

The Senate

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Environment and Communications  
Legislation Committee

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Annual reports (No. 2 of 2014)

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**Committee address**

PO Box 6100

Parliament House

Canberra ACT 2600

*Tel:* 02 6277 3526

*Fax:* 02 6277 5818

*Email:* ec.sen@aph.gov.au

*Internet:*

[http://www.aph.gov.au/Parliamentary Business/Committees/Senate/Environment and Communications](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications)

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# Committee Membership

## Members

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Senator Anne Urquhart, Deputy Chair	ALP, Tasmania
Senator Matthew Canavan	NATS, Queensland
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Senator the Hon Lisa Singh	ALP, Tasmania
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Ms Christine McDonald, Secretary  
Ms Meryl Hampson, Research Officer



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# Chapter 1

## Introduction

1.1 This is the second report on annual reports for 2014 of the Senate Environment and Communications Legislation Committee (the committee). It provides an overview of annual reports of agencies within the allocated portfolios tabled in the Senate between 1 November 2013 and 30 April 2014.

1.2 Annual reports inform the Parliament, stakeholders and other interested parties of the operations and performance of public sector departments, agencies and companies. They are a primary accountability mechanism. Additionally, annual reports are important reference documents and form part of the historical record.<sup>1</sup>

### Terms of reference

1.3 Under Standing Order 25(20), the annual reports of certain departments and agencies are referred to the committee for examination and assessment. The committee is required to:

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

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1 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies*, 24 June 2013.

## Allocated portfolios

1.4 In accordance with the resolution of the Senate on 12 November 2013, the committee has oversight of the following portfolios:

- Environment; and
- Communications.<sup>2</sup>

## Annual reporting requirements

1.5 In 2012–13, Commonwealth departments, agencies, authorities and companies operating under either the *Financial Management and Accountability Act 1997* (the FMA Act) or the *Commonwealth Authorities and Companies Act 1997* (the CAC Act) were required to provide an annual report on their activities, performance and finances. The *Public Governance, Performance and Accountability Act 2013* replaced both the FMA Act and the CAC Act on 1 July 2014. However, the annual reports covered by this report were assessed against the requirements under the former Acts.

1.6 Annual reports must also comply with the *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies* issued by the Department of the Prime Minister and Cabinet and approved by the Joint Committee of Public Accounts and Audit. These requirements are updated annually. The latest version of the requirements was issued on 29 May 2014 and applies to annual reports for 2013–14. Therefore, the previous version of the requirements applies to the annual reports examined in this report.

## Reports examined

1.7 This report examines the following reports, tabled in the Senate or presented out of session to the President of the Senate and referred to the committee between 1 November 2013 and 30 April 2014:

### *Statutory authorities*

- Climate Change Authority—*Annual Report 2012–13*; and
- Murray-Darling Basin Authority—*Annual Report 2012–13*.

### *Company limited by guarantee*

- Low Carbon Australia—*Annual Report 2012–13*.

## Reports not examined

1.8 The committee is not obliged to report on Acts, statements of corporate intent, surveys, policy papers, budget documents, corporate plans or errata. The following were referred to the committee between 1 November 2013 and 30 April 2014 but are not examined in this report:

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2 *Journals of the Senate*, No. 1, 12 November 2013, p. 16.



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- Australian Broadcasting Corporation, *Equity and Diversity Annual Report 2012–13*;
  - Australian Communications Consumer Action Network, *Funding of Consumer Representation Grants Program to Telecommunications, Annual Report 2012–13*;
  - Australian Communications and Media Authority, *Communications Report 2012–13*;
  - Australian Competition and Consumer Commission, *NBN Points of Interconnection*, July 2013;
  - Australian Competition and Consumer Commission, *Telstra Compliance Report*, October 2013;
  - Australian Competition and Consumer Commission, *Telecommunications competitive safeguards for 2012–13 and Changes in the prices paid for telecommunications services in Australia 2012–13*;
  - Department of Communications, *Report on Digital Television Transmission and Reception*, February 2014;
  - Department of the Environment, *The National Heritage List and Commonwealth Heritage List: 1 July 2008 – 30 June 2013*;
  - Department of the Environment, *Third Independent Review of the Product Stewardship (Oil) Act 2000, Final Report*, September 2013;
  - National Environment Protection Council, *Annual Report 2012–13*;
  - NBN Co Limited, *Independent review under s.151DD of the Competition and Consumer Act 2010*, October 2013; and
  - Wet Tropics Management Authority, *Annual Report and State of the Wet Tropics Report 2012–13*.

## Timeliness

1.9 The *Requirements for Annual Reports* state that an 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'.<sup>3</sup> Organisations reporting under the former *Commonwealth Authorities and Companies Act 1997* (the CAC Act) were required to present an annual report to the responsible minister on the fifteenth day of the fourth month after the end of the financial year—that is, by 15 October.

1.10 Provision is made under 34C(4)–(7) of the *Acts Interpretation Act 1901* for agencies to apply for an extension of time to report. The committee notes that Low Carbon Australia wrote to the Minister for the Environment, the Hon Greg Hunt, on 8 October 2013 requesting an extension due to exceptional circumstances. Those

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3 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 24 June 2013, p. 3.

circumstances are examined in chapter two of this report. The Minister acknowledged the circumstances and granted an extension of time on 14 October 2013.

1.11 The annual report of the Murray-Darling Basin Authority (MDBA) was tabled in the House of Representatives on 12 December 2013 and in the Senate on 11 February 2014. The letter of transmittal in the report is dated 3 December 2013.

1.12 The committee notes that subsection 214(2) of the *Water Act 2007* provides that the Chief Executive of the MDBA must present the Minister with the report 'as soon as practicable after the end of the period'. This was pointed out in the letter of transmittal in both the 2012–13 and 2011–12 MDBA annual reports. As the MDBA is an FMA Act body, the *PM&C Requirements for Annual Reports* also apply. The *Requirements for Annual Reports* state that, notwithstanding the time frame provided for in an agency's own legislation, the government's policy is that all annual reports should be tabled by 31 October.<sup>4</sup>

1.13 The committee considers that the MDBA should seek to provide its report to the Minister in a more timely fashion.

### **Senate debate**

1.14 Under standing order 25(20)(d), the committee is obliged to note any remarks made in the Senate about annual reports. None of the annual reports examined in this report was the subject of Senate debate.

### **Australian National Audit Office reports**

1.15 The Australian National Audit Office (ANAO) undertook audits of the financial statements of Australian Government entities and presented its findings in the report entitled *Audits of the Financial Statements of Australian Government Entities for the Period Ended 30 June 2013*. The financial statements of the three entities examined in this report on annual reports were found to be satisfactory.

1.16 Aside from its audit of financial statements, the ANAO identified certain other areas to be audited during 2012–13. One of these was Commonwealth environmental watering arrangements. The ANAO report entitled *Commonwealth Environmental Watering Activities* highlights at several points the collaboration between the MDBA and the Commonwealth Environmental Water Office (CEWO). This collaboration includes reporting, information sharing, research and modelling. The ANAO report states:

The CEWO and the MDBA informed the ANAO that both organisations work together productively on areas of common interest, with each generally satisfied with the breadth and depth of current engagement activity.<sup>5</sup>

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4 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, 24 June 2013, p.3

5 Australian National Audit Office, Audit Report No. 36 2012–13, *Commonwealth Environmental Watering Activities*, p. 67.

1.17 The committee notes that the information supplied in the MDBA's annual report appears to endorse the ANAO's findings.

**Apparently satisfactory**

1.18 Standing order 25(20)(a) requires that the committee report to the Senate on whether the annual reports of departments and agencies in its portfolios are 'apparently satisfactory'. The committee finds that the annual reports examined in this report are of high quality, well presented and meet the standard required of them. The committee therefore considers them to be satisfactory.



## Chapter 2

### Review of selected reports

2.1 This chapter examines in detail the annual reports of the Climate Change Authority and Low Carbon Australia.

#### **Climate Change Authority**

2.2 The 2012–13 report was the inaugural annual report of the Climate Change Authority. The message from the Chair gives a brief but informative overview of the remit, establishment and work to date of the Authority. It describes the key recommendation of the review of the Renewable Energy Target, which was the first major review undertaken by the Authority. It also outlines the work undertaken in the Reducing Greenhouse Gas Emissions: Targets and Progress Review, which was ongoing at the time of publication of the annual report.

2.3 The Chief Executive Officer's review expands on the points raised by the Chair, providing information on achievements, ongoing work and stakeholder engagement. Of particular note is the completion of the first review of the Renewable Energy Target within six months of the Authority's establishment, including a significant level of stakeholder engagement, and acceptance by the Minister of the majority of the Authority's 34 recommendations.

2.4 The Chief Executive Officer clearly states five actions the Authority will undertake to complete the Reducing Greenhouse Gas Emissions: Targets and Progress Review, which are:

- review Australia's progress towards emissions reduction targets;
- recommend a 2020 emissions reduction target;
- recommend a national emissions budget;
- discuss how Australia might meet emissions reductions goals; and
- recommend caps on emissions.<sup>1</sup>

2.5 The committee notes that in the final report of the Reducing Greenhouse Gas Emissions: Targets and Progress Review, released in February 2014, the Authority had achieved this undertaking.

#### *Performance reporting*

2.6 The annual report emphasises the independent role of the Climate Change Authority in providing advice to government. Notwithstanding this independence, the report illustrates well the compliance mechanisms under which the Authority operates. The Authority was required to develop its corporate plan and governance structures in 2012–13. In the interim, it ensured performance and governance compliance as follows:

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1 *Climate Change Authority Annual Report 2012–13*, p. 7.

...the Authority drew on the specific requirements of the *Climate Change Authority Act 2011* and the Climate Change Authority Section of the Climate Change and Energy Portfolio Budget Statement 2012–13 for guidance on the operations of the Authority, its outputs and timetable for delivering those outputs.

These documents, along with the governance, direction and compliance requirements of the *Financial Management and Accountability Act 1997* and the *Public Service Act 1999*, provided the Authority with a strong corporate governance environment in the first year of its operation.<sup>2</sup>

2.7 The corporate plan was published in June 2013, as required by the *Climate Change Authority Act 2011*. The Authority also established an audit committee, developed a strategic risk profile and undertook a fraud risk assessment in its first year of operation.

2.8 The *Climate Change Authority Act 2011* requires the Authority to describe in its annual report its objectives and assess the achievement of those objectives against performance indicators. The 2012–13 annual report clearly lays out the outcome structure, program objective, deliverables and key performance indicators (KPIs) for the Authority. It describes in adequate detail the review of the Renewable Energy Target and assesses the Authority's performance in conducting the review against the KPIs. The assessment section, while satisfactory, would benefit from reference to more in-depth information. For example, more specific detail on the activities undertaken as part of the Renewable Energy Target (RET) review could have been provided. The committee notes that the Authority's publications and website provide evidence of the extensive research and consultations undertaken in the RET review. More detail on this in the annual report would have been helpful.

2.9 While the Chair's message and the Chief Executive Officer's review refer to the Authority's ongoing work, this work has not been included in the performance assessment section of the annual report. Although the work is not complete, more detail on it could have been provided and it could have been provisionally assessed against the KPIs. For example, the Authority's work on the Reducing Greenhouse Gas Emissions: Targets and Progress Review could have been assessed against KPI 3, which covers the transparency and accessibility of the public consultation process. At the time of publication of the annual report, the Authority had published an issues paper on the Targets and Progress Review and the draft report was due for release. The Chair's message states:

In its work to date, the Authority has made a point of consulting widely on its work...<sup>3</sup>

2.10 By including information on, and assessment of, the consultation process and analysis carried out for the Targets and Progress Review, the Authority could have further strengthened the performance reporting sections of its annual report.

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2 *Climate Change Authority Annual Report 2012–13*, p. 16.

3 *Climate Change Authority Annual Report 2012–13*, p. 2.

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### *Financial performance*

2.11 The committee notes the statement that the Climate Change Authority is a not-for-profit entity and that the 2012–13 financial statements show a retained surplus.<sup>4</sup> The annual report states that the surplus is because the Authority has maintained unallocated appropriation to meet commitments made in 2012–13 that will be paid for in the following financial year.<sup>5</sup>

2.12 The financial statements in the annual report are comprehensive and accessible. The clear layout of the statements not only greatly assists the reader but integrates them into the body of the report. This clarity also extends to the notes to the financial statements.

2.13 The Authority carries out ongoing analysis of its financial status. The discussion of financial performance states:

The Authority has a monthly reporting and variance analysis process in place to monitor progress against budget. As a result of the above, the Authority has no known or expected risks to its financial sustainability.<sup>6</sup>

2.14 The Climate Change Authority's financial statements received an unqualified audit from the Australian National Audit Office.

### *Overall assessment*

2.15 The Climate Change Authority 2012–13 annual report meets all the mandatory requirements. It is well presented, clearly laid out and succinct. Slightly expanding the information on the Authority's ongoing work and providing a provisional assessment of that work would enhance the report.

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4 *Climate Change Authority Annual Report 2012–13*, pp 19 and 38.

5 *Climate Change Authority Annual Report 2012–13*, p. 19.

6 *Climate Change Authority Annual Report 2012–13*, p. 18.

## Low Carbon Australia

2.16 The 2012–13 Low Carbon Australia annual report was the company's final one. The Chairman's report summarises the circumstances in which Low Carbon Australia (LCA) found itself in 2012–13. In April 2012, all staff of LCA were transferred to the Clean Energy Finance Corporation (CEFC), with the expectation that the company's operations would be integrated with those of the CEFC and the former Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education. However, at the time of presenting its annual report for 2012–13, LCA was awaiting confirmation of the integration. The Chairman's report states:

At the time of writing, Low Carbon Australia remains a legal entity. After the reporting period, following the change of government, after the election held on 7 September 2013, the Minister for the Environment, the Hon Greg Hunt MP directed the Company's Board to cease any winding up of the entity.<sup>7</sup>

2.17 In acknowledgement of these circumstances, the Minister for the Environment, the Hon Greg Hunt, granted LCA an extension of time to present its annual report.<sup>8</sup> The transfer of operations and winding up of the company will be finalised in 2014–15.

2.18 In the annual report, the Chief Executive Officer of Low Carbon Australia expands on the Chairman's overview by describing in more detail the activities of LCA. The CEO's report is informative and well structured, containing suitable examples and analysis—for example, LCA's consultations with peak bodies such as the AiGroup, the Property Council of Australia, and the Refrigerated Warehouse and Transport Association of Australia. The Chief Executive Officer's report states:

Another continued focus was our outreach to business, including through industry associations and peak sectoral groups to communicate both the benefits of energy efficiency investment and the availability of our finance targeted towards such projects...

The result was a solid uptake of Low Carbon Australia finance amongst agribusiness, allied industry, manufacturers and local government.<sup>9</sup>

### *Performance reporting*

2.19 The annual report divides the performance reporting into two sections. The first applies to the Energy Efficiency Program. The committee notes that Low Carbon Australia's funding deed was changed in 2012–13, allowing the company to broaden its investment in energy efficient projects. Its key performance indicators (KPIs) for the year were:

- deliver cost-effective carbon savings;

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7 *Low Carbon Australia Annual Report 2012–13*, p. 17.

8 *Journals of the Senate*, No. 1, 12 November 2013, p. 40.

9 *Low Carbon Australia Annual Report 2012–13*, p. 21.



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- leverage private investment;
  - be additional to business as usual;
  - minimise delivery risk;
  - catalyse future activities; and
  - contribute to Low Carbon Australia's financial sustainability.<sup>10</sup>

2.20 The committee notes LCA's informative presentation on the KPIs. Also worthy of note is the report's presentation of the company's outcomes and the measures used to gauge those outcomes. Quantitative information and precise explanations give credence to the information. For example, against the KPI 'leverage private investment', the annual report states that the measure used is:

Leverage at least \$1 of non-Low Carbon Australia funding for each \$1 of Low Carbon Australia investment.<sup>11</sup>

2.21 The 2012–13 outcome clearly shows that the company exceeded that KPI:

**\$2.79** attracted for each \$1 of Low Carbon Australia investment, of which **\$2** is private sector investment.<sup>12</sup>

2.22 Graphs and charts further aid the performance reporting narrative by illustrating LCA's investment allocation, investment by state and investment by sector. Projects funded in 2012–13 are set out in a comprehensive table, showing at a glance where they are located and how they are funded, as well as providing a brief description.

2.23 The second performance reporting section in the annual report applies to the Carbon Neutral Program. This is also a well-structured section. It provides a good mix of qualitative and quantitative information, including a table of participants in the program.

2.24 There are numerous case studies in the annual report. Although these lend a human interest aspect to the report, they describe the achievements of businesses that have received financial support from Low Carbon Australia and are not directly related to LCA's performance. The case studies take up 13 pages of the 2012–13 annual report, which is a considerable number. While the committee acknowledges that case studies illustrate the application of LCA funding, fewer could have achieved the same effect.

2.25 The annual report states that no reports of parliamentary committees examined the operations of LCA in 2012–13.<sup>13</sup> However, the committee notes that LCA provided a submission to the Senate Select Committee on Electricity Prices in October 2012 and that Mrs Meg McDonald, Chief Executive Officer of Low Carbon

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10 *Low Carbon Australia Annual Report 2012–13*, p. 25.

11 *Low Carbon Australia Annual Report 2012–13*, p. 25.

12 *Low Carbon Australia Annual Report 2012–13*, p. 25.

13 *Low Carbon Australia Annual Report 2012–13*, p. 75.

Australia, appeared at a hearing of the select committee and was questioned on LCA's operations.

2.26 On the company's funding obligations, Mrs McDonald stated:

We have a requirement in our funding deed with the Commonwealth to have our funds fully applied—that is, out in the marketplace—by the end of this financial year.<sup>14</sup>

2.27 The annual report confirms that this requirement has been met:

The Company continued to make investments during the 2011–12 and 2012–13 financial years and by close of the current year had fully applied the Fund.<sup>15</sup>

### *Financial performance*

2.28 Low Carbon Australia showed a profit of \$70 million in the 2012–13 financial year, largely from the release of a CAC Act body payment to net income.

2.29 While responsibility for LCA's programs and staff was transferred to the Clean Energy Finance Corporation in April and May 2013, the company's assets were not transferred until 1 July 2013. This is described in the financial statements in Note 2: Events after balance date:

Effective 1 July 2013 the Company agreed to transfer its net assets by way of a gift to the Clean Energy Finance Corporation—a related entity. These assets included a right to the Company's investment portfolio, cash to meet future obligations under loan agreements that are being novated to the Clean Energy Finance Corporation, furniture and fittings, office equipment and computer related equipment and software and a right to any surplus cash on wind-up of the Company.<sup>16</sup>

2.30 The complexity of meeting the funding requirement by the end of the financial year, while at the same time transferring operations from LCA to the CEFC, is reflected in the financial statements. The financial information is comprehensive, but it is necessary to delve into the accompanying notes to gain an accurate picture. The notes do not immediately follow the table they relate to, which adds a level of difficulty.

2.31 For example, the line 'sales of goods and services—related party' in the Statement of Comprehensive Income on page 86 is not explained until page 115 and is actually a description of payment received from the CEFC for the use of LCA staff in setting up its operations.

2.32 Low Carbon Australia's financial statements received an unqualified audit from the Australian National Audit Office (ANAO). The ANAO commented that the

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14 Mrs Meg McDonald, Chief Executive Officer, Low Carbon Australia, *Committee Hansard*, 9 October 2012, p. 21.

15 *Low Carbon Australia Annual Report 2012–13*, p. 24.

16 *Low Carbon Australia Annual Report 2012–13*, p. 99.

financial statements highlighted that LCA was not a going concern. The ANAO stated, however, that this had not caused it to modify its audit opinion.<sup>17</sup>

*Overall assessment*

2.33 The Low Carbon Australia 2012–13 annual report is comprehensive and generally well structured. It more than adequately demonstrates the company's performance. The report meets all the mandatory requirements.

**Senator Anne Ruston**  
**Chair**

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17 *Low Carbon Australia Annual Report 2012–13*, p. 122.



# Appendix 1

## Dates relating to the presentation of reports between 1 November 2013 to 30 April 2014

Reporting Body	Submitted to Minister	Received by Minister	Tabled in House of Representatives	Tabled in Senate
<b>COMMUNICATIONS PORTFOLIO</b>				
<b>Australian Broadcasting Corporation</b> Equity and Diversity Annual Report 2012–13	–	21.2.14	24.2.14	3.3.14
<b>Australian Communications and Media Authority</b> Communications Report 2012–13	4.12.13	4.12.13	11.12.13	11.12.13
<b>Australian Communications Consumer Action Network</b> Funding of Consumer Representation Grants Program to Telecommunications, Annual Report 2012–13	11.12.13	11.12.13	11.2.14	11.2.14
<b>Australian Competition and Consumer Commission</b> NBN Points of Interconnection	19.11.13	19.11.13	12.12.13	11.2.14
Telecommunications Competitive Safeguards for 2012–13; and Changes in the Prices Paid for Telecommunications Services in Australia 2012–13, February 2014	12.3.14	12.3.14	20.3.14	25.3.14
Telstra Compliance Report, Compliance with Retail Price Control Arrangements, October 2013	11.11.13	11.11.13	9.12.13	10.12.13
<b>Department of Communications</b> Report on Digital Television Transmission and Reception, February 2014	5.2.14	5.2.14	11.2.14	11.2.14
<b>NBN Co Limited</b> Independent Review Under s.151DD of the <i>Competition and Consumer Act 2010</i> , October 2013	19.11.13	19.11.13	12.12.13	11.2.14

<b>Reporting Body</b>	<b>Submitted to Minister</b>	<b>Received by Minister</b>	<b>Tabled in House of Representatives</b>	<b>Tabled in Senate</b>
<b>ENVIRONMENT PORTFOLIO</b>				
<b>Climate Change Authority</b> Annual Report 2012–13	–	1.11.13	13.11.13	12.11.13
<b>Department of the Environment</b> The National Heritage List and Commonwealth Heritage List: 1 July 2008–30 June 2013	20.12.13	20.12.13	11.2.14	11.2.14
Third Independent Review of the <i>Product Stewardship (Oil) Act 2000</i> , Final Report, September 2013	4.11.13	4.11.13	12.12.13	11.2.14
<b>Low Carbon Australia</b> Annual Report 2012–2013	13.11.13	13.11.13	20.11.13	3.12.13
<b>Murray-Darling Basin Authority</b> Annual Report 2012–2013	7.12.13	8.12.13	12.12.13	11.2.14
<b>National Environment Protection Council</b> Annual Report 2012–13	21.1.14	21.1.14	11.2.14	11.2.14
<b>Wet Tropics Management Authority</b> Annual Report and State of the Wet Tropics Report 2012–13	8.11.13	8.11.13	13.11.13	13.11.13