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Auditor-General for Australia



17 September 2025

Mr Josh Burns MP
Chair
Joint Committee of Public Accounts and Audit
Parliament House
CANBERRA ACT 2600

By email: jcpaa@aph.gov.au

Dear Mr Burns,

Joint Committee of Public Accounts and Audit Report 511: Inquiry into the contract management frameworks operated by Commonwealth entities

I am writing in relation to the recommendation directed to the Australian National Audit Office (ANAO) contained in the [JCPAA Report 511: Inquiry into the contract management frameworks operated by Commonwealth entities](#).

Recommendation 6

The Committee recommends that the Australian National Audit Office reports back on the higher incidence of it having to use its powers under section 33 of the *Auditor-General Act 1997* and with a suggested course of action for the Committee's consideration.

ANAO Response:

Background

The Auditor-General's formal information-gathering powers are set out in Part 5, Division 1 of the *Auditor-General Act 1997*. The ANAO exercises both these powers as and when required.

The Auditor-General has the power to obtain information under section 32 of the *Auditor-General Act 1997* by directing a person, by written notice, to provide information, produce documents and attend and give evidence before the Auditor-General or an authorised official.

The Auditor-General authorises officials under section 33 of the *Auditor-General Act 1997* to access premises at reasonable times, remain on premises and may examine, make copies or take extracts from any documents.

Increase in the use of section 33 powers

In 2023-24 financial year, the powers under section 33 were used 7 times to obtain information from entities. In 2024-25, section 33 has been used 13 times to obtain information. Please see table below.

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Use of section 33 to access premises and obtain information for the period 1 July 2024 to 31 August 2025

Date exercised	Entity	Audit	Rationale
Performance audit			
25 July 2024	Services Australia	The Management and oversight of compliance activities within the Child Care Subsidy program	Services Australia requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to privacy and confidentiality provisions.
29 November 2024	Services Australia	Administration of the Age Pension	Services Australia requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to privacy provisions.
29 November 2024	Department of Social Services	Administration of the Age Pension	Department of Social Services requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to privacy provisions.
February 2025	Services Australia	Managing the privacy of client information in Services Australia	Services Australia requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to privacy and confidentiality provisions, including in relation to Services Australia's obligations under the protected information provisions in the <i>Health Insurance Act 1973</i> and the <i>Migration Act 1958</i> .
3 October 2024	Department of Social Services	Department of Social Services' management of the National Redress Scheme	Department of Social Services requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to privacy provisions.
16 June 2025	Department of Social Services	Settlement Engagement Transition Services Program	Department of Social Services requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to secrecy provisions.
3 July 2025	Australian Securities and Investments Commission	Australian Securities and Investments Commission's regulation	Australian Securities and Investments Commission requested that the ANAO exercise powers under section 33 to access

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Date exercised	Entity	Audit	Rationale
		of registered company auditors	premises to obtain information relevant to the audit evidence due to privacy and confidentiality provisions.

Date exercised	Entity	Rationale
Performance statements audits		
27 September 2024	Department of Agriculture, Forestry and Fisheries	Department of Agriculture, Forestry and Fisheries requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to confidentiality provisions.
Financial statements audits		
27 February 2025	Department of Health and Aged Care	As part of the 2024-25 financial statements audit of the Department of Health and Aged Care, the Department of Health and Aged Care requested that the ANAO exercise powers under section 33 to access premises to obtain information relevant to the audit evidence due to privacy and confidentiality provisions.
18 March 2025	Department of Health and Aged Care	
25 March 2025	Department of Health and Aged Care	
7 April 2025	Department of Health and Aged Care	
8 April 2025	Department of Health and Aged Care	

Rationale for increase

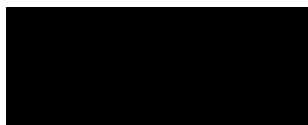
Entities in undertaking their due diligence have raised concerns that the provision of information voluntarily to the ANAO could place them in a position where they are breaching their portfolio legislation, or other privacy or secrecy provisions.

These entities have requested the Auditor-General to exercise information-gathering powers.

Suggested course of action

The use of these powers are provided for, and are exercised, in accordance with the *Auditor-General Act 1997*. The ANAO will include details of the incidences requiring use of powers under sections 32 & 33 of the *Auditor-General Act 1997* in its annual reports to Parliament on the outcomes of performance audits, financial statements audit and performance statements audits.

Yours sincerely



Dr Caralee McLiesh PSM

Auditor-General

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