

CHAPTER 1

ANNUAL REPORTS OF DEPARTMENTS

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

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

Attorney-General's Department

Tabling of report

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

Performance reporting

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

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

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

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

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

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

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

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

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

Social inclusion outcomes

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

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

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

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

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

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

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

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

Reconciliation Action Plan (RAP)

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

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

Conclusion

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

Department of Immigration and Citizenship

Tabling of report

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

Secretary's review

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

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

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

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

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

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

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

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

Office of the Migration Agents Registration Authority

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

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

Social inclusions outcomes

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

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

Reconciliation Action Plan

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

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

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

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

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

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

1.20 The department's goal is to:

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

1.21 Under the National Partnership Agreement on Indigenous Economic Participation, the department is committed to raising the number of its Indigenous employees, from the current 0.9 per cent to 2.7 per cent by 2015.²¹ In 2011-12, the indigenous employment team was able to recruit 24 additional employees using the Australian Public Service Commission's pathways program.²²

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

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

Performance reporting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

