

**The Parliament of the Commonwealth of Australia**

**SENATE LEGAL AND CONSTITUTIONAL  
LEGISLATION COMMITTEE**

**REPORT ON THE EXAMINATION OF ANNUAL  
REPORTS**

No. 1 of 2001

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Dr Pauline Moore, Secretary

Ms Saxon Patience, Research Officer

The Senate

Parliament House

CANBERRA ACT 2600

Tel: (02) 6277 3560

Fax:(02)6277 5794



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# 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 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 continues to be 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 1 November each year by the tenth sitting day of the following year. The Legislation Committee was required to table this report on or before 7 March 2001.

## **Annual Reports referred to the Committee**

This report includes those reports referred to the Committee between 1 May 2000 and 1 November 2000. During this period, twenty seven annual reports were referred to the Committee. This includes reports from both the Attorney-General's and Immigration and Multicultural Affairs Departments, a Corrigenda from the Department of Immigration and Multicultural Affairs and twenty reports from statutory authorities. These reports are listed at Appendix 1. Other reports received, on which the Committee is not required to report, are also listed at Appendix 1.

### **“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.<sup>1</sup>

## **Timeliness**

Under standing order 25(21)(c) the Committee must also report to the Senate on any lateness in the presentation of annual reports.

## **Conclusion**

This examination of annual reports has shown that the reports referred to the Committee continue to be of a high standard in both format and content. The Committee has found that the annual reports examined in this report are apparently satisfactory. Comments on particular reports are set out in the following chapters.

**Senator Marise Payne**

**Chair**

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<sup>1</sup> *Requirements for Departmental Annual Reports*, March 1994 (for departments/agencies whose heads have powers of a secretary under the *Public Service Act 1922*); Guidelines for Annual Reports by Statutory Authorities are contained in the Commonwealth Authorities and Companies Orders 1998; and Reporting Requirements for the Annual Reports of Non-Statutory Bodies, are from the government response to the report on non-statutory bodies of the Senate Standing Committee on Finance and Government Operations, *Senate Hansard*, Vol. S.124, 8 December 1987, pp.2643-5.



# CHAPTER 1

## ANNUAL REPORTS OF GOVERNMENT DEPARTMENTS

### Reports referred to the Committee for examination and report

1.1 The annual reports of two government departments were referred to the Committee for examination and report, as follows:

- Attorney-General's Department; and
- Department of Immigration and Multicultural Affairs.

1.2 In March 1994, the Department of Prime Minister and Cabinet prepared guidelines for the preparation of annual reports by government departments, which the Joint Committee of Public Accounts subsequently approved.

1.3 Subsection 25(7) of the Public Service Act 1922 requires that government departments prepare annual reports in accordance with these guidelines. The annual reporting guidelines "are designed to emphasise program performance and the achievement of program objectives – that is, (a) focus on results".<sup>1</sup>

1.4 The Committee examines annual reports by reference to these guidelines. During this process it is also the responsibility of the Committee to draw the Senate's attention to any significant matters relating to the operation and performance of the relevant bodies during the reporting period. Matters relating to performance in each portfolio which the Committee wishes to highlight, are noted below.

### Attorney-General's Department Annual Report 1999-2000

1.5 The Committee notes this is the first annual report submitted to the Parliament by Mr Robert Cornall as Secretary of the Department. The Committee congratulates Mr Robert Cornall on his appointment.

1.6 The Committee acknowledges the fine contribution of the former Secretary of the Department, Mr Tony Blunn, AO, who retired in December 2000. The Committee was fortunate to have worked with Mr Tony Blunn on numerous occasions and wishes him well in his future pursuits.

1.7 The Committee also notes the contributions of Deputy Secretaries, Mr Norman Reaburn, and Mr Richard Moss who also left the Department during this reporting period. The Committee would like to record their appreciation for the fine public service of both Mr Reaburn and Mr Moss.

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1 Requirements for Departmental Annual Reports, Department of Prime Minister and Cabinet, March 1994 (for departments/agencies whose heads have powers of a secretary under the Public Service Act 1922); Guidelines for the Content, Preparation and Presentation of Annual Reports by Statutory Authorities, included at Appendix 2 (for future reports, the relevant guidelines are contained in the Commonwealth Authorities and Companies Orders 1998); and Reporting Requirements for the Annual Reports of Non-Statutory Bodies, included at Appendix 3.

1.8 The Committee would like to draw attention to the 'Management and accountability: Reports by parliamentary committees'<sup>2</sup> section of the annual report. While there is a mention of a House of Representatives Committee, there is no reference to any of the Senate Committees .

I do not want to put the department in an impossible position, but you are charged under your charter with the management and the accountability. Part of that accountability process comes through the parliamentary committees. You may not like, the department may not like or the ministers may not like parliamentary committees, but they are there and they are charged with certain responsibilities to test the department on accountability. It is your charter. You are provided with resources in order to do it. If you are not spending the resources in fulfilling your accountability obligations, where are you spending those resources? Your last report talks about reports by parliamentary committees and mentions two committees of the parliament. Yet I can go through this particular register and Senate Committees do not rate a mention in your annual report at all.<sup>3</sup>

1.9 During this reporting period for example, this parliamentary Committee tabled reports for the *Inquiry into the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999*, and the *Inquiry into the Provisions of the Classification (Publications, Films and Computer Games) Amendment Bill (No.2) 1999*. Both of these inquiries received a submission from the Attorney-General's Department. In the interest of more thorough and complete reporting the Committee would like to suggest that the 'Reports by parliamentary committees' contain a detailed account of those inquiries involving the Department.

1.10 The Committee notes that the Australian Government Solicitor became a statutory authority on 1 September 1999 and the AGS will now report under the *Commonwealth Authorities and Companies Act 1997* as a discrete agency for the period 1999-2000.

### **Department of Immigration and Multicultural Affairs Annual Report 1999-2000**

1.11 The Committee notes with concern the notification of numerous errors in the Department's Annual Report, primarily in the refugee and humanitarian division. The annual report was tabled on 30 October 2000. However, the Committee was only made aware of these errors by formal correspondence through the Department to the Committee Secretariat, on 19 February 2001, the day before the Department of Immigration and Multicultural Affairs was due to appear before the Legislation Committee on the examination of additional estimates.

1.12 The Committee was of the understanding that a formal corrigendum would be tabled in Parliament during the last sitting week which, much to the Committee's concern, has not yet been done. The Committee suggests that the Department rectify this problem by formally tabling the corrigenda as soon as possible.

1.13 The Committee notes that some major challenges faced the Department during the reporting period. These include:

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2 Attorney-General's Department, 1999-2000, p.20

3 Transcript of Evidence, Senator McKiernan, 19 February 2001, p.4

- The unprecedented level of unauthorised boat arrivals during the year created significant pressures on the Department's detention operations, requiring the re-commissioning of immigration processing and reception centre (IPRC) facilities at the RAAF base in Curtin, Western Australia and the construction of a new IPRC at Woomera in South Australia;
- As a result of the unprecedented unauthorised boat arrivals, the Department was required to draw heavily on its settlement and multicultural affairs resources to achieve outcomes in areas not directly associated with its ongoing work of assisting the participation of permanent settlers in Australia's multicultural society;
- The rising volume of temporary entry into Australia has put increased pressure on the Department's resources and staff, forcing the Department to look to technology, including the Internet to help manage this demand cost-effectively; and
- The Department continued to experience high levels of fraud in applications from some parts of the world.

1.14 In the area of Australian citizenship, the Committee notes the report submitted to the Government by the Australian Citizenship Council, *Australian Citizenship for a New Century*. The Committee awaits the outcome of the 64 recommendations.

1.15 The Committee would like to congratulate the Department on the successful delivery of the Government's non-humanitarian migration program. The Department stated that some 70,200 migrants were issued with visas against a target of 70,000, and that, as planned, 50 per cent of those were in the skill stream.<sup>4</sup>

1.16 The Committee notes the two Auditor-General Audit Reports that were tabled during this period, Audit Report No.3, *Electronic Travel Authority*, and Audit Report No. 33, *Administration of Business Entry Program*. The Committee supports the recommendations made in both reports and was pleased that the Department has implemented the recommendations of Audit Report No. 3 and that the recommendations of Audit Report No. 33 were being progressively implemented.<sup>5</sup>

1.17 The Committee would like to acknowledge receipt of the Government Response to the Legal and Constitutional References Committee report, *A Sanctuary Under Review*. This was tabled and received by the Committee on 8 February 2001.

1.18 The Committee would also like to acknowledge the reports throughout the reporting period done by other parliamentary committees, including the Joint Standing Committee on Migration, the Joint Committee of Public Accounts and Audit and the Senate Standing Committee for the Scrutiny of Bills.<sup>6</sup>

1.19 Whilst there were no reports by the Commonwealth Ombudsman during this reporting period, the Committee will be interested in the Department's response to the 2001

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4 Department of Immigration and Multicultural Affairs, *Annual Report 1999-2000*, p. 2

5 Department of Immigration and Multicultural Affairs, *Annual Report 1999-2000*, p. 77

6 Department of Immigration and Multicultural Affairs, *Annual Report 1999-2000*, p. 77

Commonwealth Ombudsman reports, *Investigation of Immigration Detention Centres*, and *Immigration Detainees in Correctional Facilities* in the next annual report of the Department.

### **Conclusion**

1.20 Apart from the noted concerns, the Committee finds both departmental annual reports considered in this report to be apparently satisfactory.

## **CHAPTER 2**

### **ANNUAL REPORTS OF STATUTORY AUTHORITIES**

2.1 The following annual reports of statutory authorities for the financial year 1999-2000 were referred to the Committee for examination and report:

- Administrative Appeals Tribunal
- Australian Customs Service
- Australian Federal Police
- Australian Institute of Criminology and Criminology Research Council
- Australian Law Reform Commission
- Australian Security Intelligence Organisation
- Australian Transaction Reports and Analysis Centre (AUSTRAC)
- Commonwealth Ombudsman and Defence Force Ombudsman
- Director of Public Prosecutions
- Industrial Relations Court of Australia
- Inspector-General of Intelligence and Security
- Family Court of Australia
- Federal Court of Australia
- Federal Police Disciplinary Tribunal
- High Court of Australia
- Migration Review Tribunal
- National Native Title Tribunal
- Office of Film and Literature Classification – Classification Board and Classification Review Board
- Office of Parliamentary Counsel
- Refugee Review Tribunal

#### **Reporting Guidelines**

2.2 Annual reports prepared by statutory authorities are examined by reference to the Guidelines for the Content, Preparation and Presentation of Annual Reports by Statutory Authorities, tabled in the Senate on 11 November 1982. These are reproduced in Appendix 2.

2.3 The Committee notes that the reporting requirements for statutory authorities are guidelines only and therefore differing approaches to, and formats for, reporting may be adopted. However, statutory authorities whose operations are similar to those of government departments must consult the revised requirements for departmental annual reports, issued in May 1999, and comply with them as far as it is considered appropriate to do so.

2.4 Regardless of the guidelines or requirements that statutory authorities use, the Committee considers that accountability to Parliament should be the central objective of the annual reports of statutory authorities.

2.5 The Committee has elected to comment specifically on the annual reports and performance of some statutory authorities. These comments constitute the remainder of this chapter.

### **Administrative Appeals Tribunal**

2.6 In the Committee's *Report on Annual Reports No. 2 of 2000*, the Committee noted with approval, the efforts made by the Tribunal for the awareness training of members and staff to improve service delivery to people with intellectual disabilities. This program was to be followed by one relating to psychiatric disability awareness, which the Committee was pleased to read was completed in July and August 1999.<sup>1</sup>

2.7 The Committee notes the increase in the percentage of applications finalised during the year in review for the Social Security and Compensation jurisdictions. However, the significant decrease in the percentage of applications finalised within the 12 month time frame in the Taxation division, is of concern.<sup>2</sup>

2.8 The Committee notes the departure of Deputy President, Alan Blow who has been appointed as a Justice of the Supreme Court of Tasmania and Senior Member, Bruce Barbour who has been appointed as New South Wales Ombudsman, and wishes them well in their future pursuits. The Committee also notes the temporary departure of Deputy President, Graham McDonald who has taken leave to be Chairperson of the Superannuation Complaints Tribunal.

2.9 The Committee has recently reported on the Administrative Review Tribunal Bill 2000 and the Administrative Tribunal (Consequential and Transitional Provisions) Bill 2000.

### **Australian Customs Service**

2.10 The Committee notes the progress made by Customs in the implementation of the recommendations of the Prime Minister's Task Force on Coastal Surveillance, including the detection of suspect unlawful non-citizens and the seizure of narcotics and performance enhancing drugs.<sup>3</sup>

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1 Administrative Appeals Tribunal, *Annual Report 1999-2000*, pp. 20-21

2 Administrative Appeals Tribunal, *Annual Report 1999-2000*, p. 23

3 Australian Customs Service, *Annual Report 1999-2000*, p. 8

2.11 The Committee also recognises the role Customs has played in support of the United Nations and its assistance with the establishment of border controls in East Timor.<sup>4</sup>

### **Australian Federal Police**

2.12 The Committee notes that the AFP's commitment to overseas peacekeeping and the significant training for new and existing members has had an impact on performance during this year. However the Committee was pleased to read of the reform program funding that will include enhancements to the AFP's ability to gather and manage intelligence derived from technical equipment through:<sup>5</sup>

- Establishment of electronic evidence teams;
- Replacement of taped record of interview equipment;
- National mobile radio communications upgrade; and
- Construction of a new forensic facility and equipment replacement.

2.13 The Committee also notes the AFP's participation in National Reconciliation Week and International Women's Day.<sup>6</sup>

2.14 The Legal and Constitutional References Committee currently has an inquiry into aspects of funding and operation of the AFP and the National Crime Authority and is due to report in August 2001.

2.15 The Committee would like to extend its appreciation to Commissioner Mick Palmer whose term expires in March 2001.

### **Australian Law Reform Commission**

2.16 The Committee notes the work of the ALRC throughout 1999-2000 on its reference into the review of the federal civil justice system which resulted in the report *Managing Justice* which was tabled in Parliament on 17 February 2000.

2.17 The Committee will be tabling its report on its inquiry into the Statutory Powers and Functions of the Australian Law Reform Commission this year.

### **Australian Security Intelligence Organisation**

2.18 The Committee acknowledges the role of ASIO and the resources that were committed to protecting and ensuring the success of the Sydney 2000 Olympic Games.

### **Director of Public Prosecutions**

2.19 The Committee notes this is the first annual report submitted to the Parliament by Mr Damian Bugg as Director of the DPP. The Committee congratulates Mr Bugg on his appointment and looks forward to working with him in the future. The Committee would also

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4 Australian Customs Service, *Annual Report 1999-2000*, p. 8

5 Australian Federal Police, *Annual Report 1999-2000*, p. 50

6 Australian Federal Police, *Annual Report 1999-2000*, p. 48

like to commend Mr Peter Walshe for his work as Acting Director during the first half of 1999.

2.20 The Committee notes the opening of the Darwin office of the DPP, and the setting up of tax prosecution units in Brisbane, Adelaide, Perth and Head Office.

2.21 The Committee wishes to extend its condolences to the family, friends and colleagues of Ms Maree Ayers, a respected officer of the ACT Prosecutions section of the Director of Public Prosecutions. Ms Ayers was fatally injured in a motor vehicle accident during the year.

### **Family Court of Australia**

2.22 The Committee notes the continuing importance of the issue of unrepresented litigants. The Committee commends the work done by Family Court in this area in particular, the publication of *Litigants in Person in the Family Court of Australia* which was launched in April 2000.

2.23 The Committee notes the Family Court's first judicial circuit in the Torres Strait region during March of 2000 and the apparent success of this circuit.<sup>7</sup>

2.24 The Committee acknowledges the outline by the Family Court of resource shifts to the Federal Magistrates Service and the intention of the Court to pursue measures to reduce costs and bring the Court's operating result into positive figures by 2001-2002.<sup>8</sup>

2.25 The Committee also acknowledges the Family Court's initiative in using video conferencing to improve provision of services to rural and regional Australia and that this service is expected to be expanded in 2000-2001.<sup>9</sup>

### **Family Law Council**

2.26 Whilst the Committee was not referred the annual report of the Family Law Council during this period, the Committee would like to make note of an error in the Committee's *Report on Annual Reports No. 2 of 2000*. In paragraph 2.14, the second date should read 18 August 1998.

### **Federal Court of Australia**

2.27 The Committee is mindful of recent changes in the Federal Court's jurisdiction which may have resulted in slight disruptions to the Court's workload. However, the Committee notes the positive approach the Court has taken with regard to the Federal Magistrates Court and the transferring of simpler matters to that Court, acknowledging the freeing of resources for more complex matters in the Federal Court.

2.28 The Committee also notes the Federal Court's commitment to continuing to develop and implement innovative procedures for the management and resolution of complex native title matters.<sup>10</sup>

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7 Family Law Court of Australia, *Annual Report 1999-2000*, pp. 3-4

8 Family Law Court of Australia, *Annual Report 1999-2000*, pp. 36

9 Family Law Court of Australia, *Annual Report 1999-2000*, pp. 22



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## High Court of Australia

2.29 The Committee notes the particular concerns of the High Court in relation to unrepresented litigants. The High Court stated:

The number of unrepresented litigants appearing before the High Court remained high during the past year. In 29% of civil special leave applications filed during the year the applicants were unrepresented. In criminal applications filed during the year the proportion of unrepresented applicants was 18%.

In the case of proceedings heard before a single Justice the number of unrepresented parties dropped from 28% to 13%. This is explained by the large increase in single Justice hearings involving order nisi applications, only 5% of which involved unrepresented litigants.<sup>11</sup>

2.30 The Committee acknowledges the significant increase in the number of matters filed in the High Court, particularly applications for special leave during the year in review. The Committee also acknowledges the arrangement by the Court for additional sitting days to hear applications for special leave, in order to manage this increase.<sup>12</sup>

2.31 The Committee notes the High Court's maintenance of international links with a number of international visitors during the year in review, including the Chief Justice of Kuwait, several delegations of senior judges and court administrators from China, judicial delegations from Indonesia, Japan, Korea, the United States of America and Zimbabwe, and government ministers with responsibility for justice matters from countries in Asia and Africa.<sup>13</sup>

## Migration Review Tribunal

2.32 The Committee acknowledges this annual report to be the first annual report of the MRT. The MRT came into being on 1 June 1999 following the merger of the Immigration Review Tribunal and the Migration Internal Review Office of the Department of Immigration and Multicultural Affairs.

2.33 The Committee notes the period of transition for the MRT, and its achievements during 1999-2000 notwithstanding these changes.

## National Native Title Tribunal

2.34 The Committee acknowledges the Tribunal's concern for the time consuming nature of the registration test for native title claimant applications. However, the Committee is also mindful of the fact, highlighted by the Tribunal, that one practical consequence of implementing the 1998 amendments to the *Native Title Act 1993*, including the application of the registration test, was the reduction in the number of claimant applications.<sup>14</sup>

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10 Federal Court of Australia, *Annual Report 1999-2000*, pp. 15, 48-49

11 High Court of Australia, *Annual Report 1999-2000*, p. 7

12 High Court of Australia, *Annual Report 1999-2000*, p. 7

13 High Court of Australia, *Annual Report 1999-2000*, p. 8

14 National Native Title Tribunal, *Annual Report 1999-2000*, p. 4

### **Office of Film and Literature Classification – Classification Board and Classification Review Board**

2.35 The Committee congratulates Mr Des Clark on his appointment as Director of the Office of Film and Literature Classification following the death of the former Director, Ms Kathryn Paterson in September 1999. Mr Clark's term began on 17 April 2000. The Committee also commends the work done by Mr Simon Webb as Acting Director prior to this date.

### **Office of Parliamentary Counsel**

2.36 The Committee notes that one of the main factors influencing the OPC's performance during the last financial year was the government's focus on tax reform, and the need for substantial drafting resources that were used on draft bills, or parts of bills, which were later abandoned before introduction into Parliament.<sup>15</sup>

2.37 However, the Committee acknowledges that the OPC's outcome was achieved and that the qualitative performance indicators appear to have been met satisfactorily, despite this drain on drafting resources.<sup>16</sup>

### **Refugee Review Tribunal**

2.38 The Committee notes the Refugee Review Tribunal's explanation for the slight decrease in the number of detention cases that were finalised within the time standard. Reasons given by the Tribunal include:<sup>17</sup>

- An increasing complexity of cases in relation to persons arriving by boat;
- The increasing number of such cases required to be done by each Member;
- The requirements of the Migration Legislation Amendment Act 1998; and
- The additional time required by Members in order to comply with the Federal Court's interpretation of s.430 of the Migration Act.

2.39 The Committee notes the Tribunal's efforts to implement the relevant recommendations of the Senate Legal and Constitutional References Committee's report, *A Sanctuary Under Review* which are within its power to implement.<sup>18</sup>

### **Conclusion**

2.40 The Committee considers that the annual reports of the statutory authorities examined in this report are apparently satisfactory.

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15 Office of Parliamentary Counsel, *Annual Report 199-2000*, p. 22

16 Office of Parliamentary Counsel, *Annual Report 199-2000*, p. 5

17 Refugee Review Tribunal, *Annual Report 1999-2000*, p. 21

18 Refugee Review Tribunal, *Annual Report 1999-2000*, p. 8

## **CHAPTER 3**

### **ANNUAL REPORTS OF NON-STATUTORY BODIES**

#### **Reports referred to the Committee**

3.1 During this period, the Committee was not referred any reports from non-statutory bodies.



## **CHAPTER 4**

### **ANNUAL REPORTS ON THE OPERATION OF ACTS AND PROGRAMS**

4.1 The following reports on the operation of Acts and programs for the period 1999-2000 were referred to the Committee:

- Bankruptcy Act 1966
- Crimes Act 1914
- Privacy Act 1988
- Witness Protection Act 1994

#### **Reports on the Operation of Acts and Programs**

4.2 Standing Order 25(21) does not provide for consideration of annual reports on the implementation or operation of Acts or programs. The Committee is not therefore required to include them in its Report on the Examination of Annual Reports. The Committee has chosen to list them only.



## APPENDIX 1

### LIST OF ANNUAL REPORTS FOR 1999-2000 REFERRED TO THE COMMITTEE DURING THE PERIOD 1 MAY 2000 AND 31 OCTOBER 2000 AND DATE OF TABLING IN SENATE

#### Tabled:

#### Department of State:

|   |          |
|---|----------|
| Attorney-General's Department Annual Report   | 30/10/00 |
| Department of Immigration and Multicultural Affairs Annual Report, including a report pursuant to the <i>Immigration (Education) Act 1971</i> | 30/10/00 |
| Department of Immigration and Multicultural Affairs Corrigenda  | 1/03/00  |

#### Statutory Authorities:

|  |          |
|--|----------|
| Administrative Appeals Tribunal                                      | 30/10/00 |
| Australian Customs Service   | 3/10/00  |
| Australian Federal Police  | 3/10/00  |
| Australian Institute of Criminology and Criminology Research Council | 30/10/00 |
| Australian Law Reform Commission                                     | 30/10/00 |
| Australian Security Intelligence Organisation                        | 31/10/00 |
| Australian Transaction Reports and Analysis Centre (AUSTRAC)         | 31/10/00 |
| Commonwealth Ombudsman and Defence Force Ombudsman                   | 30/10/00 |
| Director of Public Prosecutions                                      | 30/10/00 |
| Industrial Relations Court of Australia                              | 31/10/00 |
| Inspector-General of Intelligence and Security                       | 30/10/00 |
| Family Court of Australia  | 30/10/00 |
| Federal Court of Australia   | 30/10/00 |
| Federal Police Disciplinary Tribunal                                 | 30/10/00 |
| High Court of Australia  | 30/10/00 |

|   |          |
|---|----------|
| Migration Review Tribunal   | 31/10/00 |
| National Native Title Tribunal  | 30/10/00 |
| Office of Film and Literature Classification – Classification Board and Classification Review Board | 30/10/00 |
| Office of Parliamentary Counsel   | 30/10/00 |
| Refugee Review Tribunal   | 31/10/00 |

▪ **Other Reports**

|                             |          |
|-----------------------------|----------|
| Bankruptcy Act 1966         | 30/10/00 |
| Crimes Act 1914             | 3/10/00  |
| Privacy Act 1988            | 30/10/00 |
| Witness Protection Act 1994 | 3/10/00  |



## APPENDIX 2

# GUIDELINES FOR THE CONTENT, PREPARATION AND PRESENTATION OF ANNUAL REPORTS BY STATUTORY AUTHORITIES

11 November 1982

### Introduction

These guidelines are intended to cover generally the annual reporting requirements for statutory authorities (incorporated or unincorporated authorities established by or pursuant to a law of the Commonwealth or of the ACT) and are subject to refinement in the light of experience.

Reports of small unincorporated authorities and office holders within the public account may continue to be included in the related departmental reports where it is practical to do so.

The guidelines do not, of course, override statutory requirements imposed by the legislation on individual authorities, but to the extent that they require a higher standard than does the legislation, they should be followed by all such authorities.

All authorities are to provide annual reports as soon as possible after the end of their financial year, if possible in time for the estimates debate in the Budget Sitings. At the very latest reports should be submitted within six months (unless a shorter period is provided in the legislation of an individual authority). An explanation will be submitted to Parliament if the deadline has to be extended in exceptional cases (the new deadline is to be mentioned in the explanation). Ministers will ensure that reports are tabled within fifteen sitting days of receipt.

Where there is a requirement for a form of financial statements to be approved by the Minister for Finance, authorities should commence negotiations with the Department of Finance early enough to allow issues to be resolved without delaying the annual report. Authorities also need to bear in mind the need for reasonable time to be allowed for completion of auditing of the financial statement within the six month deadline.

### Report contents

Reports should be the means of providing a wide dissemination of information on authorities, with special attention being given to making available material that might not otherwise be made public as a matter of course.

The following information is to be provided in future annual reports:

- (i) Enabling Legislation: A clear statement of the legislation (if any) under which the organisation operates.
- (ii) Responsible Minister: To be shown. A description of any statutory powers of direction which the Minister has over the authority and details of the exercise of any such powers, subject to the need to protect confidential information, to be included.

- (iii) Powers, Functions and Objects: To be detailed.
- (iv) Membership and Staff: A list of the members of the body and their terms of appointment, together with listing of senior executive staff and a statement of the total number of staff employed by the organisation. In addition, the basis for staffing the organisations should be identified. The address and phone number of the information officer should also be included.
- (v) Financial Statements: All Government bodies should provide statements which adequately disclose financial aspects of their activities. For example, where the form of a body's financial statements is approved by the Minister for Finance, the approval form must, of course, be followed; where an unincorporated body has no specific financial responsibilities and no financial reporting requirement exists, it might be appropriate to disclose departmental receipts and expenditures relevant to its operations, while avoiding unnecessary duplication of the information contained in the annual Financial Statements prepared by the Minister for Finance. The requirement for adequate disclosure will extend to bodies incorporated under companies legislation if the Commonwealth is sole owner or shareholder; this will not affect the need to satisfy the reporting requirements under company law. The Department of Finance and the Auditor-General's Office are preparing guidelines which will assist Commonwealth undertakings in preparing financial statements; an exposure draft entitled 'Proposed Guidelines for the Form and Standard of Financial Statements of Commonwealth Undertakings' was issued in August 1980. The Exposure Draft has been considered by the relevant Parliamentary Committees.
- (vi) Activities and Reports: A description of the principal programs and activities of the body noting objectives and reviewing achievements. Information on interaction with other authorities, departments and State and international bodies should be provided as should a list of publications during the reporting period.
- (vii) Operational Problems: A description of the major problems which have arisen in the body's activities, including details of requisite Government action to overcome such problems, e.g. the amendment of the enabling Act.
- (viii) Subsidiaries: Details of subsidiary companies formed, or interest acquired in existing companies, are to be provided. It is a desirable practice to include the annual report of such subsidiaries as are controlled by the parent authority with the report of that authority, where this is feasible.

(Senate, *Hansard*, Vol. S.96, 11 November 1982, pp. 2261-2)

## **APPENDIX 3**

### **REPORTING REQUIREMENTS FOR THE ANNUAL REPORTS OF NON-STATUTORY BODIES**

**8 December 1987**

1. The date of establishment of each new non-statutory body (NSB) and, in relation to an existing NSB, information regarding the date of its establishment in as much detail as is available.
2. A statement of each NSB's objectives and functions.
3. An account of each NSB's significant activities during the year.
4. An indication that the creation or continued existence of each NSB, its functions and its organisation have received Ministerial approval.
5. The date on which each NSB will cease to exist or before which it will be reviewed (whichever is the earlier).
6. In the case of any NSB whose continued existence, functions and organisation have been reviewed and whose continued existence has been approved by the Minister, a summary of the outcome of the review.
7. A list of any positions provided for ex-officio government members on each NSB and of any positions provided for representatives nominated by particular non-government organisations.
8. The maximum term of appointment to each other position on an NSB.
9. Except in cases where there may be little or no continuity of membership from one meeting to the next, the names of individual members of each NSB, and their terms of appointment.
10. The manner in which the level of remuneration (if any) paid to members of each NSB is determined.
11. The manner in which each NSB is funded.
12. A summary of any other financial arrangements such as the kinds of expenditure that can be made from the funds provided, and the nature of secretariat services provided and the way in which these are funded.
13. An indication, in respect of each NSB, as to whether one of its functions is to distribute funds to other organisations or individuals.
14. In the case of each NSB with its own accounting system, an audited financial statement.
15. In the case of each NSB that operates through its parent body's accounts, an account of receipts and expenditures, to be provided on a program basis

- with the NSB's work reflected in the parent body's published program structure
- and with performance related to objectives and measured in terms of stated criteria, in accordance with standard program budgeting techniques; and
- the amounts of any grants made by each NSB.

([After] Senate, *Hansard*, Vol. S.124, 8 December 1987, pp. 2643-5)

