

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output CSG

Question No. 1

Senator Ludwig asked the following question at the hearing on 31 October 2006:

With regard to each agency (and the department itself) that fall inside the department's portfolio, could the department indicate:

- (a) What date the agency's 2005-06 Annual Report was tabled before parliament?
- (b) If the annual report was not tabled by 31 October 2006, could the department indicate: (i) when the report was tabled, or if it remains untabled, what date the report is expected to be tabled by; and (ii) whether the agency's own legislation provides an alternative timeframe for its annual report. If so, could the department provide a description and reference to the relevant provision and legislation; and an explanation of why the agency cannot meet the general timeframe set out in the Department of Prime Minister and Cabinet's Requirements for Annual Reports, and so requires an alternative timeframe?
- (c) Whether the agency was granted an extension under section subsections 34C(4) - (7) of the *Acts Interpretation Act 1901*? If so, could the department provide: (i) the date for finalizing the report as set out in the extension; (ii) the reason given for granting the extension; (iii) the date that the Minister tabled in Parliament a statement explaining why an extension was granted; and (iv) a copy of the Minister's statement.
- (d) Where the agency's legislation doesn't provide for an alternative timeframe (as per question b) nor was the agency granted an extension (as per question c) could the department provide (i) an explanation why the Annual Report was tabled outside the timeframe set by DPM&C despite there being no provision alternative timeframe set out in the agency's legislation nor there being any formal extension granted; and (ii) details of any other arrangement in place for tabling the agency's Annual Report.

The answer to the honourable senator's question is as follows:

The requested information is set out in the attached tables. The information is current as of 7 December 2006.

PART A

<u>Department/Portfolio Agency</u>	<u>Date of Tabling</u>
Administrative Appeals Tribunal	28 November 2006
Administrative Review Council	The Report has not been tabled at this time
Attorney-General's Department	12 October 2006
Australian Crime Commission	5 December 2006
Australian Customs Service	27 October 2006
Australian Federal Police	19 October 2006
Australian Government Solicitor	31 October 2006
Australian Institute of Criminology and Criminal Research Council	31 October 2006
Australian Law Reform Commission	2 November 2006
ASIO	18 October 2006
AUSTRAC	17 October 2006
CrimTrac	10 October 2006
Director of Public Prosecutions	17 October 2006
Family Court	1 November 2006
Family Law Council	31 October 2006
Federal Court	31 October 2006
Federal Magistrates Court	1 November 2006
Federal Police Disciplinary Tribunal	10 October 2006
High Court	7 December 2006
HREOC	28 November 2006
Industrial Relations Court	17 October 2006
Insolvency & Trustee Service Australia	24 October 2006
National Native Title Tribunal	31 October 2006
Office of Film and Literature Classification	28 November 2006
Office of Parliamentary Council	18 October 2006
Office of the Privacy Commissioner	31 October 2006

PART B

<p>Administrative Appeals Tribunal</p>	<p>(i) 28 November 2006.</p> <p>(ii) Subsection 24R(1) of the <i>Administrative Appeals Tribunal Act 1975</i> provides that, as soon as practicable after 30 June in each year, the President must prepare and give to the Minister a report of the management of the administrative affairs of the Tribunal during the year. Subsection 34C(2) of the <i>Acts Interpretation Act 1901</i> provides that, where an Act requires a person to furnish a periodic report to a Minister but does not specify a period within which the report is to be so furnished, the report must be furnished to the Minister as soon as practicable after the end of the particular period to which the report relates and, in any event, within 6 months after the end of that particular period.</p> <p>The Tribunal aims to comply with the Department of the Prime Minister and Cabinet's Requirements for Annual Reports and have its Annual Report tabled by 31 October each year. The time required to finalise the content for the report and prepare the report for printing took longer than anticipated this year. The Tribunal will be reviewing the way in which the report was prepared this year in order to improve its processes in the future.</p>
<p>Administrative Review Council</p>	<p>(i) The Administrative Review Council proposes to present its annual report to the Attorney-General for tabling out of session prior to the end of the current year.</p> <p>(ii) Section 58 of the <i>Administrative Appeals Tribunal Act 1975</i> requires the Council, as soon as practicable after 30 June in each year, to provide the Attorney-General with a report of its operations during that year. The section requires the Attorney-General to cause the report to be laid before each House of the Parliament within 15 sitting days of receiving it. Due to competing work commitments, it has not yet been possible for the Council to present its annual report to the Attorney-General.</p> <p>The Council was established under s 48 of the <i>Administrative Appeals Tribunal Act 1975</i> and falls within the Attorney-General's portfolio. The Council is funded through the Attorney-General's Department. It is not a prescribed agency under the <i>Financial Management and Accountability Act 1997</i>.</p>

<p>Australian Crime Commission</p>	<p>(i) 5 December 2006</p> <p>(ii) Section 61 of the <i>Australian Crime Commission Act 2002</i> provides provisions for the ACC Annual Report. Section 61(1) requires the Chair of the ACC Board to, “as soon as practicable after each 30 June”, prepare a report of the ACC’s operations during the past financial year. This report is to be provided to the Inter-Governmental Committee, the Commonwealth Minister and to the appropriate Minister of the Crown of each participating state.</p> <p>Section 61 (6) requires the Minister to cause a copy of a report and any comments made on the report by the Inter-Governmental Committee to be tabled within 15 sitting days of the report and comments being received.</p> <p>The ACC endeavours to meet the general timeframe set out in the Department of the Prime Minister and Cabinet’s Requirements for Annual Reports and the intergovernmental consultative requirements of Section 61 of the ACC Act.</p>
<p>Australian Law Reform Commission</p>	<p>(i) 2 November 2006</p> <p>(ii) The Australian Law Reform Commission’s own legislation does not provide an alternative timeframe.</p>
<p>Family Court</p>	<p>(i) 1 November 2006</p> <p>(ii) Subsection 38S(1) of the <i>Family Law Act 1975</i> (Cth) states that, as soon as practicable after 30 June in each year, the Chief Judge must prepare and give to the Attorney-General a report of the management of the administrative affairs of the Court during the year. Subsection 38S(3) states that the report must be tabled in each House of the Parliament as soon as practicable.</p> <p>The report was tabled as closely as possible to the timeframe set out in the Department of the Prime Minister and Cabinet’s Requirements for Annual Reports.</p>
<p>Federal Magistrates Court</p>	<p>(i) 1 November 2006</p> <p>(ii) Subsection 117(1) of the <i>Federal Magistrates Act 1999</i> states that, as soon as practicable after 30 June in each year, the Chief Federal Magistrate must prepare and give to the Attorney-General a report of the management of the administrative affairs of the Court during the year.</p>

	<p>Subsection 117(3) states that the report must be tabled in each House of Parliament as soon as practicable.</p> <p>The report was tabled as closely as possible to the timeframe set out in the Department of the Prime Minister and Cabinet's Requirements for Annual Reports.</p>
High Court	<p>i) 7 December 2006</p> <p>ii) Subsection 47(1) of the <i>High Court of Australia Act 1979</i> states that the High Court shall, as soon as practicable after 30 June each year, prepare and submit to the Minister a report of the management of the administrative affairs of the High Court during the year. Subsection 47(3) states that the report must be tabled before each House of Parliament within 15 sitting days of that House after their receipt by the Minister.</p> <p>The High Court advises it had been unable to prepare the report by 31 October 2006 due to the Court's general workload, in which priority is given to the timely disposition of cases.</p>
HREOC	<p>(i) 28 November 2006</p> <p>(ii) Under section 46 the <i>Human Rights and Equal Opportunity Commission Act 1986</i>, the Annual Report must be tabled within 15 sitting days of receipt by the Attorney-General. The Report was received on 20 October 2006 therefore the legislative deadlines for the tabling of the report are 8 February 2007 in the House of Representatives and 7 February 2007 in the Senate. The legislative requirements were met in tabling the Annual Report 2005-06.</p> <p>The Report was submitted for tabling as close as possible to the timeframe set out in the Department of the Prime Minister and Cabinet's Requirements for Annual Reports.</p>
Office of Film and Literature Classification	<p>(i) 28 November 2006</p> <p>(ii) The Annual Report is presented to the Attorney-General in accordance with the provisions of the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Classification Act).</p> <p>Sub-section 67 (4) of the Classification Act requires that the Annual Report be tabled in each House of Parliament within 15 sitting days after the report is received by the Attorney-General. This requirement was met in tabling the Annual Report 2005-06.</p>

	<p>It is a legislative requirement that the financial statements are audited by the Auditor-General and that his report be included in the Annual Report. The OFLC advises that it did not receive the final audit report of its financial statements until 10 October 2006. The OFLC advises that it progressed the Annual Report as fast as practicable given this delay.</p>
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PART C

No agency applied for or was granted an extension under section subsection 34C (4) – (7) of the *Acts Interpretation Act 1901*.

PART D

<p>Australian Law Reform Commission</p>	<p>The Annual Report is presented to the Attorney-General in accordance with the provisions of the <i>Acts Interpretation Act 1901</i> which requires that the Annual Report be tabled in each House of Parliament within 15 sitting days after the report is received by the Attorney-General. This requirement was met in tabling the Annual Report 2005-06.</p> <p>The Report was submitted for tabling as close as possible to the timeframe set out in the Department of the Prime Minister and Cabinet’s Requirements for Annual Reports.</p>
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