, which includes a target and actual results, was helpful and accessible. The committee also found the detailed statistics and supporting discussion on various migration programs and visa categories informative.

1.25 An area of interest to the committee was the performance report dealing with Outcome 4, which includes the management of IMAs. The performance report noted that there was a 41 per cent increase in the total number of IMAs in immigration detention from the previous year and a 100 per cent increase in the number of cases being managed by case managers at 30 June 2011 compared to the previous year.<sup>21</sup>

1.26 The high number of IMAs was described as a continuing challenge in 2010-11, '...resulting in significant pressure on the case management services and accommodation facilities across the detention network'.<sup>22</sup>

1.27 An area of concern for the committee was the performance result for the processing of onshore protection applications decided within 90 days, in accordance with section 65A of the *Migration Act 1958*. The actual result of 60.7% is well below the target (and legislative requirement) of 100%. It is also below the actual result for the previous two years: 71.8% for 2009-10, and 77% for 2008-09.<sup>23</sup>

1.28 It was revealed that 72.3% of protection visa decisions which took more than 90 days were caused by departmental-related delays, such as the complexity of certain cases requiring additional investigation and resources. This has increased considerably from 41% caused by departmental-related delays in 2009-10.<sup>24</sup> Other factors impacting on the delay in processing onshore protection applications include client-related, external agency and third party related reasons.<sup>25</sup>

1.29 Another matter of ongoing interest to the committee is the Temporary Business (Long Stay) (subclass 457) visa program. It was reported that 2010-11 was

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20 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 317.

21 *Department of Immigration and Citizenship Annual Report 2010-11*, pp 155 and 200.

22 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 155.

23 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 106.

24 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 122.

25 See Chapter 3 of this report for the committee's examination of the Department of Immigration and Citizenship's recently tabled four monthly reports on protection visa processing.

the strongest year on record for the subclass 457 visa program, with an increase of 32.6 per cent for visas granted from 2009-10 figures.<sup>26</sup> The committee was pleased to note that the department exceeded its performance target of 75 per cent of subclass 457 visa applications being processed within service standards, achieving a result of 85.6 per cent.<sup>27</sup>

### ***Financial performance***

1.30 The department's financial performance was described as strong, despite challenges imposed by increased activity and complex operational demands.<sup>28</sup>

1.31 The Department reported an operating deficit of \$63.1 million for 2010-11. This compares to an operating surplus of \$5.5 million in 2009-10. The operating deficit was attributed to a change in government appropriation funding whereby depreciation and amortisation expenses are no longer funded on an annual basis. It was pointed out that, if the department's depreciation and amortisation expenses of \$77.9 million for the year were funded, the financial result for 2010-11 would have been an operating surplus of \$14.8 million.<sup>29</sup> The main contributing factors for the operating result were:

- a strong focus on performance and associated financial management;
- efficiencies achieved throughout the financial year, including reductions in corporate overhead expenses; and
- a continued focus on improving business planning and monthly financial reporting activities.<sup>30</sup>

1.32 The committee notes that administered expenses were \$1,100 million, \$65 million higher than the estimate of \$1,035 million provided at 2010-11 Additional Estimates. This was mainly attributed to increased expenses for Program 4.3 – Offshore Asylum Seeker Management.<sup>31</sup>

### ***Staff awards***

1.33 The committee congratulates the Secretary, Mr Andrew Metcalfe, for being recognised as the Federal Government Leader of the Year in the 2010 Leadership in Government Awards. The Deputy Secretary, Dr Wendy Southern, was also recognised at this event and was presented with the Outstanding Contribution Award for her work

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26 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 68.

27 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 48.

28 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 32.

29 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 32.

30 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 32.

31 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 33.

in overseeing public service reform, and parliamentary and electoral affairs, in her previous role at the Department of the Prime Minister and Cabinet.<sup>32</sup>

### ***Conclusion***

1.34 The annual 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'.

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32 *Department of Immigration and Citizenship Annual Report 2010-11*, p. 257.

## **CHAPTER 2**

### **ANNUAL REPORTS OF STATUTORY BODIES**

2.1 The annual reports of the following statutory bodies for the financial year 2010-11 were referred to the committee for examination and report during the period 1 May to 31 October 2011:

#### **Attorney-General's Portfolio**

- Administrative Review Council
- Administrative Appeals Tribunal
- Australian Security Intelligence Organisation
- Australian Customs and Border Protection Service
- Australian Federal Police
- Australian Government Solicitor
- Australian Law Reform Commission
- Classification Board and Classification Review Board
- CrimTrac Agency
- Family Law Council
- Family Court of Australia
- Federal Court of Australia
- Federal Magistrates Court of Australia
- Insolvency and Trustee Service Australia
- National Native Title Tribunal
- 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*)

2.2 The committee has determined to consider, but not report on, the annual report of the Australian Federal Police, as the Parliamentary Joint Committee on Law Enforcement has specific responsibility for overseeing that agency.

2.3 On this occasion, the committee has decided to examine in more detail the reports of the Family Court of Australia, the Federal Court of Australia and the Federal Magistrates Court of Australia.

## **Family Court of Australia**

2.4 The annual report of the Family Court of Australia was presented out of session on 14 October 2011 and was therefore available to the committee for the Supplementary Budget Estimates hearings on 17 and 18 October 2011.

2.5 The Chief Justice outlined the expansion of the range of measures of court work to assist in monitoring performance and to assess whether objectives are being met. Statistics will now be kept on areas such as clearance rates of matters that come to the court, the number of times that parties attend court, the number of matters that settle, and the timeliness of hearings and delivery of judgements. It was further noted that comparable data is produced for the Federal Magistrates Court, and the expansion of these measures to the Family Court will enable a more coordinated approach to managing resources.<sup>1</sup>

2.6 The Chief Justice also commented on budgetary pressures and the impact of reduced funding as a result of the increase in the efficiency dividend rate in 2011-12 (1.5 per cent, as opposed to 1.25 percent in 2010-11). She advised that the court will be operating with less in 2011-12, resulting in a reduction in staff numbers which may affect services.<sup>2</sup>

2.7 The committee was impressed with the court's presentation of performance information. The report on court performance for deliverables and KPIs provided a 'clear read' from the PBS. Performance information was presented in tabular format with the target and results for 2010-11 (and for 2009-10 for comparative purposes). The last column in the performance tables contained a tick/cross, providing a quick reference to indicate whether the target for the current year had been achieved.<sup>3</sup>

2.8 Four of the eight KPIs for the court were not achieved in 2010-11, and the report discusses the reasons why the court failed to achieve these targets.<sup>4</sup> Three of the four KPI targets which were not achieved were, however, close to the target.

2.9 The report on court performance also included detailed statistics on the work of the court for the year under review, along with figures from the previous four years to provide trend information.

2.10 The report closely follows the Requirements for Annual Reports and provides a thorough account of the performance of the Family Court of Australia for the 2010-11 reporting year. A number of suggested items from the Requirements for Annual Reports were included, in addition to the mandatory items. The committee considers the report to be 'apparently satisfactory'.

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1 *Family Court of Australia Annual Report 2010-11*, p. 13.

2 *Family Court of Australia Annual Report 2010-11*, p. 14.

3 *Family Court of Australia Annual Report 2010-11*, pp 48 and 77.

4 *Family Court of Australia Annual Report 2010-11*, pp 45-46.

2.11 The committee also notes that the Chief Executive Officer of the Family Court of Australia and the Acting Chief Executive Officer of the Federal Magistrates Court of Australia has also prepared a separate report detailing the combined administration of the Family Court and Federal Magistrates Court.<sup>5</sup>

## **Federal Court of Australia**

2.12 The report of the Federal Court of Australia was presented out of session on 14 October 2011 and was available to the committee for the Supplementary Budget Estimates 2011-12 hearings on 17 and 18 October 2011.

2.13 The report followed up on the practice initiatives that have been implemented in response to the *Native Title Amendment Act 2009* (the Act), to ensure, where possible, that native title cases are resolved more easily and delivered in a more timely, effective and efficient fashion.<sup>6</sup>

2.14 Native title cases are prioritised across Australia, on a regional basis and within the area covered by each native title representative body. A priority list of cases was published on the court's website on 1 July 2010 and is regularly updated to reflect changing priorities and finalisation of cases.<sup>7</sup>

2.15 The Act gives the court responsibility for managing all aspects of native title proceedings, including referral of a matter to mediation before a person or body other than the National Native Title Tribunal or a registrar of the court. A list of mediators has been finalised and is available on the court's website. The report advised that three matters have been identified as suitable for referral to private mediators.<sup>8</sup>

2.16 Other significant developments for the court during the reporting year included the first major revision of the court's rules since they were promulgated on 1 August 1979, and substantial change to the court's website in relation to Freedom of Information content, following amendments to the *Freedom of Information Act 1982*.<sup>9</sup>

2.17 The report addressed both KPIs listed in the Portfolio Budget Statement, indicating that both targets were met for 2010-11.<sup>10</sup> While the committee commends the court for achieving its performance targets, clearer identification of performance results against KPI targets within the report would assist the reader. For example, the result for the KPI concerning the reduction in the number of matters over 18 months

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5 *Family Court of Australia and Federal Magistrates Courts of Australia Chief Executive Officer's Report 2010-11*.

6 *Federal Court of Australia Annual Report 2010-11*, p. 12.

7 *Federal Court of Australia Annual Report 2010-11*, pp 12-13.

8 *Federal Court of Australia Annual Report 2010-11*, pp 13-14.

9 *Federal Court of Australia Annual Report 2010-11*, pp 14-15.

10 *Federal Court of Australia Annual Report 2010-11*, pp 16 and 28.

old was presented within the section on 'The Work of the Court in 2010-11'<sup>11</sup> but did not specifically identify this result as exceeding the KPI performance target of 20.5 per cent.

2.18 The committee notes that the workload of the court has increased significantly during the reporting year. The total number of filings (including appeals) increased by 36 per cent, and filings in the court's original jurisdiction (excluding appeals) increased by 46 per cent. The report further notes that the majority of the increases involved the court's corporations workload, which increased by 70 per cent.<sup>12</sup>

2.19 The court had an operating deficit of \$8.367 million for 2010-11. It was noted that this was primarily due to the revaluation and write-off of non-current assets and that, leaving these technical accounting processes aside, the loss would have been limited to approximately \$250,000.<sup>13</sup> The court nevertheless noted that it:

...is forecasting ongoing operating losses over the next three financial years. Whilst the Court is actively examining measures to bridge the forecast funding shortfall, the extent of savings previously realised in past years is now limiting further options. An independent consultant has been commissioned to conduct an organisational health check to ensure that all available strategies and savings measures are being considered.<sup>14</sup>

2.20 The committee will continue to monitor the court's financial position.

2.21 The annual report adheres to the Requirements for Annual Reports and the committee considers it to be 'apparently satisfactory'.

## **Federal Magistrates Court of Australia**

2.22 The annual report of the Federal Magistrates Court of Australia was presented in the Senate on 17 October 2011 and was therefore available to the committee for examination during the Supplementary Budget Estimates hearings.

2.23 The Chief Federal Magistrate in his review of the year noted that the breakdown of the work of the court is 93 per cent family law and seven per cent general federal law. He reported an increase in the percentage of national filings (excluding Western Australia) in the family law jurisdiction handled by the court from the previous year, with 86 per cent in 2010-11. He also reported an increase in the caseload in several jurisdictions for general federal law, particularly in relation to industrial law and copyright law.<sup>15</sup>

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11 *Federal Court of Australia Annual Report 2010-11*, p. 28.

12 *Federal Court of Australia Annual Report 2010-11*, p. 15.

13 *Federal Court of Australia Annual Report 2010-11*, p. 17.

14 *Federal Court of Australia Annual Report 2010-11*, p. 17.

15 *Federal Magistrates Court of Australia Annual Report 2010-11*, p. 1.



2.24 Performance information for the court was well presented. The court achieved two of the three KPI targets. The court failed to meet the time goal to complete 90 per cent of all applications filed within six months, instead achieving 84 per cent. The committee welcomed the discussion on strategies developed to meet this KPI in the future. Such strategies include:

- the further development of operational reports enabling the Court to gain a better understanding of its workload;
- the ongoing review of the Court's oldest active cases with a view to ensuring an understanding of the reasons for delay and deciding how older cases may be dealt with more quickly; and
- Case Management Federal Magistrates collectively working on improving the performance of the Court on a national and regional basis.<sup>16</sup>

2.25 The court met the other two performance targets of less than one per cent of matters litigated or divorces processed being the subject of a complaint (0.13 per cent achieved), and 60 per cent of matters resolved before trial (71 per cent achieved).<sup>17</sup>

2.26 The court reported an operating loss of \$3.960 million for 2010-11, which compares with a \$2.201 million loss in 2009-10. The Chief Federal Magistrate reported that the court budget was a principal topic of discussion at a meeting of the combined Policy Advisory Committees of the Federal Magistrates Court and Family Court in April 2011. He further noted his concerns regarding court resources:

Resources have been and will continue to be directed towards ensuring that the Court maintains an appropriate balance between timeliness and providing high quality decisions. There remains, however, a significant possibility that innovation in case management and the energy of members of the Court will not provide a sustainable solution to the issue of the Court's workload, and that its ability to meet existing protocols will diminish unless additional resources are provided.<sup>18</sup>

2.27 The Chief Federal Magistrate also remarked on the challenge the Federal Magistrates Court faces with regard to the restructure of the federal courts:

While the Australian Government announced that it would retain the Federal Magistrates Court to hear general federal law matters (in May 2010) uncertainty still remains, making long term planning for the Court difficult.<sup>19</sup>

2.28 The committee's examination of the report was assisted with the inclusion of the List of Requirements in Part 7 of the report. The report complies with the

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16 *Federal Magistrates Court of Australia Annual Report 2010-11*, p. 26.

17 *Federal Magistrates Court of Australia Annual Report 2010-11*, pp 25-26.

18 *Federal Magistrates Court of Australia Annual Report 2010-11*, p. 1.

19 *Federal Magistrates Court of Australia Annual Report 2010-11*, p. 1.

Requirements for Annual Reports and the committee considers the report to be 'apparently satisfactory'.

## **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 inspection of surveillance device records for 2008 under section 55 of the *Surveillance Devices Act 2004*, March 2011 (published by the Commonwealth Ombudsman);
- Report pursuant to section 91Y of the Migration Act on protection visa processing taking more than 90 days for the period 1 November 2010 to 28 February 2011 (published by the Department of Immigration and Citizenship);
- Report pursuant to section 91Y of the Migration Act on protection visa processing taking more than 90 days for the period 1 March 2011 to 30 June 2011 (published by the Department of Immigration and Citizenship);
- 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 2010 to 28 February 2011 (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 2011 to 30 June 2011 (published by the Refugee Review Tribunal).

#### **Report under the *Surveillance Devices Act 2004***

3.2 The *Surveillance Devices Act 2004* (the Act) regulates the use of surveillance devices by law enforcement agencies.<sup>1</sup> Subsection 55(1) of the Act requires the Commonwealth Ombudsman to inspect the records of each law enforcement agency to determine the extent of compliance with the Act by the agency and its law

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1 Under subsection 6(1), the term 'law enforcement agency' includes the Australian Crime Commission, the Australian Federal Police, the Australian Commission for Law Enforcement Integrity, and specified state and territory law enforcement agencies. If any of these agencies utilise the provisions of the Act, the Ombudsman is required to inspect records relating to that use. See further, Commonwealth Ombudsman, *Report to the Attorney-General on the results of inspection of records under s55 of the Surveillance Devices Act 2004*, March 2011, p. 1.

enforcement officers. Under section 61 of the Act, the Ombudsman is required to report to the Minister at six-monthly intervals on the results of each inspection.<sup>2</sup>

3.3 The inspections conducted by the Ombudsman were limited to those warrants and authorisations that had expired or been revoked during the inspection periods.<sup>3</sup>

3.4 This report relates to inspections of records for the following agencies for the time period indicated:

- Australian Crime Commission (ACC) (Records from 1 July 2009 to 31 December 2009); and
- Australian Federal Police (AFP) (Records from 1 July 2009 to 31 December 2009).

3.5 The committee was pleased to note that the Ombudsman did not identify any issues in relation to the ACC during the reporting period and assessed the agency as compliant with the Act.<sup>4</sup>

3.6 The Ombudsman found that the AFP was compliant with the Act during the reporting period; however, identified the following issues for attention:

- obtaining new warrants to continue use of surveillance devices for a person, premises or object, rather than extending the original warrant;
- eligibility requirements to apply for an extension to a warrant; and
- access to records which confirm lawful access to premises under 'person warrants'.<sup>5</sup>

3.7 The Ombudsman made recommendations in relation to the first and third issues listed above, which aim to improve AFP compliance with the Act.

3.8 The AFP responded to the Ombudsman's report during the Budget Estimates 2011-12 hearings when it appeared before the committee:

**Senator HUMPHRIES:**...The second issue I want to raise briefly was the report that came down earlier this week by the Commonwealth Ombudsman into possible shortcomings in compliance arrangements with covert surveillance. The Ombudsman makes the point that there is a number of improperly extended surveillance operations and installed surveillance

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2 Report to the Attorney-General on the results of inspections of records under s55 of the *Surveillance Devices Act 2004*, March 2011, p. 1.

3 Commonwealth Ombudsman, *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, March 2011, p. 1.

4 Commonwealth Ombudsman, *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, March 2011, p. 4.

5 Commonwealth Ombudsman, *Report to the Attorney-General on the results of inspections of records under s 55 of the Surveillance Devices Act 2004*, March 2011, p. 2.

without adequate justification. He comments that there is a perception by operational police that keeping up with the paper trail was burdensome. Can you outline to the committee what approximately is the process used to begin, say, the use of a surveillance device and how you would describe that in terms of the burden that is placed on an officer or officers beginning such an investigation?

...

**Mr Negus:** The issues around compliance are necessarily complex because they are quite intrusive powers and there are a range of different checks and balances in place our officers must go through. Sometimes at the lower level of the organisation—and we do our best to explain these things—they might not understand necessarily the rationale for all of those complexities. ...Again, it is an ongoing education process with us, but I am pleased that at least we were assessed as being compliant with the act and the recommendations are more of an administrative nature to improve our performance rather than anything else.

**Mr Gaughan:** ...in relation to any activity where we use covert powers, we are required to complete an affidavit. In the first instance that affidavit is actually reviewed by senior officers within the AFP to ensure that it not only complies with the law but also that there is sufficient evidence to allow us to obtain the relevant warrant to undertake the activity. In most instances we will then appear before a member of the Administrative Appeals Tribunal, and a warrant will be provided and sent up to members of my team to be involved in the installation of the necessary device to undertake the surveillance in accordance with the conditions that are put in place by the AAT member.

The issues that were raised in the Ombudsman's report were primarily around the renewal of those particular surveillance device warrants, and the issue primarily raised was: where members, inadvertently, instead of seeking a renewal of a surveillance device had actually made an additional application for what appeared to be a new device. Obviously the member of the AAT that then issues the new warrant is not necessarily of the view or the knowledge that this is an extension of an application. Obviously, and rightly so, the Ombudsman has some concerns that full and frank information is not being disclosed to the AAT member...[I]t is an issue of education, and various members of the AFP are involved in the education process of members. We have had a significant influx of new members into the organisation in the last few years, as you would be well aware. But, as the Ombudsman also pointed out, it is not an issue of intentional noncompliance; it is an issue of people failing, to some extent, to understand what they are actually supposed to do. And we work very hard to ensure we comply with the act.<sup>6</sup>

### 3.9 The committee will continue to monitor this issue in future reports.

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6 *Committee Hansard*, 26 May 2011, pp 20-22.

## Protection visa processing taking more than 90 days

3.10 Section 65A of the Migration Act imposes a requirement for the Minister to make a decision on a protection visa application within 90 days of the lodgement of the application. If this target is exceeded, under section 91Y of the Act, the Secretary of the Department of Immigration and Citizenship is required to report on protection visa applications for which decision-making has taken over 90 days. The department is required to report every four months. The reports reviewed by the committee cover the period 1 November 2010 to 30 June 2011.

3.11 The table below compares protection visa processing by the department taking more than 90 days for the three previous reporting periods:

	<b>1 July 2010 to 31 October 2010</b>	<b>1 November 2010 to 28 February 2011</b>	<b>1 March 2011 to 30 June 2011</b>
Total number <i>undecided</i> outside of 90 day period	1561	1760	1734
Total number <i>decided</i> outside of 90 day period	1091	1270	1151
<b>Total number processed outside of 90 day period</b>	<b>2652</b>	<b>3030</b>	<b>2885</b>
Percentage of total applications processed outside of 90 day period	43%	52%	29%

3.12 The committee notes the improvement in the percentage of total applications processed outside of the 90 day period for the most recent period, down from 52% to 29%. However, as noted in Chapter 1 of this report, the overall result for the percentage of onshore protection applications decided within 90 days for 2010-11, was lower than the previous two years.

3.13 The department's report covering the most recent period, 1 March 2011 to 30 June 2011, indicates that the number of delays attributable to the department has risen from 2,072 applications in this category across both decided and undecided groups, to 2,204.<sup>7</sup>

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<sup>7</sup> Protection visa processing taking more than 90 days for the reporting period 1 March 2011 to 30 June 2011, Letter of transmittal, p. 2.

## Refugee Review Tribunal reviews not completed within 90 days

3.14 Section 440A of the 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 November 2010 to 30 June 2011.

3.15 The table below outlines the number of RRT reviews not completed within 90 days for the previous three reporting periods:

	<b>1 July 2010 to 31 October 2010</b>	<b>1 November 2010 to 28 February 2011</b>	<b>1 March 2011 to 30 June 2011</b>
Reviews completed <i>outside</i> of 90 days	190 (23%)	274 (30%)	272 (32%)
Reviews completed <i>within</i> 90 days	636 (77%)	654 (70%)	578 (68%)
<b>Total</b>	<b>826</b>	<b>928</b>	<b>850</b>

3.16 The Migration Review Tribunal-Refugee Review Tribunal (MRT-RRT) has a KPI target of 70% of RRT cases decided within 90 calendar days.

3.17 The committee notes that the percentage of reviews completed within 90 days declined throughout 2010-11. The Tribunals' Principal Member advised in the 2010-11 annual report that this was:

due to member capacity issues arising from the combined impact of the increase in RRT cases and the appointment of experienced members as Independent Protection Assessors. Meeting the target of finalising 70% of RRT cases within 90 days will be a significant challenge in 2011-12.<sup>8</sup>

3.18 The MRT-RRT annual report advised that over the 2010-11 period, 71% of RRT cases were decided within 90 days and the average time to decision was 99 days.<sup>9</sup> The report further noted:

Increasingly, cases cannot be decided within the relevant time standards due to the growing volume of cases on hand. In 2010-11 the tribunals' active caseload increased by 53% compared to 2009-10. While the tribunals have

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<sup>8</sup> *Migration Review Tribunal-Refugee Review Tribunal Annual Report 2010-11*, pp 10-11.

<sup>9</sup> *Migration Review Tribunal-Refugee Review Tribunal Annual Report 2010-11*, p. 41.

responded by developing strategies to improve processing efficiencies, the active caseload has continued to increase.<sup>10</sup>

3.19 The Principal Member of the MRT-RRT advised the committee during the Additional Estimates 2011-12 hearings that Professor Michael Lavarch has been appointed by the Minister for Immigration and Citizenship 'to particularly consider strategies for reducing our backlog and also to look at the question of how the transition to us of the irregular maritime arrival caseload might best happen'.<sup>11</sup>

**Senator Trish Crossin**  
**Chair**

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10 *Migration Review Tribunal-Refugee Review Tribunal Annual Report 2010-11*, p. 41.

11 *Committee Hansard*, 13 February 2012, p. 10.



# APPENDIX 1

## Reports tabled during the period 1 May and 31 October 2011 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
<i>Attorney-General's Portfolio</i>			
<i>Department/authority – Report for 2010-11</i>			
Administrative Review Council	9.9.11/13.9.11	11.10.11 (7.10.11)	11.10.11
Administrative Appeals Tribunal	29.9.11/30.9.11	12.10.11	12.10.11
Attorney-General's Department	16.9.11/16.9.11	31.10.11 (14.10.11)	31.10.11
Australian Security Intelligence Organisation	8.9.11/8.9.11	11.10.11	11.10.11
Australian Customs and Border Protection Service	26.9.11/5.10.11	31.10.11 (21.10.11)	31.10.11
Australian Federal Police	22.9.11/22.9.11	31.10.11 (14.10.11)	31.10.11
Australian Government Solicitor	7.10.11/7.10.11	31.10.11 (14.10.11)	31.10.11
Australian Law Reform Commission – Report 116	29.9.11/29.9.11	31.10.11 (14.10.11)	31.10.11
Classification Board and Classification Review Board	16.9.11/19.9.11	12.10.11	12.10.11

CrimTrac Agency	23.9.11/23.9.11	12.10.11	12.10.11
Family Law Council	12.9.11/12.9.11	11.10.11 (28.9.11)	11.10.11
Family Court of Australia	6.10.11/6.10.11	31.10.11 (14.10.11)	31.10.11
Federal Court of Australia	6.10.11/6.10.11	31.10.11 (14.10.11)	31.10.11
Federal Magistrates Court of Australia	6.10.11/6.10.11	31.10.11 (17.10.11)	31.10.11
Insolvency and Trustee Service Australia	30.9.11/30.9.11	31.10.11 (18.10.11)	31.10.11
National Native Title Tribunal	5.10.11/6.10.11	31.10.11 (18.10.11)	31.10.11
Office of Parliamentary Counsel	28.9.11/29.9.11	12.10.11	12.10.11
<i>Operation of an act/program</i>			
<i>Bankruptcy Act 1966</i> – Report for 2010-11 on the operation of the Act	30.9.11/30.9.11	31.10.11 (18.10.11)	31.10.11
<i>Crimes Act 1914</i> – Australian Commission for Law Enforcement Integrity – Reports 2010-11 –  Authorisations for the acquisition and use of assumed identities  Witness identity protection certificates	21.7.11/21.7.11	13.9.11	25.8.11
<i>Crimes Act 1914</i> – Reports for 2010-11  Authorisations for the acquisition and use of assumed identities – Australian Federal Police	28.9.11/28.9.11	31.10.11 (14.10.11)	31.10.11

<i>Crimes Act 1914</i> – Reports for 2010-11 – Controlled operations	4.10.11/5.10.11	31.10.11 (20.10.11)	31.10.11
<i>Criminal Code Act 1995</i> – Control orders and preventative detention order – report for 2010-11	19.8.11/19.8.11	13.9.11	13.9.11
<i>Customs Act 1901</i> – Conduct of Customs Officers [Managed deliveries] Report for 2010-11	27.9.11/4.10.11	11.10.11 (28.9.11)	11.10.11
<i>National Security Information (Criminal and Civil Proceedings) Act 2004</i> – Non-disclosure and witness exclusion certificates – Report for 2010-11	19.8.11/19.8.11	13.9.11	13.9.11
<i>Surveillance Devices Act 2004</i> – Commonwealth Ombudsman's report on inspections of surveillance device records for the period 1 July to 31 December 2009 – Australian Crime Commission and Australian Federal Police	1.4.11/1.4.11	14.6.11	23.5.11
<i>Witness Protection Act 1994</i> – Report for 2010-11 on the operation of the National Witness Protection Program	23.9.11/23.9.11	31.10.11 (14.10.11)	31.10.11
<b><i>Immigration and Citizenship Portfolio</i></b>			
<i>Department/authority – Report for 2010-11</i>			
Department of Immigration and Citizenship	29.9.11/29.9.11	31.10.11 (14.10.11)	31.10.11
Migration Agents Registration Authority	27.9.11/27.9.11	31.10.11 (14.10.11)	31.10.11
Migration Review Tribunal and Refugee Review Tribunal	14.9.11/22.9.11	31.10.11 (14.10.11)	31.10.11

<i>Migration Act 1958</i>			
Section 486O – Assessment of detention arrangement – Personal identifiers 620/11, 621/11, 623/11 to 627/11, 629/11 and 630/11 -Commonwealth Ombudsman's reports -Government response to Ombudsman's report	4.5.11/4.5.11	11.5.11	11.5.11
Section 486O – Assessment of detention arrangements – Personal identifiers 622/11, 628/11 and 631/11 to 638/11 -Commonwealth Ombudsman's reports -Government response to Ombudsman's reports	6.6.11/6.6.11	15.6.11	15.6.11
Section 486O – Assessment of detention arrangements – Personal identifiers 639/11 to 642/11 -Commonwealth Ombudsman's reports -Government response to Ombudsman's reports	5.9.11/6.9.11	14.9.11	14.9.11
Section 91Y – Protection visa processing taking more than 90 days – Report for 1 November 2010 to 28 February 2011	14.4.11/14.4.11	15.6.11	15.6.11
Section 440A – Conduct of Refugee Review Tribunal reviews not completed within 90 days – Report for 1 November 2010 to 28 February 2011	14.4.11/14.4.11	15.6.11	15.6.11
Section 91Y – Protection visa processing taking more than 90 days – Report for the period 1 March to 30 June 2011	11.8.11/11.8.11	21.9.11	21.9.11
Section 440A – Conduct of Refugee Review Tribunal reviews not completed within 90 days – Report for 1 March 2011 to 30 June 2011	11.8.11/11.8.11	21.9.11	21.9.11