

The Senate

Legal and Constitutional Affairs
Legislation Committee

Annual reports (No. 1 of 2019)

April 2019

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45th Parliament

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Preface

Terms of reference

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

- Attorney-General's portfolio; and
- Home Affairs portfolio.¹

This report was prepared pursuant to Standing Order 25(20) relating to the consideration of annual reports by committees. The Standing Order states:

Annual reports of departments and agencies shall stand referred to the committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:

- (a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory.
- (b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration.
- (c) Investigate and report to the Senate on any lateness in the presentation of annual reports.
- (d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate.
- (e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates.
- (f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.
- (g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports.
- (h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.

This report examines annual reports tabled between 1 May 2018 and 31 October 2018. As discussed later, the report also includes the annual report for the Department of Home Affairs, which has been included in the committee's examination despite not being tabled in the Senate until after 31 October 2018.

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

Role of annual reports

Annual reports place a great deal of information about government departments and agencies on the public record. Accordingly, the tabling of annual reports is an important element of accountability to Parliament. The information provided in annual reports assists in the effective examination of the performance of departments and agencies, and the administration of government programs.

Annual reporting requirements

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

Annual reports for the 2017–18 reporting period were prepared under the following requirements:

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

Reporting guidelines

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

- Resource Management Guide No. 135: *Annual reports for non-corporate Commonwealth entities*;
- Resource Management Guide No. 136: *Annual reports for corporate Commonwealth entities*; and

2 *Senate Hansard*, 8 December 1987, pp. 2632-45.

- Resource Management Guide No. 137: *Annual reports for Commonwealth companies*.

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

Reports examined

This report examines the following annual reports; tabled in the Senate or presented out of session to the President of the Senate and referred to the committee between 1 May 2018 and 31 October 2018:

Attorney-General's portfolio

- Administrative Appeals Tribunal—report for 2017–18;
- Attorney-General's Department—report for 2017–18;
- Australian Commission for Law Enforcement Integrity—report for 2017–18;
- Australian Financial Security Authority—report for 2017–18;
- Australian Human Rights Commission—report for 2017–18;
- Australian Law Reform Commission—report for 2017–18;
- Commonwealth Director of Public Prosecutions—report for 2017–18;
- Commonwealth Ombudsman—report for 2017-18;
- Family Court of Australia—report for 2017–18;
- Federal Circuit Court of Australia—report for 2017–18;
- Federal Court of Australia—report for 2017–18, including the report of the National Native Title Tribunal;
- Inspector-General of Intelligence and Security—report for 2017–18;
- National Archives of Australia and National Archives of Australia Advisory Council—report for 2017–18; and
- Office of the Australian Information Commissioner—report for 2017–18;
- Office of Parliamentary Counsel—report for 2017–18.

Home Affairs portfolio

- Department of Home Affairs—report for 2017–18; and
- Australian Federal Police (AFP)—report for 2017–18, including reports on assumed identities, the National Witness Protection Program and unexplained wealth investigations and proceedings.

'Apparently satisfactory'

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

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

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

Timeliness

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

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

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

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

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

A table listing the annual reports of departments and agencies tabled in the Senate (or presented out of session to the President of the Senate) between 1 May 2018 and 31 October 2018, and which have been referred to the committee for examination, can be found at Appendix 1.⁵ Also included in this table is the date each report was tabled in the House of Representatives.

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

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

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

Subject to the exception described below, the annual reports included and examined in this report were tabled in the Senate and referred to the committee by 31 October 2018.⁶ This date for reporting applied to all reports examined.

The annual reports of a number of agencies were provided to the Minister by the prescribed date of 15 October 2018 and subsequently tabled in the House of Representatives before, or at the time of, the Supplementary Budget Estimates hearings (23 and 24 October 2018). However, the reports of some agencies or departments were not received by the Senate or referred to the committee until 12 November 2018.⁷ These entities included:

- Australian Criminal Intelligence Commission;
- Australian Federal Police;
- Australian Financial Security Authority
- Australian Institute of Criminology;
- Australian Security Intelligence Organisation; and
- Department of Home Affairs;

The committee notes that these agencies' annual reports were tabled in the House of Representatives by the correct date, but were delayed in their tabling in the Senate and subsequent referral to the committee.

The committee thus accepts the reports as being provided to the Parliament on time, but will consider these agencies' annual reports in *Report on Annual Reports (No 2. of 2019)*.

The report for the Department of Home Affairs was tabled in the House of Representatives on 18 October 2018 but was not tabled in the Senate or referred to the committee until 12 November 2018. Although the deadline for the report's provision to the committee within the appointed time was missed, the committee accepts that tabling and referral of the report in the Senate was unintentionally delayed. The committee has therefore decided to include the report in its consideration of annual reports in this *Report on Annual Reports* (see Chapter 1).

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

Comments made in the Senate

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

6 See Appendix 1.

7 See Appendix 1.

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

On this occasion, the committee is unaware of any occasions during which an annual report was remarked upon during debate in the Senate during the period between 1 May and 31 October 2018.

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, the committee is unaware of any other body required to table an annual report for 2017–18 which has failed to do so.

Chapter 1

Annual reports of departments

1.1 The annual reports of the following departments for the financial year 2018–19, were referred to the committee for examination and report:

- Attorney-General's Department (the AGD); and
- Department of Home Affairs (Home Affairs).

Attorney-General's Department

Tabling of report

1.2 The 2017–18 annual report was tabled in the Senate on 19 October 2018. The report was available to senators for the Supplementary Budget Estimates 2018–19 hearing on 19 October 2018.

Secretary's review

1.3 In his review for 2017–18, the secretary of the AGD, Mr Chris Moraitis PSM, focused on the AGD's positive outcomes in developing policy and programs and providing high quality advice to government, including the following areas: the implementation of national intelligence and domestic security reforms, human rights reform, constitutional law and the implementation of the Third Action Plan of the National Plan to Reduce Violence Against Women and their Children.¹

1.4 The Secretary's Review noted that there were a number of reform projects which the AGD was involved in, particularly in relation to family law. The Secretary reported that the AGD had instigated structural reforms to the federal courts to assist families in saving time and costs in family law disputes.² In addition, the AGD launched services and conducted trials of improvements to the family law system, particularly in relation to additional support services for families experiencing family violence.³

1.5 The Secretary's View reported that the AGD had significantly contributed to national safety and security. Mr Moraitis stated that joint cyber security centres had been established nationally to ensure Australians were prepared for and protected from cyber-attacks.⁴ He also noted the passage of two bills, the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017 and the Foreign Influence Transparency Scheme Bill 2018, which he stated had successfully enhanced Australia's national security.⁵

1 *Attorney-General's Department Annual Report 2017–18*, p. 2.

2 *Attorney-General's Department Annual Report 2017–18*, p. 2.

3 *Attorney-General's Department Annual Report 2017–18*, p. 3.

4 *Attorney-General's Department Annual Report 2017–18*, p. 3.

5 *Attorney-General's Department Annual Report 2017–18*, p. 3.

1.6 The review also noted the AGD's work in relation to advising government on implementing the recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse, in addition to assisting establishing the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.⁶

1.7 The Secretary's outlook for 2018–19 noted that, as of July 2018, the AGD was operating under a new structure designed to 'maximise our support to the Attorney-General in his role as First Law Officer and minister responsible for integrity and oversight'.⁷ According to the Secretary, the new structure would encourage more effective engagement with stakeholders and reflected the AGD's commitment to 'embracing change, challenges and new opportunities in achieving better outcomes for government'.⁸

1.8 The outlook stated that the AGD would be working towards government priorities, including: progressing structural reforms to the federal courts in relation to family law matters and providing advice in relation to the Australian Law Reform Commission's review into family law reform; developing the first National Plan on Elder Abuse; leading the delivery of responses to the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse; supporting a wide-ranging review of intelligence legislation; and supporting the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.⁹

Performance reporting

1.9 Since the committee's previous *Report on Annual Reports* in 2018, the AGD has adopted a new structure for performance reporting, applying four high-level KPIs (Effectiveness; Efficiency in meeting goals; Professionalism, skills and commitment; and Community impact) to each of the five strategic priorities across the AGD.¹⁰ This report also covers the first reporting period where the machinery-of-government changes in relation to the creation of the Home Affairs Portfolio are reflected in budgetary measures and organisational structure and outcomes.

1.10 Performance criteria and targets under each strategic priority outlined in the Portfolio Budget Statement (PBS) for 2017–18.¹¹ This is, in turn, reflected in the Corporate Plan 2017–18.¹² The Corporate Plan outlines the relevant Key Performance Indicators (KPIs) under each strategic priority and explains how each are connected to the performance criteria outlined in the PBS.¹³ The performance statement contained

6 *Attorney-General's Department Annual Report 2017–18*, p. 3.

7 *Attorney-General's Department Annual Report 2017–18*, p. 3.

8 *Attorney-General's Department Annual Report 2017–18*, pp. 3–4.

9 *Attorney-General's Department Annual Report 2017–18*, p. 4.

10 *Attorney-General's Department Annual Report 2017–18*, p. 13.

11 *Portfolio Budget Statements 2018–19, Attorney-General's Portfolio*, pp. 16–27.

12 *Attorney-General's Department Corporate Plan 2017–18*, p. 21.

13 *Attorney-General's Department Corporate Plan 2017–18*, p. 21.

in the annual report reflects a combination of the performance criteria in the PBS and the KPIs set by the Corporate Plan. This approach provides a 'clean read' when compared with the PBS and Corporate Plan.

1.11 In the *Report on Annual Reports (No. 1 of 2018)*, the committee noted that one performance criterion, 'Community impact', was not applied to Strategic Priority 1: Legal in its 2017–18 report.¹⁴ This KPI was similarly not applied to Strategic Priority 1 in its Corporate Plan 2017–18.¹⁵ However, Strategic Priority 1 encompasses a number of programs, including Program 1.1: Civil Justice and Legal Services and Program 1.2: National Security and Criminal Justice – Operating Expenses, which have the missing KPI applied where they appear in other Strategic Priorities. Further, Program 1.9: Royal Commissions similarly does not have a 'Community impact' KPI applied under Strategic Priority 1.¹⁶

1.12 It is unclear why the 'Community impact' KPI was not included in the KPIs for Strategic Priority 1. This is particularly illustrated where programs incorporated in Strategic Priority 1 are incorporated in other Strategic Priorities and have the missing KPI applied in that context. Additionally, the lack of the KPI's application to Program 1.9: Royal Commissions is unclear, given the nature of that program's application to the community at large. No explanation was provided in the PBS, the Corporate Plan, or the annual report explaining why this KPI was not applied to Strategic Priority 1.

1.13 Performance information for reporting period was informed by the stakeholder survey conducted in May 2018, which sought stakeholders' views on overall performance, effectiveness, the AGD's relationship with the organisation in question, staffing, leadership, results and delivery.¹⁷

1.14 The AGD largely met its KPIs for 2017–18.

1.15 KPIs that were not met included:

- Strategic Policy 3, KPI 1: Effectiveness – Stakeholder and client satisfaction with the AGD's effectiveness in maintaining the Commonwealth justice system. The AGD reported that the stakeholder survey conducted across organisations utilising AGD's services report that client satisfaction with 'staff effectiveness in maintaining the justice system' recorded a 78 per cent score. The set target of 80 per cent was narrowly missed by two points;¹⁸
- Strategic Policy 4, KPI 4: Community Impact – Australia's regional and global position on criminal justice (Factor 8) in the World Justice Project's Rule of Law Index. Factor 8 measures 'whether the criminal investigation,

14 *Attorney-General's Department Annual Report 2017–18*, p. 15.

15 *Attorney-General's Department Corporate Plan 2017–18*, p. 7.

16 *Attorney-General's Department Corporate Plan 2017–18*, p. 21.

17 *Attorney-General's Department Annual Report 2017–18*, p. 47.

18 *Attorney-General's Department Annual Report 2017–18*, pp. 29-30.

adjudication and correctional systems are effective and whether the system is impartial, free of corruption and improper influence, and protective of due process and the rights of the accused'.¹⁹ Australia's ranking in the Index is number 13 out of 113 countries;²⁰

- Strategic Priority 5, KPI 2: Effectiveness – Stakeholder and client satisfaction with the AGD's effectiveness in enabling a free society. The AGD reported a 75 per cent result, missing its target of 80 per cent;²¹ and
- Strategic Priority 5, KPI 4: Community impact – Australia's regional and global position on fundamental rights (Factor 4) in the World Justice Project's Rule of Law Index. The AGD's goal was for Australia to achieve position 10 or above in the Index, but instead achieved position 13.²² The annual report stated that the 2017 Index noted a significant decline globally in Factor 4, resulting in 71 out of 113 countries included in the Index experiencing a ranking drop, while Australia's ranking remained steady.²³

1.16 The AGD's performance evaluations also noted programs or areas of the AGD which had subsequently been moved to a separate portfolio after machinery-of-government changes. For example, one of the key activities under Strategic Priority 4, the leadership of the development and coordination of policy concerning a national domestic violence order scheme, was noted to have transferred to the Department of Home Affairs.²⁴

Financial performance

1.17 The report provided commentary on the financial performance of the AGD, marking an improvement in its financial reporting since the committee's previous examinations of its annual report.²⁵

1.18 The Secretary's Review included a short summary of financial results, stating that the AGD achieved an operating result of a \$20.506 million surplus post-income tax expense and asset revaluation increases. This was contrasted with the analysis of financial performance of the previous financial year, which reported an operating result of a \$7.558 million surplus.²⁶ Mr Moraitis attributed the AGD's results

19 *Attorney-General's Department Annual Report 2017–18*, p. 40.

20 *Attorney-General's Department Annual Report 2017–18*, p. 41.

21 *Attorney-General's Department Annual Report 2017–18*, p. 48.

22 *Attorney-General's Department Annual Report 2017–18*, p. 48.

23 *Attorney-General's Department Annual Report 2017–18*, p. 47.

24 *Attorney-General's Department Annual Report 2017–18*, p. 41.

25 See: Senate Legal and Constitutional Affairs Legislation Committee, *Report on Annual Reports (No. 1 of 2018)*, pp. 3–4.

26 *Attorney-General's Department Annual Report 2017–18*, p. 78.

particularly to the strong performance by the Australian Government Solicitor and the timing of implementing budget measures.²⁷

1.19 The total administered expenses for the financial year was reported to be \$426.166 million, which was a reduced figure compared to the 2016–17 period which reported \$622.135 million in total administered expenses. The expenses for the reported financial year included \$64.614 million for the royal commissions, \$294.887 million in grants payments, and \$14.391 million paid to the corporate entity within the portfolio, the Australian Human Rights Commission.²⁸

1.20 The report noted that the major impact on the AGD's financial results were the changes to the Administrative Arrangements Orders (AAOs) of 20 December 2017 and 10 May 2018. The AAO changes resulted in the transfer of \$23.667 million of departmental funding and \$37.438 million of administered funding being transferred to Home Affairs.²⁹

Conclusion

1.21 The committee commends the AGD's improved financial reporting in compliance with the requirements of the PGPA Rule, and considers the report to be 'apparently satisfactory'.

Department of Home Affairs

Secretary's and Commissioner's review

1.22 The Secretary of Home Affairs, Mr Michael Pezzullo, and the Commissioner of the Australian Border Force (ABF), Mr Michael Outram APM, provided separate reviews for the annual report.

1.23 The Secretary's Review noted that the 2017–18 annual report was the first annual report provided for Home Affairs, which was established on 20 December 2017.³⁰ The creation of the portfolio was stated to be one of the most significant reforms in national security in the past 40 years, and reflected the need to remain vigilant to external threats while promoting inclusiveness and an open society.³¹

1.24 Key areas of the review included: the establishment of two new Commonwealth coordination functions for Transnational, Serious and Organised Crime and Counter Foreign Interference; creating the Criminal Justice and Law Enforcement Forum of Commonwealth Agencies; engaging with a range of agencies in order to improve cooperation with national and local community groups in relation to countering violent extremism; implementing new measures with the Aviation and Maritime Security Division to strengthen security at airports, mail and air cargo facilities; establishing a national resilience taskforce to create a whole-of-government

27 *Attorney-General's Department Annual Report 2017–18*, p. 3.

28 *Attorney-General's Department Annual Report 2017–18*, p. 78.

29 *Attorney-General's Department Annual Report 2017–18*, p. 78.

30 *Department of Home Affairs Annual Report 2017–18*, p. 14.

31 *Department of Home Affairs Annual Report 2017–18*, p. 14.

approach to intensifying natural hazards; providing support to Operation Sovereign Borders and addressing the legacy caseload of illegal maritime arrivals; migration and humanitarian entrants into Australia; enabling online visa applications from countries such as China and India; and visa intelligence and security capability operations to better manage applications.³²

1.25 In his Review, the ABF Commissioner stated that the ABF was continuing its transition to 'a modern border law enforcement agency ensuring the integrity of Australia's borders and facilitating legitimate trade and travel'.³³ Mr Outram noted that the establishment of the Home Affairs portfolio marked a significant shift in the ABF's evolution, and would continue to collaborate, coordinate and share information with other agencies across the Portfolio to enhance intelligence and build collective capabilities.³⁴

1.26 The Commissioner also reported a number of achievements throughout the 2017–18 period, including: processing 43 million air travellers at the border, with more than 25 million travellers using automated SmartGate technology; growing cargo volumes, including over 50 million air cargo consignments, more than 3 million sea cargo manifests processed, and over 54 million international mail items inspected; over 43,000 detections of illicit and restricted drugs; a 50 per cent increase in voluntary disclosures which contributed to significant revenue recovery; contribution to the National Illicit Firearms Strategy through Operation Athena and the Counter Terrorism Unit at Australian ports of entry; continued responsibility of Operation Sovereign Borders, including the interception of two people smuggling ventures bound for Australia; and ensuring the facilitation of international trade, including management of the Australian Trusted Trader program.³⁵

Performance reporting

1.27 The annual report for 2017–18 provides comprehensive reporting on performance in accordance with the requirements of the PGPA Act and PGPA Rule.

1.28 Performance reporting is displayed in a clear format and footnotes throughout provide information about the source of each criterion, including page references from the PBS and/or Corporate Plan, explanations of the distinction between deliverables and KPIs, and relevant outcome and/or program information. Due to the creation of the Home Affairs Portfolio, the Corporate Plan refers to the Department of Immigration and Border Protection rather than Home Affairs.

1.29 As a result of the AAO changes, a number of performance deliverables and KPIs were transferred to Home Affairs from other departments or portfolios. Where this was applicable, the annual report clearly provides details regarding the previous source of the criterion in addition to the outcome.

32 *Department of Home Affairs Annual Report 2017–18*, pp. 14-17.

33 *Department of Home Affairs Annual Report 2017–18*, p. 28.

34 *Department of Home Affairs Annual Report 2017–18*, p. 28.

35 *Department of Home Affairs Annual Report 2017–18*, pp. 28-30.

1.30 Home Affairs' overall standard of performance reporting in this annual report was extremely high. The committee notes that Home Affairs appears to have addressed comments made in the *Report on Annual Reports (No. 1 of 2018)* in relation to the clear reporting of KPIs being met or not met.³⁶

1.31 The annual report states that while Home Affairs met a substantial proportion of its KPIs, a number were not met across the following Purposes:

- Purpose 2 (Promote responsive migration): Encourage voluntary compliance to reduce overall non-compliance, measured by more than 75 per cent of unlawful non-citizens engage voluntarily with the Department to resolve their visa status. Home Affairs explained that while this number had reduced to 73 per cent in the 2017–18 period, this number had been relatively steady over the past four years, and had coincided with changes to the Status Resolution Program and the introduction of online services.³⁷
- Purpose 3 (Advance trade and revenue): Percentage of tariff clarifications, valuation of rules of origin advices completed within service standards, measured by services and support provided to industry – regarding tariff classification, valuation and rules of origin advice – completed within service standards. Home Affairs explained that one of the service standards was not maintained or improved due to an increase in requests for advice.³⁸
- Purpose 3 (Advance trade and revenue): Engage with the international community to improve consistency in global trade practices, measured by improvement in consistency of global trade practices, reported through department survey of industry groups. Home Affairs advised in its explanation of the missed KPI that, while it did not undertake a formal survey to measure the improvement in consistency of global trading practice, Home Affairs regularly engaged with industry on a range of matters in relation to the global trading practice.³⁹
- Success measure 25, sourced from the *Department of Infrastructure, Regional Development and Cities Corporate Plan 2017–18*, required a target result, by 2017–18, of having source data and establishing a baseline to monitor progress and inform targets. The target result was in relation to regulated industry participants' understanding of security risk to their operations and obligations under the transport security regulatory regime by 2017–18. Home Affairs explained that while data sources have been established, a baseline

36 See: Senate Legal and Constitutional Affairs Legislation Committee, *Report on Annual Reports (No. 1 of 2018)*, p. 5.

37 *Department of Home Affairs Annual Report 2017–18*, p. 66.

38 *Department of Home Affairs Annual Report 2017–18*, p. 73.

39 *Department of Home Affairs Annual Report 2017–18*, p. 66.

was still being established based on the significant volume of industry responses, and had thus not met the KPI.⁴⁰

- Strategic Priority 4.1, sourced from the *Attorney-General's Department Corporate Plan 2017–18*, requiring that stakeholder and client satisfaction with the department's effectiveness in maintaining the Commonwealth justice system and community safety reach a rating of 80 per cent or higher. The department notes in its result that 79 per cent of respondents were satisfied, although it is unclear whether this survey was conducted in reference to the work of the Department of Home Affairs or the Attorney-General's Department.⁴¹
- Strategic Priority 4.4, sourced from the *Attorney-General's Department Corporate Plan 2017–18*, requiring that Australia's regional and global position on criminal justice (Factor 8) in the World Justice Project's Rule of Law Index – measuring how the rule of law is experienced by the public countries around the world – be at position 10 or higher. This target was missed, as Australia was positioned at 13.⁴²

1.32 The committee notes the failure to meet a number of the required KPIs. However, the committee recognises that Home Affairs largely explained the causes of having missed the KPIs. The committee also notes that a number of performance indicator targets were added to the portfolio as a result of machinery-of-government changes, and that Home Affairs may have had limited time in which to achieve the KPIs assigned to it. The committee thus commends Home Affairs' overall excellent results, particularly in light of the dynamic changes to the portfolio's structure.

Financial performance

1.33 The total departmental operating result for 2017–18 was \$324.4 million operating deficit, which increased in comparison to 2016–17 which reported a \$276.6 million operating deficit. The annual report noted that, had the Australian Government funded depreciation and amortisation expenses, the total departmental operating result would have been a \$33.9 million deficit.⁴³

1.34 The operating deficit (excluding depreciation and amortisation) was stated to be as a result of non-cash expenses relating to write-down and impairment of assets, and expenses relating to the uplift in employee provisions in relation to a four per cent pay rise granted through the Statement of Intent from the Fair Work Commission in June 2018.⁴⁴

40 *Department of Home Affairs Annual Report 2017–18*, p. 81.

41 *Department of Home Affairs Annual Report 2017–18*, p. 88.

42 *Department of Home Affairs Annual Report 2017–18*, p. 90.

43 *Department of Home Affairs Annual Report 2017–18*, p. 102.

44 *Department of Home Affairs Annual Report 2017–18*, p. 102.

1.35 The DHA reported that the reporting period's administered expenses were \$2.36 billion, which was an increase from the 2016–17 reporting period of \$2.12 billion. This was attributable to a one-off non-cash capital grant expense in relation to the gifting of infrastructure to the Papua New Guinea government after the cessation of Australia's involvement in managing the Manus Island Regional Processing Centre.⁴⁵

1.36 Home Affairs' net asset position was strengthened to \$1.32 billion (assets minus liabilities), representing an increase from the previous reporting period of \$158.88 million. Liabilities equated to 38 per cent of the total asset base.⁴⁶

Management of human resources

1.37 The PGPA Rule requires that statistics be provided regarding an entity's APS employees on an ongoing or non-ongoing basis, including staffing classification level, full-time employees, part-time employees, gender, staff location, and employees who identify as Indigenous.⁴⁷

1.38 In *Report on Annual Reports (No. 1 of 2018)*, the committee noted that the annual report for the 2016–17 reporting period did not provide statistics regarding employees who identify as Indigenous. The committee encouraged the then Department of Immigration and Citizenship to provide statistics in relation to Indigenous staff in future reports.⁴⁸

1.39 The 2017–18 annual report again failed to provide statistics regarding employees who identify as Indigenous. It provided detail in relation to targeted diversity recruitment, including the recruitment of 14 apprentices in 2017.⁴⁹ However, statistics in relation to the number, location and classification of employees that identify as Indigenous were not provided.

1.40 The committee again encourages Home Affairs to provide statistics on Indigenous staff as required by the reporting guidelines.

Conclusion

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

45 *Department of Home Affairs Annual Report 2017–18*, p. 102.

46 *Department of Home Affairs Annual Report 2017–18*, p. 102.

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

48 See: Senate Legal and Constitutional Affairs Legislation Committee, *Report on Annual Reports (No. 1 of 2018)*, pp. 8–9.

49 *Department of Home Affairs Annual Report 2017–18*, p. 203.

Chapter 2

Annual reports of agencies

2.1 The annual reports of the following agencies in the Attorney-General's portfolio were referred to the committee for examination and report during the period 1 May 2018 to 31 October 2018:

- Administrative Appeals Tribunal;
- Australian Commission for Law Enforcement Integrity;
- Australian Human Rights Commission;
- Australian Law Reform Commission;
- Commonwealth Director of Public Prosecutions;
- Commonwealth Ombudsman;
- Family Court of Australia;
- Federal Circuit Court of Australia;
- Federal Court of Australia, including the report of the National Native Title Tribunal;
- Inspector-General of Intelligence and Security;
- National Archives of Australia and National Archives of Australia Advisory Council;
- Office of Parliamentary Counsel; and
- Office of the Australian Information Commissioner.

2.2 One annual report from an agency in the Home Affairs Portfolio was received during the reporting period. This report was the annual report of the Australian Federal Police, including reports on assumed identities, the National Witness Protection Program and unexplained wealth investigations and proceedings.

2.3 The list of agencies that did not table their annual reports in the Senate during the period 1 May 2018 to 31 October 2018 is provided in the preface of this report. The committee will consider those annual reports in the *Report on Annual Reports (No. 2 of 2019)*.¹

2.4 On this occasion, the committee has examined in more detail the reports of the Inspector-General of Intelligence and Security, as it has not been examined by the committee since its incorporation into the Legal and Constitutional Affairs portfolio, and the Australian Law Reform Commission, which the committee last examined in *Report on Annual Reports (No. 2 of 2016)*.

1 See Preface, pp. ix–xi.

Inspector-General of Intelligence and Security

2.5 The Inspector-General of Intelligence and Security (the Inspector-General) is a statutory office holder appointed by the Governor-General under the *Inspector-General of Security and Intelligence Act 1986* (IGIS Act).²

2.6 The role of the Inspector-General is to 'assist Ministers in overseeing and reviewing the activities of the Australian intelligence agencies for legality and propriety and for consistency with human rights'.³ The Inspector-General is also required to assist the Australian Government in providing advice to Parliament and the public, and demonstrating that intelligence and security matters regarding Commonwealth agencies are open to scrutiny.⁴

2.7 The Office of the Inspector-General of Intelligence and Security (IGIS) is an agency that resided within the Attorney-General's portfolio prior to its shift to the Home Affairs portfolio as a result of machinery-of-government changes in 2018.

2.8 The IGIS is responsible for: monitoring and conducting regular inspections of the operations of Australian security and intelligence agencies; conducting inquiries, either self-initiated or at the request of the Australian Government; investigating complaints made about agencies; and making recommendations to the Australian Government.⁵

2.9 The IGIS annual report for 2017–18 was prepared in accordance with section 35 of the IGIS Act and section 46 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).⁶ It was tabled out of session in the Senate on 19 October 2018.⁷

Inspector-General's review

2.10 The Inspector-General, the Hon Margaret Stone, opened her review of the 2017–18 period with a recognition of the importance of a strong accountability entity to maintain oversight over Australia's security and intelligence agencies which hold 'significant human and technical capabilities and some extraordinary legal powers and immunities'.⁸

2.11 Key elements of the IGIS's core work discussed by the Inspector-General included: two inquiries commenced during the previous reporting period which were finalised, in addition to two more initiated during 2017–18; development of an inspection program to target high risk areas with a focus on in-depth investigations;

2 *Inspector-General of Intelligence and Security Annual Report 2017-18 (IGIS Annual Report 2017-18)*, p. 3.

3 *IGIS Annual Report 2017-18*, p. 4.

4 *IGIS Annual Report 2017-18*, p. 4.

5 *IGIS Annual Report 2017-18*, p. 4.

6 *IGIS Annual Report 2017-18*, p. i.

7 See Appendix 1.

8 *IGIS Annual Report 2017-18*, p. 2.

inspections of ASIO's activities; oversight of agencies governed by the *Intelligence Services Act 2001*; responding to complaints from the public or from members of the intelligence agencies; developing links with international counterparts, including those within the Five-Eyes community; and additional oversight responsibilities of four agencies within the Home Affairs Portfolio as a result of the *2017 Independent Intelligence Review*.⁹

2.12 The Inspector-General also made note of the support IGIS received from all agencies, which were reported to have engaged with the agency regularly on matters such as briefing requests, self-reporting compliance breaches, and prospectively briefing IGIS regarding proposed operations.¹⁰

Performance reporting

2.13 Annual performance information for the IGIS was generally well-presented and provided a 'clear read' when cross-checked with the Portfolio Budget Statement (PBS) and Corporate Plan. The presentation of performance criteria results closely matched the format recommended by the Department of Finance in *Resource Management Guide No. 135*,¹¹ clearly listing each criterion with its source, and providing detailed discussion of how it was or was not achieved.

2.14 The IGIS achieved most of its performance criteria set for 2017–18. It worked to the performance criteria of both the PBS and Corporate Plan, reporting on these performance criteria in the annual report.

2.15 The IGIS provides an exemplary model of performance reporting, providing a high level of detail under each Activity and performance indicator. It details the investigations and inspections conducted by IGIS and the outcomes of the work conducted. It also details information about responses to public interest disclosures, advice provided to parliamentary committees and others, and engagement with intelligence agencies and the public.

2.16 Of the performance criteria set for 2017–18 in the PBS and Corporate Plan, the IGIS failed to achieve two targets:

- For the performance criteria *range of inspection work undertaken* in Activity 2: Inspections, the relevant KPI is: inspection of at least 75 per cent of each agency's activity categories. The categories are determined by the Inspector-General and are based on the underlying functions of the agency laid down in the relevant legislation. While the IGIS successfully inspected five agencies to the required standard, its examination of the Office of National Assessments (ONA) did not meet the required target.¹² The annual report explains that the target was missed due to staffing constraints, also

9 *IGIS Annual Report 2017-18*, pp. 2–3.

10 *IGIS Annual Report 2017-18*, p. 2.

11 Department of Finance, *Resource Management Guide No. 135: Annual reports for non-corporate Commonwealth entities*, Appendix A, pp. 37–38.

12 *IGIS Annual Report 2017-18*, p. 16.

noting that the IGIS considers ONA's activities as an assessment agency are less likely to intrude upon the personal affairs of Australians than those of the other intelligence agencies which were thus given priority.¹³

- For the performance criteria *timeliness of complaint resolution* in Activity 3: Responding to Complaints, the relevant KPI is: 90 per cent of complaints acknowledged within five business days and 85 per cent of visa-related complaints resolved within two weeks. The IGIS did not meet its KPIs in relation to visa-related complaints, resolving 82 per cent of complaints within two weeks.¹⁴ The IGIS notes that the number of visa-related complaints has more than doubled since the 2015–16 reporting period.¹⁵ It further reported that it received an increased number of complaints in relation to citizenship applications, rising from five per cent of all visa-related complaints in 2016–17 to 37 per cent in 2017–18. The IGIS stated that it would investigate the reason behind the sharp increase in complaints in the 2018–19 reporting period.¹⁶

2.17 The committee notes that the results for a number of the performance indicators set for the IGIS are indicative of factors external of the agency's control. For example, the IGIS's KPI in relation to timeliness of complaint resolution in reference to visa-related complaints was impacted by the high number of complaints received by the IGIS, which had risen significantly in the previous three years. The committee also notes with approval, the IGIS's commitment to identifying the reason for the increase in complaints during the 2018–19 reporting period.

2.18 Notwithstanding the missed KPIs identified, the committee commends the IGIS for its excellent reporting and its otherwise strong results.

Financial performance

2.19 The IGIS operated within its available resources in 2017–18, and reported a surplus of \$3.664 million.¹⁷ Funds in the reporting period were increased significantly as a result of additional departmental funding provided in the Portfolio Additional Estimates Statements (PAES). This extra funding totalled \$3.662 million, provided in order to implement the recommendations of the *2017 Independent Intelligence Review* which included an expansion of the office and a change in the IGIS's jurisdiction.¹⁸

13 *IGIS Annual Report 2017-18*, p. 40.

14 *IGIS Annual Report 2017-18*, p. 45.

15 *IGIS Annual Report 2017-18*, p. 45.

16 *IGIS Annual Report 2017-18*, p. 46.

17 *IGIS Annual Report 2017-18*, p. 72.

18 *IGIS Annual Report 2017-18*, p. 72.

2.20 Expenses for the IGIS were higher than expected as a result of increasing staffing levels associated with the additional funding.¹⁹ Net equity increased significantly from \$3.161 million in 2016–17 to \$18.406 million in 2017–18.²⁰

Human resources

2.21 The IGIS reported that as at 30 June 2018 it had 23 ongoing Australian Public Service (APS) employees, five of which worked part-time. The report stated that no employees identified as indigenous. The IGIS provided details regarding its gender balance, which showed that the agency was predominantly staffed by female employees at the OIGIS Broadband 2 (APS4–6) and OIGIS Broadband 3 (EL1) levels, but that men and women were equally represented at the OIGIS Broadband 4 level and positions at higher levels than that were held by men.²¹

Conclusion

2.22 The committee acknowledges the IGIS's efforts in providing a well-presented and accessible report. In particular, the IGIS's provision of highly detailed information in relation to its operations was exemplary among other agencies' annual reports, and set a high standard for others to follow.

2.23 The committee finds the annual report of the IGIS to be 'apparently satisfactory'.

Australian Law Reform Commission

2.24 The Australian Law Reform Commission (the ALRC) is an independent statutory agency established under the *Australian Law Reform Commission Act 1996* (ALRC Act). Its role, in accordance with the ALRC Act and the terms of reference provided by the Attorney-General for each inquiry, is to review Commonwealth laws and make recommendations for reform.²²

2.25 The ALRC annual report for 2017–18 was prepared under Division 6, section 46 of the PGPA Act, and includes reporting under the *Freedom of Information Act 1982*. The report was tabled out of session in the Senate on 19 October 2018.²³

President's review

2.26 The President of the ALRC, Justice Sarah Derrington, began the review by acknowledging her predecessor Emeritus Professor Rosalind Croucher AM and the work of the ALRC's other Commissioners.²⁴

19 *IGIS Annual Report 2017-18*, p. 72.

20 *IGIS Annual Report 2017-18*, p. 72.

21 *IGIS Annual Report 2017-18*, p. 67.

22 *Australian Law Reform Commission Annual Report 2017–18 (ALRC Annual Report 2017–18)*, p. 4.

23 See Appendix 1.

24 *ALRC Annual Report 2017–18*, p. 2.

2.27 Justice Derrington also noted that the reporting year had brought significant change to the ALRC as a result of its move to a shared services model under which some of the ALRC's corporate and financial management will be provided by the Attorney-General's Department (AGD). Justice Derrington stated that while a number of these functions would be provided by the AGD, 'the leadership of the Commission by a statutorily appointed President and Commissioners will ensure the independence, rigour and integrity of the ALRC's reports is maintained and strengthened'.²⁵

2.28 Justice Derrington provided an overview of the work planned for the year ahead, including completing the ALRC's review into class actions and third-party litigation funders and also its review of the family law system.²⁶

Performance reporting

2.29 Annual performance information for the ALRC provided a 'clear read' in the overview section when cross-checked with the PBS and Corporate Plan. The presentation of performance criteria results closely matched the format recommended by the Department of Finance in *Resource Management Guide No. 135*.²⁷

2.30 The ALRC's annual performance statement also provided an overview of how it measures its performance, including: implementation rates of its recommendations; the number of citations of ALRC reports; visitor numbers to the website; the number of submissions provided to the ALRC's inquiries; presentations and speaking engagements; and media mentions.²⁸ These Performance Criteria are sourced from the Corporate Plan and the PBS.²⁹

2.31 During the reporting period, the ALRC achieved the following major outcomes: three inquiries conducted; 216 stakeholder consultations held; 611 submissions received; one Final Report, one Issues Paper and two Discussion Papers produced; and presentations given at 28 conferences and seminars.³⁰

2.32 The ALRC met each of its performance criteria targets during the 2017–18 period.³¹ The performance statement provided a detailed explanation for how each performance criteria was met for the period.³² The ALRC performed exceptionally well in the following KPIs:

- Citations or references: of a target of 50 citations or references, the ALRC achieved 138 citations or references to its reports, including at least

25 *ALRC Annual Report 2017–18*, p. 2.

26 *ALRC Annual Report 2017–18*, p. 2.

27 Department of Finance, *Resource Management Guide No. 135: Annual reports for non-corporate Commonwealth entities*, Appendix A, pp. 37–38.

28 *ALRC Annual Report 2017–18*, pp. 15–16.

29 *ALRC Annual Report 2017–18*, p. 16.

30 *ALRC Annual Report 2017–18*, p. 15.

31 *ALRC Annual Report 2017–18*, p. 16.

32 *ALRC Annual Report 2017–18*, pp. 15–21.

39 mentions of ALRC reports in the judgments of Australian courts and tribunals (including one citation in the High Court of Australia and 11 citations by the Federal Court of Australia) and 26 references to ALRC reports and recommendations during Parliamentary proceedings.³³

- Visitors to the ALRC website: of a target of in excess of 250,000 visits, the ALRC achieved a total of 1,184,073 visits to the ALRC website during the reporting period.³⁴ In comparison to the 2016–17 reporting period, these results represented a three per cent increase in visits to the website, a four per cent increase in page views, and a two per cent increase in the number of unique visitors accessing the website. The ALRC also provided information in relation to the top five reports accessed by PDF downloads, including: *Recognition of Aboriginal Customary Laws* (ALRC Report 31), published on 12 June 1986; *Essentially Yours: The Protection of Human Genetic Information in Australia* (ALRC Report 96), published on 30 May 2003; and *Grey Areas – Age Barriers to Work in Commonwealth Laws* (DP 78), published on 2 October 2012.³⁵
- Submissions received: of a target of 150 submissions received to inquiries, the ALRC received a total of 611 submissions to its inquiries.³⁶ In its performance review, the ALRC explained that while this measure is used to indicate the level of public engagement with the agency's work and the extent to which the consultation papers have stimulated debate, the number of submissions received to an inquiry is highly dependent on the nature and topic of the inquiry.³⁷ The ALRC noted that the Review of the Family Law System had generated particular interest, receiving nearly 500 formal submissions in addition to over 900 contributions to the ALRC's confidential 'Tell us your story' portal.³⁸

2.33 The committee commends the ALRC on meeting all its targets.

Financial reporting

2.34 The ALRC reported an operating deficit of \$0.722 million for the reporting period.³⁹ The agency's operating revenue was reported as \$2.740 million, comprising of revenue from government (\$2.701 million), revenue from sales of goods such as publications (\$0.004 million) and other revenue such as audit remuneration (\$0.0035 million). Total operating expenses were reported as \$3.511 million, which was \$0.760 million more than the previous reporting period in 2016–17. This was

33 ALRC Annual Report 2017–18, pp. 16–18.

34 ALRC Annual Report 2017–18, p. 16.

35 ALRC Annual Report 2017–18, pp. 18–19.

36 ALRC Annual Report 2017–18, p. 16.

37 ALRC Annual Report 2017–18, p. 20.

38 ALRC Annual Report 2017–18, p. 20.

39 ALRC Annual Report 2017–18, p. 21.

determined to be as a result of the ALRC working on three major inquiries, as opposed to two in the previous reporting period.⁴⁰

2.35 The ALRC's depreciation and amortisation expense decreased by \$0.023 million. In addition, the ALRC's total assets increased by \$0.103 million, and total liabilities also increased by \$0.859 million.⁴¹

Conclusion

2.36 The committee considers the annual report of the ALRC to be 'apparently satisfactory'.

**Senator the Hon Ian Macdonald
Chair**

40 *ALRC Annual Report 2017–18*, p. 21.

41 *ALRC Annual Report 2017–18*, p. 21.

Appendix 1

Reports tabled during the period 1.5.2018 and 31.10.2018 and referred to the committee

Department/authority/ operation of an act or program	Date submitted to minister/date received by minister	Date tabled in Senate (received in Senate out of session)	Date tabled in the House of Reps
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Attorney-General's Portfolio

<i>Department/authority – Report</i>			
Australian Human Rights Commission— Report No. 120—DR and DS v Commonwealth of Australia (Department of Home Affairs).	30.5.2018/ 30.5.2018	21.6.2018	21.6.2018
Australian Human Rights Commission— Report No. 121 – BE v Suncorp Group Ltd (Department of Home Affairs).	30.5.2018/ 30.5.2018	21.6.2018	21.6.2018
Australian Human Rights Commission— Report No. 122 – AZ v Commonwealth of Australia (Department of Home Affairs).	30.5.2018/ 30.5.2018	21.6.2018	21.6.2018
Administrative Appeals Tribunal—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Attorney-General's Department—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Australian Commission for Law Enforcement Integrity—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Australian Human Rights Commission— Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Australian Law Reform Commission—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Commonwealth Director of Public Prosecutions—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Commonwealth Ombudsman—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018

Family Court of Australia—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Federal Circuit Court of Australia—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Federal Court of Australia—Report for 2017-18, including the report of the National Native Title Tribunal.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Inspector-General of Intelligence and Security—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Office of Parliamentary Counsel—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
Office of the Australian Information Commissioner—Report for 2017-18.	5.10.2018/ 17.10.2018	(19.10.2018) 12.11.2018	22.10.2018
<i>Operation of an act/program</i>			
<i>Crimes Act 1914</i> —Australian Commission for Law Enforcement Integrity—Witness identity protection certificates—Report for 2016-17.	25.6.2018/ 25.6.2018	(4.7.2018) 9.8.2018	13.8.2018
<i>Surveillance Devices Act 2004</i> —Report on the operation of the Act for 2016-17.	18.6.2018/ 18.6.2018	15.8.2018	15.8.2018
<i>Telecommunications (Interception and Access) Act 1979</i> —Report on the operation of the Act for 2016-17.	18.6.2018/ 18.6.2018	15.8.2018	15.8.2018
<i>Crimes Act 1914</i> —Report for 2016-17 on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Commission for Law Enforcement Integrity, the Australian Criminal Intelligence Commission and the Australian Federal Police.	30.8.2018/ 30.8.2018	10.9.2018	10.9.2018
<i>Crimes Act 1914</i> —Authorisations for the acquisition and use of assumed identities—Australian Federal Police—Report for 2017-18.	29.09.2018/ 17.10.2018	19.10.2018	22.10.2018

<i>Crimes Act 1914—Controlled operations—Report for 2017-18.</i>	3.10.2018/ 3.10.2018	19.10.2018	22.10.2018
<i>Royal Commission – Report</i> <i>Note: There is no legislative requirement to table these reports</i>			
Institutional Responses to Child Sexual Abuse—Royal Commission—Australian Government Response.	4.6.2018/ 7.6.2018	(13.6.2018) 18.6.2018	18.6.2018
Misconduct in the banking, superannuation and financial services industry—Royal Commission—Interim Report (3 volumes)	N/A	(28.9.2018) 15.10.2018	15.10.2018

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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Home Affairs portfolio

<i>Department/authority – Report</i>			
Australian Federal Police (AFP)—Report for 2017-18, including reports on assumed identities, the National Witness Protection Program and unexplained wealth investigations and proceedings.	29.09.2018/ 17.10.2018	19.10.2018	22.10.2018
Department of Home Affairs—Report for 2017-18.	28.09.2018/ 28.09.2018	12.11.2018	18.10.2018
AUSTRAC—Report for 2017-18.	26.09.2018/ 26.09.2018	12.11.2018	18.10.2018
Australian Institute of Criminology—Report for 2017-18.	28.09.2018/ 28.09.2018	12.11.2018	18.10.2018
Australian Criminal Intelligence Commission—Report for 2017-18.	28.09.2018/ 28.09.2018	12.11.2018	18.10.2018
Australian Security Intelligence Organisation (ASIO)—Report for 2017-18.	26.09.2018/ 26.09.2018	12.11.2018	18.10.2018

<i>Operation of an act/program</i>			
<i>Migration Act 1958</i>			
<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements— Personal identifier 1000080-O, 1000518-O1, 1000853-O2, 1000925-O1, 1000979-O2, 1000980-O1, 1001023-O1, 1001026-O, 1001253-O1, 1001384-O1, 1001388-O1, 1001534-O1, 1001581-O1, 1001592-O1, 1001758-O1, 1001833-O1, 1002236-O2, 1002267-O2, 1002275-O2, 1002281-O1, 1002286-O2, 1002317-O1, 1002423-O1, 1002437-O1, 1002449-O2, 1002533-O1, 1002647-O, 1002651-O, 1002667-O, 1002670-O, 1002684-O, 1002686-O, 1002690-O, 1002692-O, 1002698-O, 1002702-O, 1002703-O, 1002706-O, 1002709-O, 1002755-O, 1002758-O, 1002761-O, 1002769-O, 1002778-O, 1002785-O, 1002790-O, 1002818-O, 1002828-O, 1002829-O, 2000009-O, 2000011-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 10 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 10 for 2018, dated 7 May 2018.</p>	9.4.2018/ 7.5.2018	9.5.2018	9.5.2018
<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements— Personal identifier 1001665-O2, 1001753-O1, 1001768-O1, 1001873-O1, 1001913-O1, 1001947-O1, 1002255-O2, 1002371-O2, 1002387-O2, 1002413-O1, 1002420-O2, 1002431-O1, 1002570-O1, 1002665-O, 1002707-O, 1002714-O, 1002715-O, 1002716-O, 1002719-O, 1002726-O, 1002729-O, 1002765-O, 2000005-O, 2000012-O, 2000016-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 11 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 11 for 2018, dated 7 May 2018.</p>	13.4.2018/ 7.5.2018	9.5.2018	9.5.2018

<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements— Personal identifier 1000153-O1, 1000319-O1, 1000507-O1, 1000819-O1, 1001086-O1, 1001678-O2, 1001705-O1, 1001784-O2, 1001810-O2, 1001921-O1, 1001953-O2, 1002301-O2, 1002350-O2, 1002359-O2, 1002453-O1, 1002520-O1, 1002528-O1, 1002722-O, 1002724-O, 1002725-O, 1002728-O, 1002742-O, 1002750-O, 1002776-O, 1002789-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 12 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 12 for 2018, dated 7 May 2018.</p>	20.4.2018/ 7.5.2018	9.5.2018	9.5.2018
<p><i>Migration Act 1958</i>—Section 486O—Assessment of detention arrangements— Personal identifier 1000806-O1, 1000878-O1, 1000997-O, 1001232-O2, 1001285-O1, 1001306-O1, 1001472-O1, 1001676-O2, 1002380-O2, 1002436-O1, 1002443-O1, 1002458-O1, 1002459-O1, 1002467-O1, 1002518-O1, 1002526-O1, 1002527-O1, 1002540-O1, 1002652-O, 1002704-O, 1002733-O, 1002748-O, 1002763-O, 1002791-O, 1002805-O—</p> <p>Commonwealth Ombudsman's reports—Report no. 13 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 13 for 2018, dated 7 June 2018.</p>	11.5.2018/ 14.5.2018	18.8.2018	18.8.2018

<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000508-O1, 1000633-O1, 1000958-O2, 1001308-O1, 1001489-O1, 1001613-O1, 1001659-O2, 1001736-O1, 1001981-O1, 1002115-O1, 1002368-O2, 1002373-O2, 1002505-O1, 1002530-O1, 1002537-O1, 1002708-O, 1002710-O, 1002718-O, 1002720-O, 1002723-O, 1002734-O, 1002740-O, 1002752-O, 1002767-O, 1002772-O, 1002774-O, 1002783-O, 1002784-O, 1002788-O, 1002797-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 14 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 14 for 2018, dated 14 June 2018.</p>	<p>16.5.2018/ 16.5.2018</p>	<p>18.8.2018</p>	<p>18.8.2018</p>
<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000689-O2, 1000881-O1, 1000893-O1, 1000966-O2, 1001148-O1, 1001244-O1, 1001280-O1, 1001313-O1, 1002022-O1, 1002051-O1, 1002197-O2, 1002384-O2, 1002386-O2, 1002439-O1, 1002442-O1, 1002457-O1, 1002460- O1,1002462-O1, 1002465-O1, 1002471-O1, 1002474-O1, 1002482-O1, 1002507-O1, 1002547-O1, 1002672-O, 1002727-O, 1002741-O, 1002751-O, 1002773-O, 1002777-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 15 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 15 for 2018, dated 14 June 2018.</p>	<p>18.5.2018/ 18.5.2018</p>	<p>18.8.2018</p>	<p>18.8.2018</p>

<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000677-O1, 1000727-O2, 1001123-O, 1001250-O1, 1001406-O2, 1001522-O2, 1001675-O2, 1002101-O1, 1002128-O1, 1002225-O1, 1002247-O2, 1002470-O1, 1002473-O1, 1002478-O1, 1002479-O1, 1002483-O1, 1002492-O1, 1002499-O1, 1002535-O1, 1002548-O1, 1002552-O1, 1002553-O1, 1002606-O1, 1002735-O, 1002736-O, 1002745-O, 1002749-O, 1002771-O, 1002786-O, 1002787-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 16 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 16 for 2018, dated 7 June 2018.</p>	<p>25.5.2018/ 25.5.2018</p>	<p>18.8.2018</p>	<p>18.8.2018</p>
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<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000283-O1, 1000399-O1, 1000790-O1, 1000846-O2, 1000940-O1, 1000964-O2, 1001202-O1, 1001212-O2, 1001272-O1, 1001501-O2, 1001513-O2, 1001519-O2, 1001543-O2, 1001583-O2, 1001785-O1, 1001801-O2, 1002151-O1, 1002240-O2, 1002294-O2, 1002410-O2, 1002480-O1, 1002502-O1, 1002504- O1,1002509-O1, 1002541-O1, 1002545-O1, 1002756-O, 1002759-O, 1002802- O,1002807-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 17 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 17 for 2018, dated 21 June 2018.</p>	6.6.2018/ 20.6.2018	25.6.2018	25.6.2018
<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000037-O1, 1000373-O2, 1000850-O1, 1000854-O1, 1001135- O1,1001593-O2, 1002270-O2, 1002293-O2, 1002353-O2, 1002486-O1, 1002489- O1,1002496-O1, 1002554-O1, 1002575-O1, 1002580-O1, 1002746-O, 1002754- O,1002803-O, 1002806-O, 1002809-O, 1002810-O, 1002811-O, 1002813-O, 1002815-O, 1002817-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 18 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 18 for 2018, dated 21 June 2018.</p>	6.6.2018/ 21.6.2018	25.6.2018	25.6.2018

<p><i>Migration Act 1958</i>—Section 486O— Assessment of detention arrangements— Personal identifier 1000230-O, 1000516-O2, 1000557-O1, 1000857-O2, 1000934- O2,1001037-O2, 1001062-O, 1001247-O1, 1001286-O1, 1001444-O2, 1001618- O2,1001820-O2, 1002212-O2, 1002229-O2, 1002274-O2, 1002339-O2, 1002343- O2,1002351-O2, 1002463-O1, 1002484-O1, 1002494-O1, 1002495-O1, 002497- O1,1002500-O1, 1002510-O1, 1002538-O1, 1002555-O1, 1002558-O1, 1002559- O1,1002561-O1, 1002578-O1, 1002581-O1, 1002747-O, 1002757-O, 1002793-O, 1002796-O, 1002801-O, 1002808-O, 1002812-O, 1002814-O, 1002820-O, 1002821-O, 1002823-O, 1002824-O, 1002827-O, 1002830-O, 1002838-O, 1002852-O—</p> <p>Commonwealth Ombudsman's reports— Report no. 19 of 2018.</p> <p>Government response to Commonwealth Ombudsman's report no. 19 for 2018, dated 21 June 2018.</p>	6.6.2018/ 21.6.2018	25.6.2018	25.6.2018
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<i>Other acts/programs</i>			
Commonwealth Ombudsman—Activities under Part V of the <i>Australian Federal Police Act 1979</i> —Report for 2016-17.	N/A	19.6.2018	N/A
<i>Surveillance Devices Act 2004</i> —Commonwealth Ombudsman's report to the Attorney-General on agencies' compliance for the period 1 July to 31 December 2017	8.6.2018/ 8.6.2018	25.6.2018	21.8.2018
<i>Surveillance Devices Act 2004</i> —Report for 2016-17 on the operation of the Act	18.6.2018/ 18.6.2018	15.8.2018	15.8.2018
<i>Telecommunications (Interception and Access) Act 1979</i> —Report for 2016-17 on the operation of the Act	18.6.2018/ 18.6.2018	15.8.2018	15.8.2018
<i>Crimes Act 1914</i> —Delayed Notification Search Warrants—Report for 2017-18—Australian Federal Police.	13.9.2018/ 13.9.2018	15.10.2018	15.10.2018
<i>Surveillance Devices Act 2004</i> —Commonwealth Ombudsman's reports on inspections of surveillance device records for the period 1 January to 30 June 2018.	25.9.2018/ 25.9.2018	15.10.2018	15.10.2018

