

The Senate

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Legal and Constitutional Affairs  
Legislation Committee

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Annual reports (No. 1 of 2016)

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### 44th Parliament

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# Preface

## Terms of reference

On 12 November 2013, 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 Border Protection 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.

This report examines annual reports tabled in the Senate or presented to the President between 1 May and 31 October 2015.

## 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

This is the first time departments and agencies are reporting under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), which commenced on 1 July 2014. The PGPA Act consolidates the governance, performance and accountability requirements contained in the *Financial Management and Accountability Act 1997* (FMA Act) and the *Commonwealth Authorities and Companies Act 1997* (CAC Act). It also 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.

However, as with 2013–14 annual reports, 2014–15 annual reports were prepared under the arrangements existing at 30 June 2014 as follows:

- for non-corporate Commonwealth entities (departments, executive agencies and statutory agencies): the *Public Service Act 1999*, sections 63(2) and 70(2), and the *Parliamentary Service Act 1999*, section 65; other relevant enabling legislation for statutory bodies; and the Requirements for Annual Reports;
- for corporate Commonwealth entities: the Commonwealth Authorities (Annual Reporting) Orders 2011 prescribe material that must be included in corporate entities' annual reports. These Orders continue to apply to 2014–15 annual reports under the PGPA (Consequential and Transitional Provisions) Rule;
- for Commonwealth companies: the Commonwealth Companies (Annual Reporting) Orders 2011 prescribe material that must be included in corporate entities' annual reports. These Orders continue to apply to 2014–15 annual reports under the PGPA (Consequential and Transitional Provisions) Rule; 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.<sup>1</sup>

In its report on the development of the Commonwealth performance framework, the Joint Committee of Public Accounts and Audit (JCPAA) foreshadowed that in future years the annual report requirements 'will be replaced through the consolidation of all mandatory requirements into a rule made for the purposes of section 46 of the PGPA Act'.<sup>2</sup>

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1 *Senate Hansard*, 8 December 1987, pp 2632–45.

2 Joint Committee of Public Accounts and Audit, *Report 452 Development of the Commonwealth Performance Framework*, December 2015, p. 12.



### ***Requirements for Annual Report for 2014–15 reports***

The Requirements for Annual Reports were issued by the Department of the Prime Minister and Cabinet on 25 June 2015 and approved by the JCPAA. Two significant changes were made to the Requirements for Annual Reports issued on 25 June 2015 in relation to:

- small business procurement – three requirements have been added to reflect the government's commitment to improve small business access to Commonwealth contracts; and
- Indigenous employment – reporting on Indigenous employment has been added to the existing requirement to report on the management of human resources.<sup>3</sup>

While the Requirements for Annual Reports issued on 25 June 2015 apply to annual reports for 2014–15, it was noted that:

Significant revisions to the Requirements are anticipated for the 2015–16 financial year with the commencement of the performance reporting model under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).<sup>4</sup>

### **Reports examined**

This report examines the following reports; tabled in the Senate or presented out of session to the President of the Senate and referred to the committee between 1 May 2015 and 31 October 2015:

#### ***Department of state***

- Department of Immigration and Border Protection–Annual Report 2014–15;<sup>5</sup> and
- Attorney-General's Department–Annual Report 2014–15, including the reports on the operations of the:
  - *Telecommunications (Interception and Access) Act 2004*–Annual Report 2014–15; and
  - *Surveillance Devices Act 2004*–Annual Report 2014–15.

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3 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, p. i.

4 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, p. i.

5 Received 28 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

## *Statutory agencies/authorities*

### *Department of Immigration and Border Protection portfolio*

- Australian Customs and Border Protection Service—Annual Report 2014–15;<sup>6</sup> and
- Migration Review Tribunal and Refugee Review Tribunal—Annual Report 2014–15.<sup>7</sup>

### *Attorney-General's portfolio*

- Administrative Appeals Tribunal—Annual Report 2014–15;<sup>8</sup>
- Australian Financial Security Authority—Annual Report 2014–15;<sup>9</sup>
- Australian Human Right Commission—Annual Report 2013–14;<sup>10</sup>
- Commonwealth Director of Public Prosecutions—Annual Report 2014–15;<sup>11</sup>
- CrimTrac—Annual Report 2014–15.
- Federal Circuit Court of Australia—Annual Report 2014–15;<sup>12</sup>
- Office of the Australian Information Commissioner—Annual Report 2014–15;<sup>13</sup> and
- Social Security Appeals Tribunal—Annual Report 2014–15.<sup>14</sup>

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6 Received 28 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

7 Received 26 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

8 Received 26 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

9 Received 29 October 2015 and subsequently not available for the Supplementary Budget Estimates hearing on 19 and 20 October.

10 The Australian Human Rights Commission's Annual Report for 2013–14 was not provided within either reporting period for 2014, hence its inclusion in the 2014–15 report. The Australian Human Rights Commission's Annual Report for 2014–15 was not provided to the Senate by the 31 October 2015 deadline.

11 Received 26 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

12 Received 26 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

13 Received 26 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

14 Received 26 October 2015 and subsequently not available for the Supplementary Budget Estimates hearings on 19 and 20 October.

## **'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 committee found all of the reports submitted to be 'apparently satisfactory', describing the functions, activities, performance and financial positions of the departments and agencies. In considering the reports, the committee did not identify any relevant remarks about the reports made in debate in the Senate.

## **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 report 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. The Requirements for Annual Reports, which relate to departments, executive agencies and other non-corporate Commonwealth entities, state that 'the responsible minister must, in turn, present the report to each House of the Parliament on or before 31 October in the year in which the report is given'.<sup>15</sup> 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*.<sup>16</sup>

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 2015 and 31 October 2015, and which have been referred to the committee for examination, can be found at Appendix 1.<sup>17</sup> Also included in this table is the date each report was tabled in the House of Representatives.

The annual reports included and examined in this report met the reporting deadline of 31 October 2015.

The following annual reports were not tabled in the Senate, nor referred to the committee by the 31 October deadline. These reports will be examined by the committee in its next *Report on Annual Reports (No. 2 of 2016)*:

- Australian Commission for Law Enforcement Integrity—Annual Report 2014–15;

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15 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, p. 2.

16 Acts Interpretation Act 1901, s. 34.

17 The table also includes reports on the operation of acts or programs that have been referred to the committee.

- Australian Crime Commission (ACC)–Annual Report 2014–15;
- Australian Federal Police–Annual Report 2014–15;
- Australian Government Solicitor–Annual Report 2014–15;
- Australian Human Rights Commission–Annual Report 2014–15;
- Australian Institute of Criminology–Annual Report 2014–15;
- Australian Law Reform Commission–Annual Report 2014–15;
- Australian Security Intelligence Organisation–Annual Report 2014–15;
- Australian Transaction Reports and Analysis Centre–Annual Report 2014–15;
- Family Court of Australia–Annual Report 2014–15;
- Family Law Council–Annual Report 2014–15;
- Federal Court of Australia–Annual Report 2014–15;
- High Court of Australia–Annual Report 2014–15;
- National Archives of Australia and National Archives of Australia Advisory Council–Annual Report 2014–15; and
- Office of Parliamentary Counsel–Annual Report 2014–15.

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 the Requirements for Annual Reports.<sup>18</sup>

### **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. On this occasion, all bodies have provided their annual reports to the Senate.

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18 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, p. 2.

# Chapter 1

## Annual reports of departments

1.1 The annual reports of the following departments for the financial year 2014–15, 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 2014–15 annual report was tabled in the Senate on 12 October 2015. The report was available to senators for the Supplementary Budget Estimates 2014–15 hearing on 20 October 2015.

#### *Secretary's review*

1.3 The Secretary's review for 2014–15 included an overview of the changes to the department's portfolio. The Australian Government Solicitor (AGS) was consolidated into the Attorney-General's Department (department) and the Social Security Appeals Tribunal, Migration Review Tribunal and Refugee Review Tribunal were amalgamated into the Administrative Appeals Tribunal (AAT).<sup>1</sup>

1.4 The review focused on the threat of terrorism and the department's response to this threat. Measures taken by the department included: 'initiatives to prevent and disrupt violent extremism; legislative reform to address the security risk posed by foreign fighters; [and] improvements to the technical capabilities of [Australia's] agencies and international partners'.<sup>2</sup> Australia also hosted the Regional Summit to Counter Violent Extremism in June 2015, which was organised by the department.<sup>3</sup>

1.5 Key legislation identified by the secretary included the *Telecommunications (Interpret and Access) Amendment (Data Retention) Act 2015* and the *Copyright Amendment (Online Infringement) Act 2015*.<sup>4</sup>

1.6 The outlook for 2015–16 included a continuation of the department's role in addressing the threat of terrorism. The secretary also identified that the department will initiate a Review of Commonwealth Legal Services, in line with the government's 'Efficiency through Contestability Programme', and highlighted the expected amalgamation of the corporate functions of the Federal Court of Australia, Family Court of Australia and Federal Circuit Court of Australia from 1 July 2016.<sup>5</sup>

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1 *Attorney-General's Department Annual Report 2014–15*, p. 2.

2 *Attorney-General's Department Annual Report 2014–15*, p. 2.

3 *Attorney-General's Department Annual Report 2014–15*, p. 2.

4 *Attorney-General's Department Annual Report 2014–15*, p. 2.

5 *Attorney-General's Department Annual Report 2014–15*, p. 3.

### ***Changes to the portfolio structure***

1.7 As discussed in paragraph 1.3, the Migration Review Tribunal, Refugee Review Tribunal and Social Security Appeals Tribunal were all amalgamated into the AAT. The AGS was also consolidated into the department. Both the consolidation of AGS into the department and the amalgamation of AAT were implemented on 1 July 2015.<sup>6</sup>

### ***Performance reporting***

1.8 The annual report's performance review addressed the key performance indicators (KPIs) of each of the department's programs, as listed in the Portfolio Budget Statements (PBS) and Portfolio Additional Estimates Statements (PAES).<sup>7</sup>

1.9 The Attorney-General's Department has made a change to the latest annual report in accordance with a recommendation made by the committee in its *Report on Annual Reports (No. 1 of 2015)*. The annual report now includes the program deliverables, as listed in the PBS/PAES, prior to the details of the department's achievements contributing to its deliverables. The inclusion of program deliverables gives context to the department's achievements against program objectives and subsequently assists with achieving a 'clear read' when comparing the annual report with the PBS and PAES.

1.10 The report provides a comprehensive account of the department's achievements and the work progress within each program; however, the analysis of the achievements and results against KPI targets rely on qualitative descriptions. As noted in previous Reports on Annual Reports, the committee recommends the use of quantitative data, when appropriate, to help assess the effectiveness of the work of the department. The committee does acknowledge, however, the difficulty in using quantitative KPI targets to assess the effectiveness of departmental programs that involve policy development.

1.11 The committee reminds the department of best practice for the development of KPIs, which is outlined in the Australian National Audit Office's (ANAO) *Development and Implementation of Key Performance Indicators to Support the Outcomes and Programs Framework*:

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

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6 *Attorney-General's Department Annual Report 2014–15*, p. 5.

7 *Attorney-General's Department Annual Report 2014–15*, pp 26, 28, 30–32, 34–36, 42, 44–45, 47, 50 and 52–55. See also *Portfolio Budget Statements 2014–15*, *Attorney-General's Portfolio*, pp 13–50, and *Portfolio Additional Estimates Statements 2014–15*, *Attorney-General's Portfolio*, pp 15–57.

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of performance, the greater use of targets would assist to clarify and simplify the process of performance monitoring.<sup>8</sup>

1.12 The tabular presentation of KPIs now includes the results of the previous year's assessment and assists the reader when comparing this year's results with the previous year. Other details are consistent with the format used in previous annual reports and were accessible and informative. The report assessed the KPIs as being 'achieved', 'substantially achieved', 'partially achieved' or 'not achieved', with a brief explanation supporting each result.<sup>9</sup> The use of these categories is particularly helpful when addressing performance against qualitative KPIs: it facilitates direct comparisons of KPI results within and amongst programs.

### ***Financial performance***

1.13 The department's overall financial performance was briefly outlined in the Secretary's review. The department reported an operating deficit of \$14.687 million for 2014–15. This deficit compares to an operating deficit of \$18.213 million in 2013–14. The department attributes the deficit to unfunded depreciation and amortisation expenses of \$23.865 million.<sup>10</sup>

1.14 The committee notes that administered expenses for 2014–15 were \$1275.811 million, compared to \$952.795 million in 2013–14. Portfolio agency CAC Act bodies received \$471.068 million in payments and royal commissions received \$97.684 million. \$112.727 million was paid to individuals following the cyclones and floods in 2014–15, as well as Australian Victims of Terrorism Overseas payments.<sup>11</sup>

### ***Conclusion***

1.15 The committee would like to draw attention to its earlier comments on performance reporting and KPIs. The report includes all 'suggested' items in addition to 'mandatory' requirements.<sup>12</sup> The committee considers the report to be 'apparently satisfactory'.

## **Department of Immigration and Border Protection**

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

1.16 The Department of Immigration and Border Protection's (DIBP) annual report for 2014–15 was received by the Senate on 28 October 2015 and tabled on

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8 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.

9 *Attorney-General's Department Annual Report 2014–15*, pp 24–26, 36–37, 39–40, 43–45, 48–51, and 58–62.

10 *Attorney-General's Department Annual Report 2014–15*, p. 11.

11 *Attorney-General's Department Annual Report 2014–15*, p. 11.

12 The list of requirements in the annual report conforms to DPMC, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, Attachment F.

9 November 2015. As a result, the report was not available to the committee for examination during the Supplementary Budget Estimates hearing on 19 October 2015.

1.17 The committee emphasises that it is best practice for bodies to table annual reports so they are available to senators for Supplementary Budget Estimates in October each year.

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

1.18 The introduction of the Secretary's review focused on the amalgamation of the Australian Customs and Border Protection Service (ACBPS) into DIBP and the subsequent creation of Australian Border Force (ABF). Throughout 2014–15, progressive steps were taken by the department and ACBPS to integrate their corporate, regulatory and policy functions into DIBP. As of 2 March 2015, the staff of both organisations started 'working within an integrated structure in the lead-up to 1 July'.<sup>13</sup>

1.19 The 2014–15 overview of DIBP's work on matters relating to migration, citizenship and humanitarian protection noted that the Australian government conferred 136 572 people, granted 661 000 visitor visas to Chinese nationals and 7.2 million temporary visas.<sup>14</sup>

1.20 The Migration Programme issued 189 097 visas, slightly below the 190 000 benchmark, with economic migrants accounting for 67.6 per cent of that total. The Humanitarian Programme granted the 13 756 visas, including 1009 visas issued to vulnerable women and their children as part of the 'Woman at Risk' visa program. Due to the humanitarian crisis in the Middle East, 5011 visas were issued to Syrian and Iraqi citizens across the program's onshore and offshore components.<sup>15</sup>

1.21 Legislation passed by Parliament, namely the *Migration and Maritime Power Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* and the *Migration Amendment (Protection and Other Measures) Act 2015* reintroduced Temporary Protection visas (TPVs) and introduced Safe Haven Enterprise visas (SHEVs) for illegal arrivals. It also enabled processing of the legacy caseload comprising 30 000 illegal maritime arrivals (IMA)s.<sup>16</sup>

1.22 The Secretary reported on the department's use of digital technology to assist with migration services. DIBP continued to expand on the use of ImmiAccount, enabling more users from across the world to submit their visa applications online. Since its creation, there have been over 2.4 million ImmiAccounts created, averaging more than 5000 new applications per day. DIBP was the first government agency to pilot a virtual-assistant technology that will reduce the number of phone enquiries taken by the department and visits to its service counters. DIBP is also developing

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13 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 4.

14 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 4.

15 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 5.

16 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 5.



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web and mobile applications, such as myVEVO, for users to check visa entitlements, such as work rights, study rights, travel conditions and expiry dates.<sup>17</sup>

1.23 The Secretary's synopsis of DIBP's compliance and border control responsibilities included an overview of Operation Sovereign Borders (OSB). Since July 2014, no people smuggling vessel has reached Australia and there has been no known loss of life at sea for more than 18 months. OSB's operations have facilitated the closure of seven immigration detention facilities during 2014–15, delivering a combined saving of \$570.1 million over the forward estimates period. As of 30 June 2015, only 127 children remain in immigration detention, down from the 699 children in detention at 30 June 2014.<sup>18</sup>

1.24 Other matters raised in the secretary's review included: the department's Visa Regulatory Reform Task Force to enhance visa and citizenship decision-making in response to the Martin Place siege; the role of the Research and Innovation Division in providing advice and technological solutions when developing strategic priorities; and DIBP's Integrity Framework that seeks to protect the department and its people from infiltration and corruption.<sup>19</sup>

#### ***Office of the Migration Agents Registration Authority***

1.25 The department presented the Office of the Migration Agents Registration Authority's (OMARA) performance results against deliverables and KPIs consistent with those provided in the PBS.<sup>20</sup>

1.26 The OMARA's program deliverables and KPIs were well presented and easy to read, with a clear description of the results for each program deliverable and KPI. When applicable, historical data is provided. Evidence provided in its results relies on quantitative data, as recommended by the ANAO's *Development and Implementation of Key Performance Indicators to Support the Outcomes and Programs Framework*.

1.27 The OMARA met the indicators for all KPIs. Key KPI targets reached included:

- surpassing the target of 95 per cent new registration (97 per cent) or re-registration (98.7 per cent) applications finalised within the services standard of four weeks; and
- 96.79 per cent of complaints were completed within the 12 month service standard.<sup>21</sup>

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17 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 6.

18 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 6.

19 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 8.

20 *Department of Immigration and Border Protection Annual Report 2014–15*, pp 105–108. See also *Portfolio Budget Statements 2014-15, Immigration and Citizenship Portfolio*, pp 29–31.

21 *Department of Immigration and Border Protection Annual Report 2014–15*, pp 107–108.

### ***Performance reporting***

1.28 The department's performance information was comprehensive and well-presented, and included outcome strategies, objectives, deliverables, KPIs and performance results at each program level. The annual report's information was arranged logically, and the outcomes and program structure were presented in a straightforward format. This structure allows the reader to easily access and compare the information in the annual report to the PBS and PAES.<sup>22</sup> As a result, the performance reporting provided a 'clear read' between the annual report and the relevant PBS and PAES.<sup>23</sup>

1.29 The report contained a performance review for each program: it provided an assessment of how far the department has progressed towards achieving its stated outcomes. Each program review covered major achievements and challenges for the department and included meaningful qualitative and quantitative analysis of migration programs and visa categories, in the form of detailed statistics and supporting discussion. Where possible, historical trends of KPI performance over the last three reporting periods accompanied actual results for 2014–15.<sup>24</sup>

1.30 The department reported that only two KPIs from Outcome 1 were unmet. In 2014–15, 0.0201 per cent of passenger and crew arrivals were not permitted to enter Australia, which was higher than the KPI target of 0.015 per cent. The department equated this increase with the deployment of the Border Risk Identification System that identifies travellers that are unlikely to comply with their visa conditions.<sup>25</sup> The department did not achieve its KPI target of 300 000 site visits to the department's Citizenship Wizard; in 2014–15 there were 294 336 visits, compared to 361 169 site visits in 2013–14. The department noted that the decrease in visits to Citizenship Wizard did not adversely impact on the number of applications for citizenship by conferral; 191 750 applications were received in 2014–15, compared to 185 838 applications in 2013–14.<sup>26</sup> All KPIs for Outcome 2 and Outcome 3 were met by the department in 2014–15<sup>27</sup>.

1.31 In previous annual reports, the department reported on the percentage of onshore protection visa applications decided within 90 days in accordance with the *Migration Act 195*; however, the *Migration Amendment (Resolving the Asylum Legacy Caseload) Act 2014* (RALC Act) repealed this requirement and subsequently

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22 *Department of Immigration and Border Protection Annual Report 2014–15*, pp 48–199. See also *Portfolio Budget Statements 2014–15, Immigration and Citizenship portfolio*, pp 24–47 and *Portfolio Additional Estimates Statements 2014–15, Immigration and Border Protection portfolio*, pp 21–61.

23 *Department of Immigration and Border Protection Annual Report 2014–15*, pp 48–199.

24 *Department of Immigration and Border Protection Annual Report 2014–15*, pp 48–199.

25 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 52.

26 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 58.

27 *Department of Immigration and Border Protection Annual Report 2014–15*, pp 125–126, 143, 162–166, 186–187, and 196.

the department was only required to report on this requirement between 1 July 2014 and 28 February 2015.<sup>28</sup> During this reporting period, the department achieved a result of 8 per cent of 'initial decisions and decision after remittal by the courts or tribunals made within 90 days',<sup>29</sup> far below the legislative requirement of 100 per cent.

1.32 During this financial year, the RALC Act and the *Migration Amendment (Protection and Other Measures) Act 2015* amended the framework for Protection visas by fast tracking the assessment process and creating two visa options for IMAs by re-introducing TPVs and creating SHEVs.<sup>30</sup> Subsequently there was a reduction in the number of Protection visas issued by the department. In 2014–15, 261 IMA Protection visa applications were lodged, compared to 1007 Protection visas in 2013–14.<sup>31</sup> Only one Protection visa was issued in 2014–15, compared to 546 in 2013–14.<sup>32</sup>

1.33 Non-IMA Protection visas lodged and granted in 2014–15 remained relatively consistent with previous years, with 8587 applications lodged in 2014–15, compared to 9688 in 2013–14. There were 2 746 Protection visas granted to non-IMAs in 2014–15, compared to 2207 in 2013–14.<sup>33</sup>

### ***Financial performance***

1.34 The department's 2014–15 financial performance reported an operating deficit of \$85.3 million compared to \$105.7 million in 2013–14.<sup>34</sup> The department incurred \$109.9 million in depreciation and amortisation expenses. Government funding for depreciation and amortisation expenses ceased in 2010–11: continued funding for these items would have resulted in a \$24.6 million surplus in 2014–15.<sup>35</sup>

1.35 The summary of financial performance stated the principal factors that contributed to the department's operating results were:

- the reduction in the average staffing levels by 497; this reduction resulted in a saving of \$33.1 million;
- Increased service fees from translating and interpreting services and recoveries from legal challenges and merchant fees; these fees generated \$22.9 million; and
- a reduction of \$108.5 million in departmental appropriation revenue from government which was met by a decrease in the department's expenditure.<sup>36</sup>

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28 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 126.

29 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 126.

30 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 136.

31 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 136.

32 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 137.

33 *Department of Immigration and Border Protection Annual Report 2014–15*, pp 136–137.

34 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 32.

35 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 32.

36 *Department of Immigration and Border Protection Annual Report 2014–15*, p. 32.

***Conclusion***

1.36 The annual report closely adheres to the Requirements for Annual Reports and provides a detailed analysis of departmental performance and operations during the year. The committee considers the report to be 'apparently satisfactory'.

## Chapter 2

### Annual reports of agencies

2.1 The annual reports of the following agencies were referred to the committee for examination and report during the period 1 May to 31 October 2015:

#### Attorney-General's Portfolio

##### *Prescribed agencies*

- Administrative Appeals Tribunal;
- Australian Financial Security Authority;
- Australian Human Rights Commission;<sup>1</sup>
- Commonwealth Director of Public Prosecutions;
- CrimTrac;
- Federal Circuit Court of Australia;
- Office of the Australian Information Commissioner; and
- Office of the Commonwealth Ombudsman.<sup>2</sup>

#### Immigration and Border Protection Portfolio

##### *Statutory bodies*

- Australian Customs and Border Protection Service; and
- Migration Review Tribunal and Refugee Review Tribunal.

#### Consideration of annual reports

2.2 The committee has considered, but not reported on, the annual report of the Office of the Commonwealth Ombudsman, as the Finance and Public Administration Legislation Committee has specific responsibility for overseeing that agency.

2.3 The list of agencies that did not table their annual reports in the Senate during the period 1 May to 31 October 2015 is provided in the preface of this report. The committee will consider those annual reports in the *Report on Annual Reports (No.2 of 2016)*.

2.4 On this occasion, the committee has examined in more detail the reports of the Australian Customs and Border Protection Service, Crimtrac, and the Federal Circuit Court of Australia.

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1 The annual report for 2013–14; not for 2014–15.

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

## **Australian Customs and Border Protection Service**

2.5 The Australian Customs and Border Protection Service (ACBPS, the service) was Australia's primary border agency. The responsibilities of the service included assisting legitimate trade and travel; preventing, deterring and detecting illegal movement of people and goods across Australia's borders; and collecting border-related revenue and trade statistics.<sup>3</sup>

2.6 On 1 July 2015, the *Customs and Other Legislation Amendment (Australian Border Force) Act 2015* abolished the ACBPS. In preparation for the abolition the Secretary of DIBP had responsibility for the 2014–15 ACBPS annual report, on the nomination of the Department of Finance. The details of this arrangement are provided in the letter of transmittal from the DIBP Secretary, Mr Michael Pezzullo.<sup>4</sup>

2.7 The 2014–15 annual report was received by the Senate out of session on 26 October 2015 and tabled on 9 November 2015.<sup>5</sup> The annual report was not provided to the committee in time for the Additional Budget Estimates hearing on 19 October 2015.

2.8 The Chief Executive Officer's (CEO) introduction to the annual report provided details on the ACBPS integration with DIBP and the subsequent creation of ABF. Both entities began working under an integrated structure on 2 March 2015 and the full integration occurred on 1 July 2015.<sup>6</sup>

2.9 The CEO commented on the allocation of an additional \$154 million in funding to the ACBPS for its counter terrorism capabilities. These capabilities assisted with the identification and prevention of Australians seeking to travel overseas to participate in terrorist activities and manage those returning from the conflict. The ACBPS also established New Counter Terrorism Units at Australia's international airports.<sup>7</sup>

2.10 The volume of cargo, and the movement of people, drugs, firearms and tobacco were all noted in the CEO's review. Sea and air cargo in Australia has increased over the past four years, air cargo has increased by 140 per cent and imported sea cargo has increased by 20 per cent.<sup>8</sup> The past four years have also seen an increase in the number of international air and sea passengers, with an increase of 23 per cent over that period. SmartGates have assisted with management of passengers entering and leaving the country, with 38 per cent of all travellers arriving in Australia in 2014–15 processed through the automated system.<sup>9</sup> The illegal

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3 *Australian Customs and Border Protection Annual Report 2014–15*, p. 26.

4 *Australian Customs and Border Protection Annual Report 2014–15*, p. 3.

5 *See Appendix 1*, p.25.

6 *Australian Customs and Border Protection Annual Report 2014–15*, p. 16.

7 *Australian Customs and Border Protection Annual Report 2014–15*, p. 17.

8 *Australian Customs and Border Protection Annual Report 2014–15*, p. 17.

9 *Australian Customs and Border Protection Annual Report 2014–15*, p. 18.

importation of illicit drug detection in 2014–15 marked a record for the ACBPS: two more tonnes were detected by the service compared to 2013–14 and 'higher than the results for any of the past five years'.<sup>10</sup>

2.11 The financial performance of the ACBPS, outlined in the CEO's review, reported an operating loss of \$29.7 million for 2014–15. Excluding unfunded depreciation and amortisation expenses of \$120.6 million and \$6.9 million for changes in asset revaluations, the service would have reported an operating surplus of \$84.0 million. The exclusion of further expenses associated with the receipt of the Australian Defence Vessel (ADV) *Ocean Shield* from the Department of Defence (\$98.9 million) would have resulted in an operating loss of \$14.9 million.<sup>11</sup>

2.12 The ACBPS has produced an annual report that is a 'clear read' between the programs and KPIs presented in the PBS and PAES.<sup>12</sup> When applicable, the service has provided end-of-year data results from 2012–13, 2013–14 and 2014–15<sup>13</sup>. The outcome and program descriptions reflected the information provided in the budget statements and are set out clearly for the reader. Additionally, KPI tables were set out in a clear format, providing a simple tick, cross or not applicable description. This format allows for quick identification on whether the service successfully met a target. When the ACBPS did not meet a target, a proceeding table was supplied with an explanation for the shortfall.<sup>14</sup> The annual report provided a comprehensive analysis of the year's performance results, and the committee commends the ACBPS for its work. However, the committee reminds the agency that annual reports should be received before Supplementary Budget Estimates.

2.13 The committee considers the report of the ACBPS to be 'apparently satisfactory'. As a result of ACBPS's integration into DIBP, this will be the last annual report for the service.

## **CrimTrac**

2.14 CrimTrac provides national information sharing services to federal and state police forces, and other law enforcement and national security agencies, such as:

- an automated fingerprint identification service;
- a criminal investigation DNA database and matching services;
- a child protection service;
- a police reference service;

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10 *Australian Customs and Border Protection Annual Report 2014–15*, p. 18.

11 *Australian Customs and Border Protection Annual Report 2014–15*, p. 18.

12 *Portfolio Budget Statements Immigration and Border Protection portfolio 2014–15*, pp 89–131; *Portfolio Additional Estimates Statements 2014–15 Immigration and Border Protection portfolio*, pp 85–108.

13 Example available in *Australian Customs and Border Protection Annual Report 2014–15*, pp 94–95.

14 *Australian Customs and Border Protection Service 2014–15*, pp 47–48, and 75.

- a police checking service; and
- a national firearms service.<sup>15</sup>

2.15 Its annual report is prepared in accordance with section 70 of the *Public Service Act 1999* and the requirements for annual reports detailed under section 46 of the *Public Governance, Performance and Accountability Act 2014*. CrimTrac was established under an Inter-Governmental Agreement between the Commonwealth and each state and territory.<sup>16</sup>

2.16 The 2014–15 annual report of CrimTrac was presented to the President of the Senate on 29 October 2015 and tabled in the Senate on 9 November 2015.<sup>17</sup> Subsequently, the CrimTrac annual report was not available for senators during the Attorney-General's portfolio Supplementary Budget Estimates hearing on 20 October 2015.

2.17 CrimTrac's new CEO, Ms Nicole Role PSM, wrote about the launch of the *CrimTrac Strategic Plan 2015–2020* that will provide guidance to the agency and its Board of Management. The CEO wrote the 'strategic plan reinforces [CrimTrac's] commitment to meeting the information needs of the Australian policing community'.<sup>18</sup>

2.18 The review provided brief summaries on the Australian Cybercrime Online Reporting Network (ACORN), the Australian Ballistic Information Network and the National Domestic Violence Order Information Sharing System.

2.19 The CEO's outlook for CrimTrac included the further integration of CrimTrac's services into Australia's policing and law enforcement environment and the strengthening of relationships between Australia's police forces.<sup>19</sup>

2.20 CrimTrac's performance summary provided a clear and detailed description of its program (objectives and deliverables), key performance indicators and work plan. A table provided a concise breakdown of CrimTrac's work plan for 2014–15, identifying its 'ongoing' work and any 'implemented approved initiatives'.<sup>20</sup> KPI targets for 2014–15 were listed clearly in a table; CrimTrac achieved and surpassed all KPI targets.<sup>21</sup> Further quantitative and qualitative details were provided on each program deliverable, and if possible, historical data was provided for the previous three years.

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15 *Portfolio Budget Statements 2014–15 Attorney-General's portfolio*, p. 295.

16 *CrimTrac Annual Report 2014–15*, p. 6.

17 *See Appendix 1*, p.25.

18 *CrimTrac Annual Report 2014–15*, p. 2.

19 *CrimTrac Annual Report 2014–15*, p. 3.

20 *CrimTrac Annual Report 2014–15*, p. 14.

21 *CrimTrac Annual Report 2014–15*, p. 15.



2.21 CrimTrac's financial overview noted an operating surplus<sup>22</sup> of \$0.627 million in 2014–15, compared to a surplus of \$3.162 million in 2013–14. Total revenue for 2014–15 was \$74.858 million compared with \$67.754 million in 2013–14. CrimTrac highlighted the National Police Checking Service and the growth in number of chargeable criminal history checks conducted by CrimTrac. The increase in revenue from between 2013–14 and 2014–15 was \$4.381 million.<sup>23</sup>

2.22 Expenses for 2014–15 increased by \$9.639 million, from \$67.754 million in 2013–14 to \$74.231 million in 2014–15. Supplier expenses were noted in the overview: this expense increased by \$10.765 million due to increased project costs. Project activities for CrimTrac in 2014–15 accounted for \$16.539 million compared with \$12.830 million for 2013–14.<sup>24</sup> Note 3: *Expenses* showed a substantial increase in the costs relating to information technology, consultants, marketing and communication.<sup>25</sup>

2.23 The performance summary provided in CrimTrac's annual report is a 'clear read' when cross-checked with the PBS.<sup>26</sup> The committee congratulates CrimTrac on successfully achieving all of its KPI targets. The committee considers the report of CrimTrac to be 'apparently satisfactory'.

### **The Federal Circuit Court of Australia**

2.24 The Federal Circuit Court of Australia (the Court) is a national independent statutory body, subject to annual reporting requirements under section 117 of its enabling legislation, the *Federal Circuit Court of Australia Act 1999*. Furthermore, as a prescribed agency under the *Financial Management and Accountability Act 1997* (FMA Act) the Court is also obliged to prepare annual reports according to the criteria in the Requirements for Annual Reports.<sup>27</sup> The Federal Circuit Court of Australia is a single entity for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

2.25 The 2014–15 annual report of the Federal Circuit Court of Australia was received by the Senate on 26 October 2015 and tabled in the Senate on 9 November 2015;<sup>28</sup> it was not available for senators during the relevant Supplementary Budget Estimates hearing on 20 October 2015.

2.26 Chief Justice John Pascoe AO CVO provided an informative review of the Court's activities during 2014–15. The court had a significant number of judges retire

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22 Figures exclude asset revaluation adjustments.

23 *CrimTrac Annual Report 2014–15*, p. 76.

24 *CrimTrac Annual Report 2014–15*, p. 76.

25 *CrimTrac Annual Report 2014–15*, p. 97.

26 *Portfolio Budget Statements 2014–15 Attorney-General's portfolio*, pp 297–309.

27 DPMC, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, Part 1, subsection 3(1).

28 *See Appendix 1*, p.25.

in 2014–15. Over the past twelve months, nine judges left office or 15 per cent of the Court's judiciary.<sup>29</sup> A consequence of these retirements and delays in those judges being replaced had a 'significant effect on the Court's capability to deal with matters expeditiously, and waiting times for trials have increased significantly'.<sup>30</sup>

2.27 The Chief Justice reported that the Court's caseload in migration matters has continually grown over the past five years and the number of filings has grown nearly four-fold, with a total of almost 3900 filings in 2014–15.<sup>31</sup> The Chief Justice wrote 'the Court [is] facing an unprecedented volume of work in this jurisdiction. This workload cannot be met with the current judicial resourcing'.<sup>32</sup>

2.28 The review finished with comments regarding the merger of the corporate services of all three federal courts. This change will result in a single budget appropriation for all three courts and the government intends to commence this arrangement on 1 July 2016. The Chief Justice noted that the Court's primary concern regarding this change is 'to ensure that the integrity of its work remains unaffected' and 'the effectiveness of the Court's work should be enhanced through this process'.<sup>33</sup>

2.29 The annual report's review of the Court's performance provided very clear quantitative and qualitative results for 2014–15.<sup>34</sup> The report was unable to compare historical KPI data due to changes to its KPIs in 2014–15. The Court achieved two out of three of its KPI targets. The first KPI required the court to complete 90 per cent of final order applications (family law) within 12 months; the court completed 73 per cent. The annual report attributed this shortfall to the number of judges that left the Court during this reporting period.<sup>35</sup>

2.30 KPIs shared with the Family Court of Australia indicated that only one of the four KPIs was not met. Only 34 per cent of telephone enquiries were answered within 90 seconds; the KPI target was for 80 per cent of telephone enquiries to be answered within that timeframe.<sup>36</sup>

2.31 In addition to deliverables and KPI targets, the annual report provided a comprehensive analysis of the year's workload relating to final order applications,

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29 *Federal Circuit Court of Australia Annual Report 2014–15*, p. 4.

30 *Federal Circuit Court of Australia Annual Report 2014–15*, p. 4.

31 *Federal Circuit Court of Australia Annual Report 2014–15*, p. 4.

32 *Federal Circuit Court of Australia Annual Report 2014–15*, p. 4.

33 *Federal Circuit Court of Australia Annual Report 2014–15*, p. 4.

34 The Family Court of Australia and the Federal Circuit Court were merged into a single FMA Act from 1 July 2013. The Federal Circuit Court of Australia remains a single entity for the purposes of the *Public Governance, Performance and Accountability Act 2013*. It is a separate Chapter III Court under the Australian Constitution and the deliverables and KPI to the Court are shown on page 46 of the annual report. KPIs shared by both the Family Court and Federal Circuit Court are shown on page 47 of the annual report.

35 *Federal Circuit Court of Australia Annual Report 2014–15*, p. 46.

36 *Federal Circuit Court of Australia Annual Report 2014–15*, p. 47.

divorce applications, bankruptcy applications and migration applications. Data was also provided on judgments, appeals and complaints. When possible, historical data was provided for 2010–11 to 2014–15.<sup>37</sup>

2.32 The presentation of deliverables and KPI information gives a 'clear read' between the PBS and the annual report. The committee praises the Federal Circuit Court of Australia for the clear and thorough presentation of its performance results.

2.33 The committee considers the report of the Family Court of Australia to be 'apparently satisfactory'.

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37 *Federal Circuit Court of Australia Annual Report 2014–15*, pp 48–87.



## 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 required to include them in its report on the examination of annual reports; however, as on previous occasions, the committee has chosen to examine such reports, specifically the:

- *Surveillance Devices Act 2004 Annual Report 2014–15*; and
- *Telecommunications (Interception and Access) Act 1979 Annual Report 2014–15*.

#### **Report on the operation of the *Surveillance Devices Act 2004***

3.2 The annual report on the operation of the *Surveillance Devices Act 2004* (SD Act) was tabled in the Senate on 15 June 2015.<sup>1</sup> The report relates to the period from 1 July 2014 to 30 June 2015.

3.3 The report noted that during the 2014–15 reporting period, there were no significant policy developments or amendments to the SD Act. Furthermore, there were no significant judicial decisions.<sup>2</sup> In 2014–15, there was an increase of 2 per cent in warrants being issued under the SD Act. This was a modest increase compared to the 16 per cent increase in the previous reporting period (2013–14).<sup>3</sup>

3.4 The executive summary of the SD Act annual report highlighted the role of the SD Act had played in securing convictions. In 2014–15, information obtained under the SD Act contributed to convictions in 76 cases. This number of convictions was an increase over 50 per cent from 2013–14. Historical data was provided from 2004–05 and indicated a mostly upward trend in the number of convictions.<sup>4</sup>

#### ***Applications for surveillance device warrants***

3.5 Only eligible judges from the Family Court of Australia, the Federal Court and the Federal Circuit Court, or a nominated AAT member, are able to issue a surveillance device warrant. The total number of judges and AAT members available to issue a SD warrant in 2014–15 was 79, with 32 of those being Federal Circuit Court judges. Overall, this total continued a downward trend from 96 in 2012–13 and 84 in 2013–14.<sup>5</sup>

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1 See Appendix 1, p.25.

2 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 9.

3 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 9.

4 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 2.

5 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 5.

3.6 Not all of the data in relation to the number of warrants obtained at the state and territory level was available. State and territory law enforcement agencies generally rely on their own legislative regimes for the use of surveillance devices, although they are able to make use of the SD Act when dealing with a Commonwealth matter or during a joint operation.<sup>6</sup>

3.7 Pursuant to paragraph 50(1)(a) of the SD Act, the annual report must provide information on the number of applications for warrants made and the number of warrants issued for the reporting period. Under subsection 50(2), the SD Act also requires the report to provide a breakdown of these numbers in respect of each different kind of surveillance device.<sup>7</sup>

3.8 For 2014-15, law enforcement agencies made applications for 876 warrants, and 875 warrants were issued by an eligible judge or nominated AAT member. One warrant was not issued due to insufficient information being provided to the judge or AAT member.<sup>8</sup>

3.9 Table 3.1 provides a breakdown of the warrants issued by agency for 2012-13, 2013-14 and 2014-15.<sup>9</sup>

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6 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 9.

7 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 11.

8 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 11.

9 Adapted from: AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 12.

**Table 3.1**

Agency	2012–13	2013–14	2014–15
Australian Crime Commission (ACC)	166	211	266
Australian Commission for Law Enforcement Integrity (ACLEI)	6	14	2
Australian Federal Police (AFP)	557	622	606
CCC (QLD)	2	7	–
WA Police	–	2	1
SA Police	4	–	–
VIC Police	2	–	–
<b>Total</b>	<b>737</b>	<b>856</b>	<b>875</b>

3.10 Section 15 of the SD Act provides for remote application for a warrant. A remote warrant could be made by telephone, fax, email or other means of communication if it is impracticable for the law enforcement agency to apply in person. In 2014–15, the AFP applied remotely for and was issued two surveillance device warrants.<sup>10</sup>

3.11 Section 19 of the SD Act allows for a law enforcement officer to apply for an extension for a 'warrant for a period not exceeding 90 days after the warrant's original expiry date'.<sup>11</sup> In 2014–15, no applications were refused and 152 applications were submitted, 23 more than 2013–14.<sup>12</sup>

3.12 The Annual Report stated that there were 11 emergency authorisations issued to the AFP in 2014–15; no authorisations of this type have been issued in the past two years.<sup>13</sup> Emergency authorisations can be issued 'in cases of serious risk to person or property...urgent circumstances relating to a child recovery order...or where there is a risk of loss of evidence'.<sup>14</sup>

10 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 14.

11 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 14.

12 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 14.

13 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 15.

14 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 15.

3.13 The SD Act requires that the annual report must provide data on the number of applications for tracking device authorisations and the number of tracking device authorisations given. The table below is extracted from the report<sup>15</sup>:

**Table 3.2**

Agency		2012–13	2013–14	2014–15
Australian Crime Commission (ACC)	Applications	10	12	21
	Authorised	10	12	21
Australian Federal Police (AFP)	Applications	56	58	56
	Authorised	56	58	58
<b>Total</b>		66	70	77

3.14 Section 50 requires the inclusion of information which is, for the committee's purpose, indicative of the SD Act's effective use, such as: the number of arrests; prosecutions and convictions; as well as 'the number of locations and safe recoveries of children', based on information obtained using surveillance devices.<sup>16</sup>

3.15 The following table shows the number of arrests, prosecutions and convictions for 2014–15. The figures in brackets refer to the preceding reporting period 2013–14.<sup>17</sup>

**Table 3.3**

AGENCY	Arrests	Safe Recovery	Prosecutions	Convictions
ACC	(49) 38	–	(12) 1	(–) 1
AFP	(154) 123	–	(128) 135	(35) 71
CCC (QLD)	(1) 3	–	–	–
Victoria Police	(–) –	–	(–) 4	(–) 4
<b>Total</b>	(204) 164	–	(140) 140	(35) 76

3.16 The report noted that information regarding arrests, prosecutions (inclusive of committal proceedings) and convictions should be interpreted with caution, especially

15 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 16.

16 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 16.

17 Adapted from: AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2014*, p. 18.



in presuming a relationship between them. An arrest in one reporting period might not lead to a prosecution in a later reporting period, likewise a conviction in one reporting period could be recorded in another period. Further, there is no correlation between the number of charges and arrests as an arrest could lead to conviction for multiple offences. Also, in situations where the weight of evidence obtained from surveillance devices is sufficient for defendants to enter guilty pleas, it may not be necessary for surveillance information to be introduced as evidence.<sup>18</sup>

### ***Telecommunications (Interception and Access) Act 1979***

3.17 The annual report for 2014–15 on the *Telecommunications (Interception and Access) Act 1979* (TIA Act) was tabled in the Senate on 17 June 2015.<sup>19</sup>

3.18 Section 104 of the TIA Act sets out the provisions for annual reports, specifically:

The Minister shall cause a copy of a report under section 93 or Division 2 to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report, or the report is prepared, as the case may be.<sup>20</sup>

3.19 The committee notes that the report was tabled before the required date in both Houses of Parliament.

3.20 The TIA Act has the primary goal of protecting the privacy of individuals who use the Australian telecommunications network. Communications cannot be intercepted unless authorised by specific circumstances set out in the TIA Act. Law enforcement agencies have the option to access several separate warrants to intercept a communication. These include warrants for real-time content and for stored communications.<sup>21</sup>

3.21 From 13 October 2015, the TIA Act limited the number of agencies that are able to access stored communications. This restriction allows for only criminal-law enforcement agencies and the Commonwealth Ombudsman to access this information via the TIA Act. This change was a product of the passing of the *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015* (Data Retention Act). The Data Retention Act obliges carriers to retain specific information for a period of two years. In addition to the retention of data and the reduction in the number of agencies that have access to this information, the Data Retention Act also imposes additional record keeping and reporting obligations for those law enforcement agencies that wish to access telecommunications data.<sup>22</sup>

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18 AGD, *Surveillance Devices Act 2004 Report for the year ending 30 June 2015*, p. 17.

19 See *Appendix 1*, p.25.

20 *Telecommunication (Interception and Access) Act*, s. 104(1).

21 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. V.

22 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. V.

3.22 This annual report does not include those additional reporting requirements implemented by recent changes to the TIA Act; these reporting requirements will be in place in the 2015–16 annual report.<sup>23</sup>

3.23 In 2014–15 interception warrants were available to 17 Commonwealth and state and territory agencies including the ACC, ACLEI, AFP, state and territory police and state anti-corruption agencies.<sup>24</sup> In order to use an interception warrant an authority must be satisfied that the agency is investigating a serious offence. A serious offence is generally a crime committed that carries a penalty of at least seven years' imprisonment.<sup>25</sup>

3.24 The report noted that an interception warrant may only be issued by an eligible judge or a nominated AAT member. Eligible judges in 2014–15 included members of the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court. Judges have to be declared eligible by the Attorney-General and formally consent in writing to be an eligible judge.<sup>26</sup>

3.25 During the reporting period a total of 3926 telecommunications interceptions warrants were issued by judges and nominated AAT members (see table 3.4).<sup>27</sup>

**Table 3.4**

<b>Issuing Authority</b>	<b>Family Court Judges</b>	<b>Federal Court Judges</b>	<b>Federal Circuit Court Judges</b>	<b>Nominated AAT members</b>	<b>Total</b>
Number of warrants issued	204	241	258	3223	3926

3.26 Table 3.5 shows the number of applications for warrants, telephone applications for warrants and renewal applications that were made, withdrawn and issued. The figures in brackets refer to the preceding reporting period 2013–14.<sup>28</sup>

23 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. V.

24 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 1.

25 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 2.

26 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 4.

27 Adapted from: AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 5.

28 Adapted from: AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 7.

**Table 3.5**

	<b>Applications for warrants</b>	<b>Telephone Applications for Warrants</b>	<b>Renewal applications</b>
Made	(4025) 3935	(75) 45	(603) 750
Refused/withdrawn	(18) 9	(–) –	(–) –
Issued	(4007) 3926	(75) 45	(603) 750

3.27 The report's key findings noted the information obtained under these warrants led to 3100 arrests, 4686 prosecutions and 1912 convictions.<sup>29</sup>

#### **Stored communications**

3.28 The TIA Act enables law enforcement agencies to apply for stored communications warrants to assist investigations. These warrants may apply to email, SMS or voice message communications.<sup>30</sup>

3.29 Table 3.6 shows the number of applications for warrants, telephone applications for warrants and renewal applications that were made, withdrawn and issued. The figures in brackets refer to the preceding reporting period 2014–15.<sup>31</sup>

**Table 3.6**

	<b>Applications for stored communications warrants</b>	<b>Telephone Applications for stored communication warrants</b>
Made	(572) 697	(1) 0
Refused/withdrawn	(1) 1	(0) 0
Issued	(571) 696	(1) 0

3.30 During the reporting period, law enforcement agencies made 377 arrests, undertook 335 proceedings and made 198 convictions based on evidence obtained under stored communications warrants.<sup>32</sup>

29 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, pp VII-VIII.

30 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 31.

31 Adapted from: AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 33.

32 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 34.

### ***Telecommunications data***

3.31 Chapter four of the TIA Act allows enforcement agencies to access 'telecommunications data where that information is reasonably necessary for the enforcement of the criminal law, a law imposing a pecuniary penalty, or the protection of the public revenue'.<sup>33</sup>

3.32 The report noted that 83 enforcement agencies made historical data authorisations<sup>34</sup> and 354 841 data authorisation to enforce the criminal law.<sup>35</sup> The number of authorisations has increased by 30 581 compared to 2013–14 (324 260 authorisations).<sup>36</sup>

**Senator the Hon Ian Macdonald  
Chair**

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33 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 41.

34 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 41.

35 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 42.

36 AGD, *Telecommunications (Interception and Access) Act annual report 2014–15*, p. 44.

# Appendix 1

## Reports tabled during the period 1 May 2015 and 31 October 2015 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>			
<p>Attorney-General's Department</p> <ul style="list-style-type: none"> <li>– Commonwealth Ombudsman – Report to the Commonwealth Attorney-General on the results of inspections of records under s 55 of the <i>Surveillance Devices Act 2004</i> –Australian Commission for Law Enforcement Integrity 1 July to 31 December 2013; Australian Crime Commission 1 July to 31 December 2013; Australian Federal Police 1 July to 31 December 2013 – Section 61 of the <i>Surveillance Devices Act 2004</i></li> </ul>	1.5.15/ 1.5.15	15.6.15	25.5.15
<p>Attorney-General's Department</p> <ul style="list-style-type: none"> <li>– Royal Commission into Institutional Responses to Child Sexual Abuse – Report of Case Study No.9 – The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School – May 2015</li> </ul>	<i>No legislative requirement to table the report</i> 25.5.15/ 25.5.15	15.6.15	4.6.15
<p>Australian Human Rights Commission</p> <ul style="list-style-type: none"> <li>– Annual Report 2013-2014 – Section 45 of the <i>Australian Human Rights Commission Act 1986</i></li> </ul>	21.4.15/ 21.4.15	15.6.15	4.6.15

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
Australian Law Reform Commission – ALRC Report 126 – Connection to Country: Review of the <i>Native Title Act 1993</i> (Cth) – Final Report and Summary Report April 2015 – Section 23 of the <i>Australian Law Reform Commission Act 1996</i>	23.5.15/ 23.5.15	15.6.15	4.6.15
Australian Human Rights Commission – Report 91 – inquiry into the complaint: <i>Tapara v Commonwealth of Australia</i> (DIBP) – Section 46 of the <i>Australian Human Rights Commission Act 1986</i>	31.3.15/ 31.3.15	22.6.15	18.6.15
Australian Human Rights Commission – Australian Human Rights Commission – Report 92 – inquiry into the complaint: <i>Immigration detainees with adverse security assessments v Commonwealth of Australia</i> (DIBP) – Section 46 of the <i>Australian Human Rights Commission Act 1986</i>	31.3.15/ 31.3.15	22.6.15	18.6.15
Australian Human Rights Commission – Australian Human Rights Commission – Report 93 – inquiry into the complaint: <i>AN v ANZ Banking Group Limited</i> – Section 46 of the <i>Australian Human Rights Commission Act 1986</i>	15.6.15/ 15.6.15	10.8.15	10.8.15
Attorney-General's Department – Defence Abuse Response Taskforce – Report on progress, operations and future structure, dated 30 June 2015 <sup>1</sup>	13.7.15/ 13.7.15	10.8.15 (30.7.15)	11.8.15

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1 Forwarded to the Foreign Affairs, Defence and Trade Legislation Committee.

Department/authority/ operation of an act or program	Date submitted to minister/date received by minister	Date tabled in Senate (received in Senate out of session)	Date tabled in the House of Reps
Attorney-General's Department – Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 10—The Salvation Army's handling of claims of child sexual abuse 1989 to 2014, dated June 2015	<i>No legislative requirement to table the report</i> 24.6.15/ 24.6.15	10.8.15 (3.8.15)	11.8.15
Australian National Maritime Museum – Corporate plan 2015 to 2019	18.6.15/ 16.6.15	10.8.15 (28.7.15)	11.8.15
Attorney-General's Department – Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 12—The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009, dated June 2015	<i>No legislative requirement to table the report</i> 10.7.15/ 10.7.15	10.8.15 (4.8.15)	11.8.15
Attorney-General's Department – Royal Commission into Institutional Responses to Child Sexual Abuse – Working with Children Checks – Report	<i>No legislative requirement to table the report</i> 3.8.15/ 3.8.15	17.8.15	17.8.15

Department/authority/ operation of an act or program	Date submitted to minister/date received by minister	Date tabled in Senate (received in Senate out of session)	Date tabled in the House of Reps
Attorney-General's Department – Royal Commission into Institutional Responses to Child Sexual Abuse – Report of Case Study No.17 – The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home – July 2015 <sup>2</sup>	<i>No legislative requirement to table the report</i> 27.7.15/ 27.7.15	19.8.15	19.8.15
Attorney-General's Department – Royal Commission into Institutional Responses to Child Sexual Abuse – Report of Case Study No.16 – The Melbourne Response – July 2015	<i>No legislative requirement to table the report</i> 1.9.15/ 1.9.15	14.9.15	14.9.15
Attorney-General's Department – Royal Commission into Institutional Responses to Child Sexual Abuse – Redress and Civil Litigation Report	<i>No legislative requirement to table the report</i> 1.9.15/ 1.9.15	14.9.15	14.9.15
Attorney-General's Department – Annual Report 2014-15 – Section 63 of the <i>Public Service Act 1999</i>	16.9.15/ 16.9.15	12.10.15	12.10.15



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
Administrative Appeals Tribunal – Administrative Appeals Tribunal – Annual Report 2014-15 – Section 24 of the <i>Administrative Appeals Tribunal Act 1975</i>	14.10.15/ 14.10.15	9.11.15 (26.10.15)	9.11.15
Office of the Australian Information Commission – Office of the Australian Information Commissioner – Annual Report 2014-15 – Section 30 of the <i>Australian Information Commissioner Act 2010</i>	14.10.15/ 14.10.15	9.11.15 (26.10.15)	9.11.15
Commonwealth Director of Public Prosecutions – Commonwealth Director of Public Prosecutions (CDPP) – Annual Report 2014-15 – Section 46 of the <i>Public Governance, Performance and Accountability Act 2013</i>	30.9.15/ 1.10.15	9.11.15 (26.10.15)	9.11.15
Federal Circuit Court of Australia – Federal Circuit Court of Australia – Annual Report 2014-15 – Section 177 of the <i>Federal Circuit Court of Australia Act 1999</i>	14.10.15/ 14.10.15	9.11.15 (26.10.15)	9.11.15
Social Security Appeals Tribunal – Social Security Appeals Tribunal – Annual Report 2014-15 – Section 24 of the <i>Administrative Appeals Tribunal Act 1975</i>	14.10.15/ 14.10.15	9.11.15 (26.10.15)	9.11.15

<b>Department/authority/ operation of an act or program</b>	<b>Date submitted to minister/date received by minister</b>	<b>Date tabled in Senate (received in Senate out of session)</b>	<b>Date tabled in the House of Reps</b>
Australian Financial Security Authority – Australian Financial Security Authority (AFSA)—Report for 2014-15, including reports on the operation of the <i>Bankruptcy Act 1966</i> and <i>Personal Property Securities Act 2009</i>	6.10.15/ 6.10.15	9.11.15 (29.10.15)	9.11.15
CrimTrac – CrimTrac – Annual Report 2014-15 – Section 70 of the <i>Public Service Act 1999</i>	2.10.15/ 2.10.15	9.11.15 (29.10.15)	9.11.15

<i>Operation of an act/program</i>			
Attorney-General's Department – <i>Surveillance Devices Act 2004</i> – Annual Report 2013-14 – Section 50 of the <i>Surveillance Devices Act 2004</i>	8.5.15/ 8.5.15	17.6.15	17.6.15
Attorney-General's Department – <i>Telecommunications (Interception and Access) Act 1979</i> – Annual Report 2013-14 – Section 104 of the <i>Telecommunications (Interception and Access) Act 1979</i>	8.5.15/ 8.5.15	17.6.15	17.6.15

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>			
Migration Review Tribunal and Refugee Review Tribunal – Migration Review Tribunal and Refugee Review Tribunal – Annual Report 2014-15 – Section 24 of the <i>Administrative Appeals Tribunal Act 1975</i>	14.10.15/ 14.10.15	9.11.15 (26.10.15)	9.11.15
Australian Customs and Border Protection Service – Australian Customs and Border Protection Service – Annual Report 2014-15 – Section 63 of the <i>Public Service Act 1999</i>	21.9.15/ 29.9.15	9.11.15 (28.10.15)	9.11.15
Department of Immigration and Border Protection – Annual Report 2014-15 – Section 63 of the <i>Public Service Act 1999</i>	23.9.15/ 6.10.15	9.11.15 (28.10.15)	9.11.15

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>Migration Act 1958</i>			
Department of Immigration and Border Protection – Reports by the Commonwealth and Immigration Ombudsman – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001437, 1001443, 1001470, 1001479, 1001511, 1001571, 1001584, 1001593, 1001598, 1001601, 1001603, 1001610, 1001626, 1001629, 1001638, 1001649, 1001650, 1001680, 1001681, 1001707, 1001715, 1001717, 1001718, 1001729, 1001780, 1001783, 1001784, 1001789, 1001790, 1001830, 1001831, 1001848, 1001874, 1001877, 1001890, 1001897, 1001902, 1001905, 1001909, 1001914, 1001917, 1001940, 1001942, 1001945, 1001947, 1001951, 1001953, 1001955, 1001967, 1001996, 1002004, 1002090, 1002097, 1002099, 1002100, 1002157, 1002167.] – Section 486O of the <i>Migration Act 1958</i>	6.5.15/ 6.5.15	13.5.15	13.5.15
Department of Immigration and Border Protection – Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i>	6.5.15/ 6.5.15	13.5.15	13.5.15

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
Department of Immigration and Border Protection – Reports by the Commonwealth and Immigration Ombudsman – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001078, 1001450, 1001572, 1001665, 1001705, 1001708, 1001722, 1001740, 1001742, 1001744, 1001745, 1001806, 1001822, 1001827, 1001900, 1001913, 1001925, 1001928, 1001932, 1001937, 1001939, 1001946, 1001949, 1001952, 1001957, 1001961, 1001962, 1001965, 1001968, 1001974, 1001982, 1001990, 1001994, 1002019, 1002020, 1002041, 1002042, 1002051, 1002087, 1002092, 1002096, 1002098, 1002124, 1002143, 1002165, 1002191, 1002194, 1002244.] – Section 486O of the <i>Migration Act 1958</i>	8.5.15/ 11.5.15	15.6.15	27.5.15
? Department of Immigration and Border Protection – Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i>	8.5.15/ 11.5.15	15.6.15	27.5.15

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
Department of Immigration and Border Protection  – Reports by the Commonwealth and Immigration Ombudsman – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001502, 1001619, 1001630, 1001677, 1001678, 1001720, 1001725, 1001726, 1001736, 1001737, 1001797, 1001814, 1001817, 1001846, 1001867, 1001871, 1001878, 1001936, 1001964, 1001971, 1001972, 1001987, 1001989, 1001991, 1002001, 1002011, 1002025, 1002026, 1002028, 1002030, 1002035, 1002043, 1002053, 1002056, 1002078, 1002084, 1002088, 1002089, 1002112, 1002121, 1002145, 1002177, 1002213, 1002226, 1002241, 1002261, 1002294, 1002303.] – Section 486O of the <i>Migration Act 1958</i>	18.5.15/ 25.5.15	15.6.15	3.6.15
Department of Immigration and Border Protection  – Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i>	18.5.15/ 25.5.15	15.6.15	3.6.15
Department of Immigration and Border Protection  – Protection Visa Processing Taking More than 90 Days for the Reporting Period 1 November 2014 to 28 February 2015 – Section 91 of the <i>Migration Act 1958</i>	15.4.15/ 15.4.15	16.6.15	16.6.15

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
Department of Immigration and Border Protection  – Refugee Review Tribunal – 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 2014 to 28 February 2015 – Section 440A of the <i>Migration Act 1958</i>	1.4.15/ 1.4.15	16.6.15	16.6.15
Department of Immigration and Border Protection  – Reports by the Commonwealth and Immigration Ombudsman – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001469, 1001637, 1001640, 1001683, 1001685, 1001686, 1001786, 1001809, 1001815, 1001816, 1001818, 1001834, 1001835, 1001842, 1001849, 1001858, 1001859, 1001875, 1001883, 1001891, 1001922, 1001923, 1001938, 1001943, 1001956, 1001958, 1001959, 1001963, 1001970, 1001993, 1002009, 1002013, 1002015, 1002027, 1002029, 1002032, 1002080, 1002131, 1002132, 1002175, 1002205, 1002216, 1002218, 1002225, 1002243, 1002248, 1002256, 1002258, 1002259, 1002264, 1002293, 1002295, 1002342.] – Section 486O of the <i>Migration Act 1958</i>	1.6.15/ 1.6.15	17.6.15	17.6.15
Department of Immigration and Border Protection  – Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i>	1.6.15/ 1.6.15	17.6.15	17.6.15

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
Department of Immigration and Border Protection  – Reports by the Commonwealth and Immigration Ombudsman – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001825, 1001828, 1001850, 1001870, 1001887, 1001899, 1001901, 1001907, 1001918, 1001919, 1001930, 1001941, 1001944, 1001954, 1001960, 1001976, 1001977, 1001979, 1001983, 1001984, 1001985, 1001986, 1002008, 1002017, 1002046, 1002050, 1002058, 1002079, 1002085, 1002086, 1002102, 1002103, 1002104, 1002106, 1002109, 1002113, 1002147, 1002178, 1002190, 1002206, 1002224, 1002242, 1002260, 1002267, 1002268, 1002321, 1002345, 1002347.] – Section 486O of the <i>Migration Act 1958</i>	27.7.15/ 27.7.15	12.8.15	12.8.15
Department of Immigration and Border Protection  – Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i>	27.7.15/ 27.7.15	12.8.15	12.8.15



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
<p>Department of Immigration and Border Protection</p> <p>– Reports by the Commonwealth and Immigration Ombudsman – Volume 1 – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001585, 1001836, 1001880, 1001898, 1001904, 1001927, 1001950, 1001966, 1001975, 1001981, 1001995, 1001997, 1002012, 1002014, 1002016, 1002021, 1002024, 1002034, 1002044, 1002049, 1002054, 1002057, 1002069, 1002070, 1002081, 1002083, 1002108, 1002110, 1002125, 1002137, 1002141, 1002153, 1002168, 1002176, 1002192, 1002201, 1002203, 1002229, 1002271, 1002278, 1002299, 1002369, 1002419, 1002422, 1002434, 1002436, 1002437, 1002438, 1002439, 1002440, 1002441, 1002442, 1002445, 1002446.] – Section 486O of the <i>Migration Act 1958</i></p>	<p>27.8.15/ 27.8.15</p>	<p>9.9.15</p>	<p>9.9.15</p>
<p>Department of Immigration and Border Protection</p> <p>– Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i></p>	<p>27.8.15/ 27.8.15</p>	<p>9.9.15</p>	<p>9.9.15</p>

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
Department of Immigration and Border Protection  – Reports by the Commonwealth and Immigration Ombudsman – Volume 2 – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001829, 1001908, 1001911, 1001948, 1001973, 1001998, 1002003, 1002033, 1002039, 1002045, 1002072, 1002126, 1002127, 1002144, 1002182, 1002199, 1002212, 1002239, 1002240, 1002250, 1002254, 1002257, 1002265, 1002281, 1002319, 1002349, 1002360, 1002404, 1002416, 1002429, 1002435, 1002463, 1002478, 1002479, 1002502, 1002526, 1002537, 1002551, 1002570, 1002571, 1002607, 1002621, 1002622, 1002623, 1002624, 1002625, 1002662.] – Section 486O of the <i>Migration Act 1958</i>	27.8.15/ 27.8.15	9.9.15	9.9.15
Department of Immigration and Border Protection  – Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i>	27.8.15/ 27.8.15	9.9.15	9.9.15

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
<p>Department of Immigration and Border Protection</p> <p>– Reports by the Commonwealth and Immigration Ombudsman – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1000761, 1001978, 1002002, 1002055, 1002075, 1002082, 1002111, 1002135, 1002195, 1002215, 1002341, 1002367, 1002387, 1002403, 1002405, 1002407, 1002408, 1002418, 1002423, 1002431, 1002444, 1002447, 1002481, 1002514, 1002515, 1002527, 1002531, 1002552, 1002572, 1002573, 1002580, 1002583, 1002585, 1002588, 1002596, 1002597, 1002598, 1002599, 1002608, 1002609, 1002611, 1002617, 1002663, 1002664, 1002665, 1002666, 1002667, 1002668, 1002669, 1002670, 1002743, 1002765, 1002821.] – Section 486O of the <i>Migration Act 1958</i></p>	<p>8.9.15/ 8.9.15</p>	<p>14.9.15</p>	<p>14.9.15</p>
<p>Department of Immigration and Border Protection</p> <p>– Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i></p>	<p>8.9.15/ 8.9.15</p>	<p>14.9.15</p>	<p>14.9.15</p>

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
<p>Department of Immigration and Border Protection</p> <p>– Reports by the Commonwealth and Immigration Ombudsman – Section 486O of the <i>Migration Act 1958</i> [Personal identifier: 1001988, 1001999, 1002115, 1002117, 1002118, 1002129, 1002138, 1002150, 1002156, 1002220, 1002305, 1002402, 1002426, 1002427, 1002443, 1002462, 1002476, 1002528, 1002549, 1002563, 1002564, 1002568, 1002576, 1002581, 1002584, 1002593, 1002606, 1002610, 1002613, 1002614, 1002615, 1002616, 1002626, 1002638, 1002643, 1002644, 1002645, 1002649, 1002657, 1002697, 1002699, 1002703, 1002704, 1002705, 1002710, 1002715, 1002745, 1002746, 1002752, 1002758, 1002759, 1002762, 1002763, 1002764, 1002766, 1002769, 1002847, 1002869, 1002893, 1002897, 1002936, 1002938, 1002942, 1002943, 1002947.]</p> <p>– Section 486O of the <i>Migration Act 1958</i></p>	<p>28.9.15/ 28.9.15</p>	<p>14.10.15</p>	<p>14.10.15</p>
<p>Department of Immigration and Border Protection</p> <p>– Response to Ombudsman’s Statements made under section 486O of the <i>Migration Act 1958</i> – Statement to Parliament – Section 486P of the <i>Migration Act 1958</i></p>	<p>28.9.15/ 28.9.15</p>	<p>14.10.15</p>	<p>14.10.15</p>