

PREFACE

Terms of reference

On 1 May 1996 a resolution of the Senate allocated the following portfolios to the Legal and Constitutional Legislation Committee:

- Attorney-General's portfolio; and
- Immigration and Multicultural and Indigenous Affairs portfolio.

This report was prepared pursuant to Standing Order 25(21) relating to the consideration of annual reports by legislation committees. The Standing Order states:

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

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

Role of annual reports

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

Timing of presentation of reports on annual reports

Standing order 25(21)(f) requires that legislation committees report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.

Under the guidelines, issued by the Department of Prime Minister and Cabinet, the annual reports of departments and executive and prescribed agencies must be tabled by 31 October. If a department is unable to meet this deadline, the secretary is to advise the responsible minister of the reasons for the delay, the expected tabling date and what action is proposed so that the deadline will be met for the following year's annual report. The responsible minister is to table this explanation in the Parliament on the next available sitting day.¹ It is government policy that all annual reports should be tabled by 31 October².

Due to the effect of the federal general election of October 2004 on the parliamentary sitting pattern, a number of agencies were able to table their annual reports considerably later than is usually the case. As a result, the Committee has decided to include in this report all annual reports tabled up to and including the last sitting day of 2004.

Guidelines for the annual reports of statutory bodies are set out in the *Commonwealth Authorities and Companies Orders 1998* (tabled 10 November 1998).

Guidelines for the annual reports of non-statutory bodies are set out in the Government Response to recommendations of the then Senate Standing Committee on Finance and Government Operations in its report entitled, *Reporting Requirements for the Annual Reports of Non-Statutory Bodies*. The response was incorporated into the Senate Hansard of 8 December 1987.³

¹ Department of the Prime Minister and Cabinet, *Requirements for Departmental Annual Reports*, Canberra, June 2003.

² *ibid*, p.2

³ *Official Senate Hansard*, 8 December 1987, pp 2643-45.

“Apparently satisfactory”

Under the terms of standing order 25(21)(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.

Timeliness

Under standing order 25(21)(c) the Committee must also report to the Senate on any lateness in the presentation of annual reports. A table listing the Annual Reports referred to the Committee and their tabling dates can be found at Appendix I.

In this reporting period many annual reports were not tabled in the Senate until 16 November, or later, because of the hiatus caused by the 2004 election. For the purposes of this report on annual reports, the Committee considered reports received on or before the last sitting day of 2004.

On the basis of previous reporting patterns, it appears that the annual reports of a number of agencies had not been tabled in, or presented to the Senate by the required statutory deadline. As these agencies had previously reported in a timely manner, the Committee wrote to the following agencies seeking their advice concerning their apparent late reporting:

- The Attorney-General's Department
- The Migration Review Tribunal and
- The Refugee Review Tribunal.

The Department of Immigration and Multicultural and Indigenous Affairs supplied a written statement to the Committee concerning the reasons for the lateness of its annual report at the time their report was tabled.

A copy of the DIMIA statement and agency responses are attached to this report at Appendix II.

Conclusion

The Committee examined all of the annual reports submitted by the last sitting day of 2004 (9 December) and found them to be of a satisfactory standard, adequately describing the functions and activities and financial positions of the various departments and agencies. The Committee therefore finds all those submitted to be “apparently satisfactory.”

