

The Senate

Community Affairs
Legislation Committee

Annual reports (No. 2 of 2013)

October 2013

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ISBN 978-1-74229-909-9

This document was produced by the Senate Community Affairs Committee Secretariat and printed by the Senate Printing Unit, Parliament House, Canberra

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Chapter 1

Overview

1.1 This is the second Senate Community Affairs Legislation Committee (the committee) report on annual reports for 2013.¹ It provides an overview of the committee's examination of annual reports for the 2011–12 financial year tabled between 1 November 2012 and 30 April 2013.²

Terms of Reference

1.2 On 29 September 2010,³ a resolution of the Senate allocated the following three portfolios to this committee:

- Health and Ageing
- Families, Housing, Community Services and Indigenous Affairs; and
- Human Services.

1.3 Under Senate Standing Order 25(20), 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;

1 Copies of this and other committee reports can be obtained from the Senate Table Office, the committee secretariat or online at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs.

2 The Anindilyakwa Land Council and Northern Land Council reports were tabled outside this timeframe. See section 1.21 of this report for further details.

3 *Journals of the Senate*, No. 2, 29 September 2010, pp. 88–89.

- (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.

Purpose of annual reports

1.4 The primary purpose of annual reports is accountability, in particular to the Parliament.⁴ The tabling of annual reports places a great deal of information about government departments and agencies on the public record and assists in the effective examination of the performance of departments and agencies and the administration of government grants.

Annual reporting requirements

1.5 Senate Standing Order 25(20) requires that 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.

1.6 Pursuant to subsections 63(2) and 70(2) of the *Public Service Act 1999*, departments of state and executive agencies, prescribed under section 5 of the *Financial Management and Accountability Act 1997* (FMA Act) must prepare annual reports in accordance with the *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*.⁵

1.7 Amendments to the Requirements for Annual Reports applicable for the 2011–12 reporting period are:

- Consultancy reporting — recognising the functionality provided by the AusTender database, the requirement to provide details of consultancy contracts let in the reporting year, previously set out in Attachment D to the Requirements, has been omitted.
- Carer recognition — a new requirement has been added for public service care agencies to report on compliance with the Carer Recognition Act 2010.
- Work health and safety — minor revisions to the existing requirement reflecting the provisions of the Work Health and Safety Act 2011.

4 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, approved by the Joint Committee of Public Accounts and Audit on 28 June 2012, p. 3, <http://www.dpmc.gov.au/guidelines/index.cfm> (accessed 6 August 2013). Hereafter referred to as *Requirements for Annual Reports, 2012*.

5 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports, 2012*, p. 1, ss. 3(1).

-
- Freedom of information — simplification of reporting following accommodation of major reforms to freedom of information reporting in the 2010–11 Requirements.⁶

1.8 Under section 48 of the *Commonwealth Authorities and Companies Act 1997* (the CAC Act), the Minister for Finance and Deregulation outlines the annual reporting requirements for Commonwealth authorities and companies in the *Commonwealth Authorities and Companies (Report of Operations) Orders*. Section 9 of the CAC Act applies to Commonwealth authorities and specifies the deadline for the presentation of an annual report to the responsible Minister. Section 36 of the CAC Act outlines the reporting obligations of Commonwealth companies.

1.9 Statutory authorities must report in accordance with their establishing legislation.

1.10 Requirements 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 1987.⁷

1.11 The committee notes that some of the bodies that are required to produce annual reports to the Senate fall outside the categories listed above. In these cases, examination of the annual report is based on general content and information rather than compliance with legislation and guidelines.

Apparently satisfactory

1.12 Standing order 25(20)(a) requires the committee to report to the Senate on whether annual reports are 'apparently satisfactory'. In making this assessment, the committee considers such aspects as timeliness of presentation and compliance with relevant reporting requirements.

General comments

1.13 This report considers fourteen annual reports received during the period of 1 November 2012 and 30 April 2013.⁸ Eight reports have been examined to determine whether or not their contents satisfy the detailed legislative requirements as set out in the CAC Act. Two annual reports have been checked to ascertain whether or not their contents satisfy the mandatory criteria for inclusion as required by the FMA Act. One statutory office holder, one non-statutory advisory panel, one statutory agency, and one statutory authority were assessed.

1.14 A list of the annual reports of departments, agencies and other bodies tabled in the Senate (or presented out of session to the President of the Senate), and referred to the committee for examination, can be found at Appendix 1. The table shows the

6 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 2012, p. i.

7 *Senate Hansard*, 8 December 1987, pp. 2643–45.

8 See, n. 2, above.

legislation under which reports are required to be provided, tabling information, and the reporting period during which the report was provided. Reports tabled by 31 October 2012 were considered in the committee's first Report on Annual Reports.⁹

1.15 The committee is pleased to note that generally the annual reports examined adhere to the relevant reporting guidelines in a satisfactory manner. The reports continue to maintain high standards of presentation and provide a comprehensive range of information on their functions and activities. However, some specific comments about timeliness and adherence to reporting requirements are given below.

Timeliness of reports

1.16 Under Standing Order 25(20)(c), the committee must also report to the Senate on any lateness in the presentation of annual reports. The Requirements for Annual Reports state that:

A copy of the annual report is to be presented to each House of the Parliament on or before 31 October in the year in which the report is given.

...

Where an agency's own legislation provides a timeframe for its annual report, for example 'within six months' or 'as soon as practicable after 30 June in each year', that timeframe applies.¹⁰

1.17 If a department or agency is unable to meet this deadline, the secretary or agency head is to advise the responsible Minister of the reasons for the delay and the expected tabling date. The responsible Minister is to table this explanation in the Parliament.

1.18 Subsection 9(1) of the CAC Act requires the director of a Commonwealth authority to:

(a) prepare an annual report in accordance with Schedule 1 for each financial year; and

(b) give it to the responsible Minister by the deadline for the financial year for presentation to the Parliament.

...

(2) The deadline is:

(a) the 15th day of the 4th month after the end of the financial year; or

(b) the end of such further period granted under subsection 34C(5) of the Acts Interpretation Act 1901.

1.19 Under section 36 of the CAC Act:

9 Community Affairs Legislation Committee, *Report on Annual Reports 2013(1)*, March 2013, available at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Annual_Reports/2013/report1/index.

10 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 2012, p. 2.

- (1) A Commonwealth company must give the responsible Minister:
- (a) a copy of the company's financial report, directors' report and auditor's report that the company is required by the Corporations Act 2001 to have for the financial year (or would be required by that Act to have if the company were a public company); and
 - (b) any additional report under subsection (2); and
 - (c) in the case of a wholly-owned Commonwealth company — any additional information or report required by the Finance Minister's Orders.
- (1A) The Commonwealth company must give the reports and information by:
- (a) if the company is required by the Corporations Act 2001 to hold an annual general meeting — the earlier of the following:
 - (i) 21 days before the next annual general meeting after the end of the financial year;
 - (ii) 4 months after the end of the financial year; and
 - (b) In any other case — 4 months after the end of the financial year; or the end of such further period granted under subsection 34C(5) of the Acts Interpretation Act 1901.

1.20 In the absence of any specific provision, subsection 34C(2) of the *Acts Interpretation Act 1901* requires bodies to present annual reports to ministers within 6 months after the end of the period reported upon, and ministers must table reports within 15 sitting days after receipt.

Annual reports for 2011–12

1.21 The majority of the annual reports referred to this committee were tabled within the specified period or shortly thereafter. The committee acknowledges that the Anindilyakwa Land Council, the Northern Land Council, the Tiwi Land Council, the Wreck Bay Aboriginal Community Council, the Indigenous Land Corporation, and the Torres Strait Regional Authority all provided notification that their reports would be delayed.

Wreck Bay Aboriginal Community Council

1.22 The Wreck Bay Aboriginal Community Council wrote to the Minister for Families, Housing, Community Services and Indigenous Affairs on 16 January 2013 seeking a further extension to the annual report deadline under section 34C(4) of the *Acts Interpretation Act 1901*. The Minister had originally granted an extension until 30 November 2012, and this was extended to 31 January 2013. The Minister granted the extension, but noted that she had asked her Department to 'work with the Wreck Bay Aboriginal Community Council to help ensure that the next annual report is finalised in a more timely manner'.¹¹ The request by the Wreck Bay Aboriginal

11 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, Letter to Mr Mal Hansen, CEO, Wreck Bay Aboriginal Community Council, tabled 7 February 2013.

Community Council and the Minister's response were tabled on 7 February 2013. The annual report for the Wreck Bay Aboriginal Community Council was transmitted to the Minister on 20 February 2013, received on 4 March 2013, and tabled in the Senate on 13 March 2013.

Northern Land Council

1.23 In its *Report on Annual Reports 2013(1)*, the committee noted that the Northern Land Council sought an extension until 15 February 2013 to submit its annual report, and that the extension was granted. However, the Northern Land Council's annual report had not been tabled when the committee's *Report on Annual Reports 2013(1)* was published in March 2013.

1.24 The Northern Land Council wrote to the Minister for Families, Housing, Community Services and Indigenous Affairs on 31 January 2013 under section 34C(4) of the *Acts Interpretation Act 1901* requesting an extension until 30 April 2013 to table its annual report. The Minister had originally granted an extension until 30 November 2012, and this was extended to 15 February 2013. The Minister granted the request, but noted that:

the continued delays by the Northern Land Council in finalising its 2011–12 Annual report are of increasing concern to me and the Parliament more generally. I will agree to this third extension request but require your assurance that the report will be finalised and provided to me in a timely manner to allow tabling in the Parliament before 30 April 2013.¹²

1.25 The annual report for the Northern Land Council was, however, not transmitted to the Minister until 30 May 2013, and was tabled in the Senate on 25 June 2013. As the Northern Land Council's annual report was not received during the reporting period for this report, it will be considered in the committee's *Report on Annual Reports 2014(1)*.

Anindilyakwa Land Council

1.26 In its *Report on Annual Reports (No. 1) 2013*, the committee noted that the Anindilyakwa Land Council sought an extension until 14 December 2012 to submit its annual report, and that the extension was granted. However, the Anindilyakwa Land Council's annual report had not been tabled when the committee's *Report on Annual Reports 2013(1)* was published in March 2013.

1.27 The Anindilyakwa Land Council wrote to the Minister for Families, Housing, Community Services and Indigenous Affairs on 24 April 2013 under section 34C(4) of the *Acts Interpretation Act 1901* requesting an extension to 31 May 2013 to table its annual report. As noted, the Minister had originally granted an extension until 14 December 2012, and this was extended first to 15 March 2013, and again to 30 April 2013. The Minister granted the further extension, highlighting in her letter the

12 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, Letter to Mr Robert Graham, A/g CEO, Northern Land Council, tabled 20 March 2013.

concerns expressed in the committee's *Report on Annual Reports 2013(1)* and noting that:

In light of the Committee's findings, and as a gesture of commitment to improved governance, I suggest the Anindilyakwa Land Council may like to provide an explanation of the delays experienced in previous years in its 2012–13 annual report and the steps taken to ensure the timely presentation of the report for the current financial year.¹³

1.28 The committee notes the Minister's suggestions with approval and looks forward to seeing this explanation incorporated into the 2012–2013 annual report. The 2011–2012 annual report for the Anindilyakwa Land Council was presented to and received by the Minister on 15 May 2013, and tabled in the Senate on 18 June 2013. As the Anindilyakwa Land Council's annual report was not received during the reporting period for this report, it will be considered in the committee's *Report on Annual Reports 2014(1)*.

Medical Training Review Panel

1.29 The sixteenth report of the Medical Training Review Panel (MTRP) was tabled in the Senate on 19 June 2013, outside the reporting period for this report. Late reporting has been a pattern for the MTRP and the committee believes this relates to the MTRP's cycle of data collection from universities over the calendar year, as discussed in the committee's *Report on Annual Reports 2013(1)*.¹⁴

Publishing standards for the Presentation of Documents to Parliament

1.30 The Department of Prime Minister and Cabinet has produced Guidelines for the Presentation of Documents to the Parliament. Section 4 covers the Presentation of Government documents (including Department and agency annual reports) to Parliament. Section 4.1, Printing and publishing standards for documents, states that:

Documents to be included in the Parliamentary Papers Series must be printed on International B5 size paper.

1.31 The committee is pleased to report that, following on from the *Report on Annual Reports 2012(2)*, General Practice Education and Training Limited, and the Northern Land Council have complied with these guidelines.

Compliance Index

1.32 The committee is pleased to note that in line with new reporting requirements, almost all annual reports considered for this report included a compliance index. The committee requests that General Practice Education and Training Limited include a compliance index in their next annual report.

13 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, Letter to Mr Tony Wurrumarrba, Chairman, Anindilyakwa Land Council, tabled 17 June 2013.

14 Community Affairs Legislation Committee, *Report on Annual Reports 2013(1)*, March 2013, p. 5.

Letter of transmittal—General Practice Education and Training Limited

1.33 The committee notes that the annual report from General Practice Education and Training Limited (GPET) did not include a Letter of Transmittal. The committee requests that GPET include a Letter of Transmittal to the Minister in their future annual reports, containing a statement that the annual report was prepared in accordance with subsection 36(1) of the CAC Act and was approved by a resolution of the directors.

Awards

Australasian Reporting Awards

1.34 The committee congratulates Aboriginal Hostels Limited for receiving a Gold Award at the Australasian Reporting Awards. The committee also congratulates the Australian Institute of Health and Welfare, the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Health and Ageing, and Indigenous Business Australia for receiving Silver Awards, and the Department of Human Services for receiving a Bronze Award.

Institute of Public Administration Australia (IPAA) ACT Division Annual Report Awards

1.35 The committee congratulates Indigenous Business Australia for receiving a Gold Award and the Australian Organ and Tissue Donation and Transplantation Authority and Aboriginal Hostels Limited for receiving Silver Awards in the Institute of Public Administration Australia (IPAA) ACT Division Annual Report Awards. The committee also congratulates the Torres Strait Regional Authority for receiving a Highly Commended award. The committee notes that the Department of Health and Ageing and the Australian Institute of Health and Welfare also received Bronze Awards for their online reports.

Comments made in the Senate

1.36 The committee is obliged, under Senate Standing Order 25(20)(d), to take into account any relevant remarks made about these reports in the Senate. The committee is not aware of any comments made in the Senate regarding the annual reports of departments and agencies within its purview.

Bodies not presenting annual reports to the Senate

1.37 In accordance with Standing order 25(21)(h), the committee is required to report to the Senate on whether there are any bodies which do not present annual reports to the Senate and which should present such reports. As noted in its first report of 2013, in its 2012 (No. 2) report, the committee recommended that the Commonwealth government consider whether an annual report of the National E-Health Transition Authority (NEHTA) should be presented to the Parliament. The committee is not aware of any government response to this recommendation.

Additional Reports

1.38 In addition to the reports listed in Appendix 1, the following reports were also referred to and received by the committee between the period of 1 March 2013 and 30

June 2013. The committee notes that these reports are referred to it for their information only and the committee is not required by the terms of the Standing Order to report on these:

- Aboriginal Land Commissioner — Report on review of Part IV of the *Aboriginal Land Rights (Northern Territory) Act 1976* — report by Justice John Mansfield AM, dated March 2013 (tabled in the Senate 25/06/2013)
- Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) — Quarterly report for the period 1 January to 31 March 2013 (tabled in the Senate 19/06/2013)
- *Tobacco Advertising Prohibition Act 1992* — Report for 2012 pursuant to s34A of the Act (tabled in the Senate 19/06/2013)
- National Health and Medical Research Council (NHMRC) — NHMRC Licensing Committee — Report on the operation of the *Research Involving Human Embryos Act 2002* for the period 1 September 2012 to 28 February 2013 (tabled in the Senate 18/06/2013)
- National Health and Medical Research Council, Australian Research Council and Australian Vice-Chancellors' Committee — National statement on ethical conduct in human research, dated March 2007 — Replacement page 53 (tabled in the Senate 18/06/2013)
- Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) — Quarterly report for the period 1 October to 31 December 2012 (tabled in the Senate 13/05/2013)

Chapter 2

Annual reports of Commonwealth Authorities, Companies and Agencies

2.1 This chapter reviews and provides selected comments on portfolio annual reports.

Health and Ageing Portfolio

National Health Performance Authority

2.2 The National Health Performance Authority (NHPA) presented its first annual report to the committee in this reporting period, having been established as a result of the signing of the Council of Australian Governments (COAG) National Health Reform Agreement on 2 August 2011. The NHPA is a prescribed agency under the *Financial Management and Accountability Act 1997*, and operates under the *National Health Reform Act 2011* to monitor and report

on the comparable performance of healthcare organisations to stimulate and inform improvements in the Australian health system, increase transparency and accountability and inform consumers.¹

2.3 The report notes that the first six months of operation of the NHPA have been focused on building structure and capacity for the agency, consulting with stakeholders, and establishing the Strategic Plan 2012–2015, as well as a reporting plan and a data plan. The NHPA's operations over this period were funded through appropriations from the Department of Health and Ageing.

2.4 The committee commends the NHPA on its clearly structured and well-presented report, which complies with almost all applicable reporting requirements. The notable exception is the report's statement addressing consultancies, which appears to be addressing another reporting requirement.² Future reports would also benefit from a more detailed statement on compliance with the *Commonwealth Fraud Control Guidelines*. The committee looks forward to learning more of the substantive activities of the NHPA in future reports.

General Practice Education and Training Limited

2.5 General Practice Education and Training Limited (GPET) was incorporated in 2001 under the *Corporations Act 2001* as a wholly owned not-for-profit company,

1 National Health Performance Authority, *Annual Report 2011–2012*, p. iii.

2 National Health Performance Authority, *Annual Report 2011–2012*, p. 26.

'established to fund and oversee general practice vocational training throughout Australia.'³

2.6 During the reporting period, Associate Professor Richard Matthews AM replaced Professor Simon Willcock as Board Chair.

2.7 The committee generally finds the GPET annual report to be well presented and easy to navigate. As noted in chapter 1, the addition of a compliance index to future annual reports would assist the committee in determining compliance with requirements such as work health and safety reporting requirements, significant changes affecting the company under section 40 of the *Commonwealth Authorities and Companies Act 1997*, and judicial decisions and reviews by outside bodies affecting the company. Future reports would also benefit by including further details around staffing, and should include a letter of transmittal.

Private Health Insurance Administration Council

2.8 The Private Health Administration Council (PHIAC) is charged with regulating the private health insurance industry in Australia. It was established as a body corporate under section 82B of the *National Health Act 1953* in 1989, and continues its existence as an independent statutory authority under section 264–1 of the *Private Health Insurance Act 2007*.⁴

2.9 The committee commends the Private Health Insurance Administration Council for a succinct and well-presented annual report that was readable against the *Portfolio Budget Statements 2011–12*.⁵ The committee congratulates PHIAC for exceeding targets for the fund review program.⁶ Future annual reports would benefit from the inclusion of exemptions from reporting requirements and education and performance review of directors in the compliance index.

Families, Housing, Community Services and Indigenous Affairs Portfolio

Equal Opportunity for Women in the Workplace Agency

2.10 The committee notes that the Equal Opportunity for Women in the Workplace Agency (EOWA) became the Workplace Gender Equality Agency after the passage of the *Equal Opportunity for Women in the Workplace Amendment Bill 2012*, after the conclusion of this reporting period. The committee looks forward to learning more of the transition process for the Agency in future annual reports.

3 General Practice Education and Training Limited, *Annual Report 2011–2012*, p. 49.

4 Private Health Insurance Administration Council, *Annual Report 2011–2012*, p. ix.

5 Department of Health and Ageing, *Portfolio Budget Statements 2011–12*, pp. 739–766.

6 Department of Health and Ageing, *Portfolio Budget Statements 2011–12*, p. 751, and Private Health Insurance Administration Council 2012, *Annual Report 2011–2012*, p. 10.

2.11 The committee is also pleased to note that, following from comments in its *Report on Annual Reports 2012(2)*, EOWA has included a comprehensive compliance index in its report.

Indigenous Land Corporation

2.12 The Indigenous Land Corporation (ILC) is a statutory authority under the CAC Act and is enabled by the *Aboriginal and Torres Strait Islander Act 2005*. In the 2011–12 reporting period the ILC appointed four new directors to the Board, including Dr Dawn Casey, who replaced Shirley McPherson as ILC Board Chairperson. The committee acknowledges the important work undertaken by the outgoing ILC board members.

2.13 The committee commends the ILC on its well-presented and comprehensive report, which was clearly readable against the *Portfolio Budget Statements 2011–12*, and makes good use of numerous case studies. The committee is pleased to note the inclusion in the annual report of a thorough compliance index that specifies compliance with the requirements of the *Commonwealth Authorities and Companies (Report of Operations) Orders 2011*. The committee was also impressed that the ILC has demonstrated a commitment to better practice in annual reporting through its compliance with some additional non-mandatory principles from the Requirements for Annual Reports.⁷

Tiwi Land Council

2.14 This is the first annual report received from the new Chairman of the Tiwi Land Council Mr Gibson Farmer Illortaminni. The committee notes the work undertaken over the preceding six years by the outgoing chairman Mr Robert Tipungwuti.

2.15 The report noted that recruitment of new rangers was currently on hold due to funding uncertainty, and it was noted that 'ad-hoc fee for service work cannot sustain ranger programmes'.⁸ Only \$10 858 was invoiced during the reporting period.⁹ On a brighter note, it was reported that the Cadet Ranger Programme continues at Tiwi College, with 12 students currently studying Certificate I in Conservation and Land Management.¹⁰

2.16 It was reported that the Tiwi Land Council has received resource Exploration Licence Applications from Rio Tinto, Kalbar Resources, Tennant Creek Gold, and MBS Oil. The total area subject to these applications constitutes over 90 per cent of the Tiwi islands, as well as the majority of the coastline of both Bathurst and

7 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 2012.

8 Tiwi Land Council, *Annual Report 2010–2011*, p. 12.

9 Tiwi Land Council, *Annual Report 2010–2011*, p. 14.

10 Tiwi Land Council, *Annual Report 2010–2011*, p. 13.

Melville Islands. The report states that although these applications were 'discussed at length':

The Land Council considers that Tiwi Forestry, Maritime Services and Shipping and the Fishing and Tourism businesses that are currently building momentum do promise to yield excellent participatory and working benefits for Tiwi people. There is no evidence we have that mining attracts the same participation of our workforce or the sustainability rewards sought by Tiwi leadership. Prospects of risking up to 90 per cent of our land for "digging up purposes" are an option currently being resisted by a majority of landowners.¹¹

2.17 The committee notes that future reports from the Tiwi Land Council would benefit from the inclusion of a glossary and general index. The compliance indexes for future reports would also be improved by noting where the discussion of ethics and risk management policies, as well as education and performance review processes for directors, can be found in the body of the annual report.

Torres Strait Regional Authority

2.18 The Torres Strait is located in Australia and is part of the north eastern Queensland. The area is approximately 150 kilometres wide at its narrowest point and is situated between the tip of Queensland's Cape York Peninsula and Papua New Guinea. The region consists of over 270 islands and reefs.

2.19 The Torres Strait Regional Authority's (TSRA) annual report provides an overview of the TSRA's efforts towards Closing the Gap. The report highlights a number of achievements in education, early childhood education, economic participation and health.¹² Despite these improvements, there is still much work to be done to close the gap. For instance, it was reported that:

A synthesis of ABS data from the 2011 Census and Queensland Health information shows that death rates continue to be higher in the Torres Strait and Northern Peninsula Area than in mainly Australia with cardiovascular disease, type 2 diabetes, mental illness and substance abuse, accident and injury, neoplasms (cancer)...being responsible for over 64 per cent of the burden of disease in the region.¹³

2.20 Following a review of governance practices, changes have been made to the way in which the TSRA Board operates. Twenty electoral wards have been created with the first election held in September 2012.¹⁴ The TSRA Board consists of 20 elected members who are all Torres Strait Islander or Aboriginal people living in the region. Board Members are elected every four years by their individual communities.

11 Tiwi Land Council, *Annual Report 2010–2011*, p. 23.

12 Torres Strait Regional Authority, *Annual Report 2011–2012*, p. 91.

13 Torres Strait Regional Authority, *Annual Report 2011–2012*, p. 94.

14 Torres Strait Regional Authority, *Annual Report 2011–2012*, p. 103.

2.21 The committee commends the TSRA for receiving a highly commended award at the Institute of Public Administration Australia (IPAA) ACT Division Annual Report Awards. The committee particularly commends the TSRA for its comprehensive and well-structured compliance index.

Annual reports of Statutory Office Holders

Executive Director of Township Leasing

2.22 The Executive Director of Township Leasing was established as an independent statutory office under section 20B of the *Aboriginal Land Rights (Northern Territory) Act 1976* to 'hold and administer certain types of leases on behalf of the Commonwealth.'¹⁵ During the reporting period Greg Roche was the acting Executive Director Township Leasing.

2.23 The report notes that a second whole of township lease in the Tiwi Islands was signed during the reporting period following renewed negotiations between the Tiwi Land Council and the Department of Families, Housing, Community Services and Indigenous Affairs. The report states that,

The Traditional Owners of Milikapiti and Wurankuwu were inspired to enter negotiations after seeing the benefits to Wurrumiyanga from its Whole of Township Lease... As part of the township lease agreement the Milikapiti and Wurankuwu communities received an advance rental payment of \$1 760 000 and \$190 000 respectively for the first 15 years operation of the lease, and a community benefits package. The community benefits package comprised \$160 000 for Wurankuwu and \$3 million for Milikapiti. In accordance with community wishes this has been spent on a multipurpose demountable for Wurankuwu, and will go towards housing in Milikapiti.¹⁶

2.24 The committee looks forward to discussion of further progress in the area of township leasing in future annual reports.

15 Executive Director of Township Leasing, *Annual Report 2011–2012*, p. 8.

16 Executive Director of Township Leasing, *Annual Report 2011–2012*, p. 1.

Non-statutory advisory panel

Advisory Panel on the Marketing in Australia of Infant Formula

2.25 The committee commends the Advisory Panel on the Marketing in Australia of Infant Formula for continuing to produce an annual report to Parliament when there is no legislative requirement for it to do so.

Senator Claire Moore

Chair

Appendix 1

List of departments, agencies and bodies required to present annual reports to the Senate

Families, Housing, Community Services and Indigenous Affairs portfolio

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/ received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Aboriginal Hostels Limited (AHL)	CAC Act – company (limited by guarantee)	Section 36 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	30/10/12	30/10/12	n/a	10/10/12; 10/10/12	✓	
Aboriginal Land Commissioner, Northern Territory	Statutory office holder	Section 61 of the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	2011-12	30/10/12	29/10/12	n/a	02/10/12; 02/10/12	✓	
Anindilyakwa Land Council ¹	CAC Act – statutory authority	Section 37 of the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> and section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	18/06/13	28/05/13	n/a	15/05/13; 15/05/13		

¹ Report received outside of the reporting periods for 2013 *Reports on Annual Reports*; see the committee's comments in Chapter 1, p. 6.

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/ received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Australian Institute of Family Studies (AIFS)	FMA Act – Prescribed agency	Section 114LC of the <i>Family Law Act 1975</i> , section 70 and subsection 70(1) of the <i>Public Service Act 1999</i>	2011-12	30/10/12	29/10/12	n/a	26/09/12; 27/09/12	✓	
Central Land Council	CAC Act – statutory authority	Section 37 of the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> , section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i> and the <i>Native Title Act 1993</i>	2011-12	30/10/12	30/10/12	n/a	02/10/12; 02/10/12	✓	
Coordinator-General for Remote Indigenous Services ²	Statutory office holder	Section 28 of the <i>Coordinator-General for Remote Indigenous Services Act 2009</i>	2011-12	10/10/12	10/10/12	n/a	6/09/12; 7/09/12	✓	
Department of Families, Housing, Community Services and Indigenous Affairs	Department of State	Section 63 of the <i>Public Service Act 1999</i> (PS Act)	2011-12	10/10/12	10/10/12	n/a	06/09/12; 07/09/12	✓	

² The Coordinator-General for Indigenous Services is included in the Department of Families, Housing, Community Services and Indigenous Affairs' *Annual Report 2011–12* as Appendix K.

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/ received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Equal Opportunity for Women in the Workplace Agency (EOWA)	FMA Act – Prescribed agency	Section 12 of the <i>Equal Opportunity for Women in the Workplace Act 1999</i>	2011-12	27/11/12	27/11/12	n/a	08/11/12; 08/11/12		✓
Executive Director of Township Leasing	Statutory office holder	Section 20R of the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	2011-12	20/11/12	1/11/12	n/a	02/10/12; 02/10/12		✓
Indigenous Business Australia (IBA)	CAC Act – statutory authority	Section 189 of the <i>Aboriginal and Torres Strait Islander Act 2005</i> and section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	31/10/12	31/10/12	n/a	02/10/12; 02/10/12	✓	
Indigenous Land Corporation (ILC)	CAC Act – statutory authority	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	19/11/12	26/11/12	14/11/12	02/10/12; 02/10/12		✓
Northern Land Council ³	CAC Act – statutory authority	Section 37 of the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> , section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i> and the <i>Native Title Act 1993</i>	2011-12	25/06/13	25/06/13	n/a	30/05/13; 30/05/13		

³ Report received outside of the reporting periods for 2013 *Reports on Annual Reports*; see the committee's comments in Chapter 1, p. 6.

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/ received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Outback Stores Pty Ltd	CAC Act – company (limited by shares)	Section 36 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	31/10/12	31/10/12	n/a	21/09/12; 21/09/12	✓	
Social Security Appeals Tribunal (SSAT)	Statutory body	Section 25 of the <i>Social Security (Administration) Act 1999</i>	2011-12	30/10/12	29/10/12	n/a	02/10/12; 02/10/12	✓	
Tiwi Land Council	CAC Act – statutory authority	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	05/02/13	5/02/13	13/12/12	16/11/12; 20/11/12		✓
Torres Strait Regional Authority	CAC Act – statutory authority	Section 144ZB <i>Aboriginal and Torres Strait Islander Act 2005</i> and Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	19/11/12	26/11/12	14/11/12	10/10/12; 10/10/12		✓
Wreck Bay Aboriginal Community Council	CAC Act – statutory authority	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	13/03/13	13/03/13	n/a	20/02/13; 04/03/13		✓

Health and Ageing portfolio

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Advisory Panel on the Marketing in Australia of Infant Formula	Non-statutory advisory panel	No legislative requirement to table	2011-2012	19/03/13	19/03/13	n/a	08/02/13; 11/02/13		✓
Aged Care Commissioner	Statutory office holder – Departmental body	Section 95A-12 of the <i>Aged Care Act 1997</i>	2011-12	30/10/12	11/10/12	n/a	21/08/12; 22/08/12	✓	
Aged Care Standards and Accreditation Agency Ltd (ACSAA)	CAC Act – company (limited by guarantee)	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	29/10/12	29/10/12	24/10/12	26/09/12; 26/09/12	✓	
Australian Commission on Safety and Quality in Health Care	CAC Act – Commonwealth authority	Section 111 of the <i>National Health Reform Act 2011</i> and Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	29/10/12	29/10/12	15/10/12	28/09/12; 10/10/12	✓	
Australian Institute of Health and Welfare (AIHW)	CAC Act – statutory authority	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	31/10/12	31/10/12	n/a	12/10/12; 17/10/12	✓	

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Australian National Preventive Health Agency (ANPHA)	FMA Act – Prescribed agency	Section 53 of the <i>Australian National Preventive Health Agency Act 2010</i> and Sections 63 and 70 of the <i>Public Service Act 1999</i>	2011-12	30/10/12	11/10/12	n/a	26/09/12; 26/09/12	✓	
Australian Organ and Tissue Donation and Transplantation Authority	FMA Act – Prescribed agency	Subsection 28(1) of the <i>Australian Organ and Tissue Donation and Transplantation Authority Act</i>	2011-12	10/10/12	10/10/12	n/a	14/09/12; 17/09/12	✓	
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)	FMA Act – Prescribed agency	Section 60(6) of the <i>Australian Radiation Protection and Nuclear Safety Act 1998</i>	2011-12	30/10/12	30/10/12	n/a	15/09/12; 15/09/12	✓	
Cancer Australia	FMA Act – Prescribed agency	Section 37 of the <i>Cancer Australia Act 2006</i> and Section 57 of the <i>Financial Management and Accountability Act 1997</i>	2011-12	31/10/12	31/10/12	n/a	17/09/12; 17/09/12	✓	
Department of Health and Ageing	Department of the State	Section 63 of the <i>Public Service Act 1999</i> (PS Act)	2011-12	30/10/12	11/10/12	n/a	31/08/12; 31/08/12	✓	

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Food Standards Australia New Zealand (FSANZ)	CAC Act – statutory authority	Section 152 of the <i>Food Standards Australia New Zealand Act 1991</i> and Schedule 1 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	30/10/12	30/10/12	n/a	16/10/12; 17/10/12	✓	
General Practice Education and Training Limited (GPET)	CAC Act – company (limited by guarantee)	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	27/11/12	27/11/12	n/a	24/10/12; 24/10/12		✓
Health Workforce Australia (HWA)	CAC Act – statutory authority	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	29/10/12	29/10/12	12/10/12	27/09/12; 02/10/12	✓	
Independent Hospital Pricing Authority (IHPA)	FMA Act – Prescribed agency	Section 193 of the <i>National Health Reform Amendment (Independent Hospital Pricing Authority) Act 2011</i> and section 57 of the <i>Financial Management and Accountability Act 1997</i>	2011-12	30/10/12	11/10/12	n/a	07/09/12; 07/09/12	✓	
Medical Training Review Panel (MTRP) ⁴	Statutory authority	Subsection 3GC(4) of the <i>Health Insurance Act 1973</i>	2011-12	19/06/13	19/06/13	n/a	27/02/13; 28/02/13		

⁴ Report received outside of the reporting periods for 2013 *Reports on Annual Reports*; see the committee's comments in Chapter 1, p. 7.

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
National Blood Authority (NBA)	FMA Act – Prescribed agency	Section 44 of the <i>National Blood Authority Act 2003</i>	2011-12	29/10/12	29/10/12	24/10/12	25/09/12; 09/10/12	✓	
National Health and Medical Research Council (NHMRC)	FMA Act – Prescribed agency	Section 83 of the <i>National Health and Medical Research Council Act 1992</i> and Section 63 of the <i>Public Service Act 1999</i>	2011-12	31/10/12	31/10/12	n/a	09/10/12; 10/10/12	✓	
National Health Performance Authority (NHPA)	FMA Act – Prescribed agency	Section 111 of the <i>National Health Reform Act 2011</i> and Section 57 of the <i>Financial Management and Accountability Act 1997</i>	2011-12	27/11/12	26/11/12	n/a	29/10/12; 29/10/12		✓
National Industrial Chemicals Notification and Assessment Scheme (NICNAS)	Regulatory Scheme – Departmental body	Section 108 of the <i>Industrial Chemicals (Notification and Assessment) Act 1989</i>	2011-12	31/10/12	31/10/12	n/a	26/09/12; 03/10/12	✓	
Office of the Gene Technology Regulator	Statutory office holder – Departmental body	Section 136 of the <i>Gene Technology Act 2000</i>	2011-12	30/10/12	29/10/12	n/a	21/09/12; 21/09/12	✓	

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Pharmaceutical Benefits Pricing Authority (PBPA) ⁵	Non-statutory body	Section 99YBC of the <i>National Health Act 1953</i>	2011-12	30/10/12	11/10/12	n/a	31/08/12; 31/08/12	✓	
Private Health Insurance Administration Council (PHIAC)	CAC Act – statutory authority	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	19/11/12	26/11/12	05/11/12	10/10/12; 11/10/12		✓
Private Health Insurance Ombudsman (PHIO)	FMA Act – Prescribed agency	Section 253-50 of the <i>Private Health Insurance Act 2007</i>	2011-12	30/10/12	30/10/12	n/a	24/09/12; 08/10/12	✓	
Professional Services Review (PSR)	FMA Act – Prescribed agency	Section 106ZQ of the <i>Health Insurance Act 1973</i>	2011-12	29/10/12	29/10/12	16/10/12	05/10/12; 10/10/12	✓	

⁵ Incorporated into the Department of Health and Ageing's *Annual Report 2011–12* as Appendix 2.

Human Services portfolio

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/ received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Australian Hearing	CAC Act – statutory authority	Section 9 of the <i>Commonwealth Authorities and Companies Act 1997</i>	2011-12	10/10/12	10/10/12	n/a	24/09/12; 24/09/12	✓	
Department of Human Services	Department of the State	Section 63 of the <i>Public Service Act 1999</i> (PS Act)	2011-12	29/10/12	29/10/12	16/10/12	28/09/12; 28/09/12	✓	

Annual reports from non-Portfolio Agencies

Department/Agency/Body	Type	Legislation	Reporting Year	Date tabled Senate	Date tabled House of Representatives	Date received out of session by President of the Senate (if applicable)	Date submitted to/ received by Minister (if available)	Received during period for Report 1 of 2013	Received during period for Report 2 of 2013
Australian Health Practitioner Regulation Agency ⁶	Statutory Agency	Schedule 3, Clause 8 of the <i>Health Practitioner Regulation National Law Act 2009</i> , as in force in each state and territory	2011-12	5/02/13	5/02/13	12/12/12	28/11/12 2/12/12		✓

⁶ The Australian Health Practitioner Regulation Agency supplies an annual report to the Ministerial Council of the Council of Australian Governments which supplies a copy to each state and territory Parliament and to the Commonwealth.