

The Senate

Environment and Communications
Legislation Committee

Annual reports (No. 2 of 2016)

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Committee membership

Committee members

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Senator Larissa Waters, Deputy Chair	AG, Queensland
Senator Anthony Chisholm	ALP, Queensland
Senator Jonathon Duniam	LP, Tasmania
Senator Jane Hume	LP, Victoria
Senator Anne Urquhart	ALP, Tasmania

Former member

Senator James Paterson (to 12 September 2016)	LP, Victoria
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Chapter 1

Introduction

1.1 This is the second report on annual reports for 2016 of the Senate Environment and Communications Legislation Committee (the committee). It provides an overview of the annual reports of agencies within the allocated portfolios tabled in the Senate between 1 November 2015 and 30 April 2016.

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 of the Commonwealth.¹

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 report 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 the attention of the Senate to any significant matters relating to the operations and performance of the bodies furnishing the annual reports.

1 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, p. 3.

- (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.

Allocated portfolios

1.4 In accordance with the resolution of the Senate on 31 August 2016, the committee has oversight of the following portfolios:

- Environment and Energy; and
- Communications and the Arts.²

Reports examined

1.5 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 2015 and 30 April 2016:

- Australian Renewable Energy Agency—Annual Report 2014–15;
- Audio-Visual Copyright Society (trading as Screenrights)—Annual Report 2014–15;
- Copyright Agency Limited—Annual Report 2014–15;
- Supervising Scientist—Annual Report 2014–15; and
- Sydney Harbour Federation Trust—Annual Report 2014–15.

Reports not examined

1.6 The committee is not obliged to report on Acts, statements of corporate intent, surveys, policy papers, budget documents, corporate plans or errata. The following documents were referred to the committee between 1 November 2015 and 30 April 2016 but are not examined in this report:

- Australian Broadcasting Corporation—Equity and Diversity Report for the period 1 September 2014 to 31 August 2015;
- Australian Competition and Consumer Commission—Telstra's Structural Separation Undertaking Report for 2014–15;
- Australian Competition and Consumer Commission—Competition in the Australian Telecommunications Sector Report for 2014–15;
- Australian Competition and Consumer Commission—Price Changes for Telecommunications Services in Australia Report for 2014–15;
- Australian Communications and Media Authority—Communications Report for 2014–15;

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- Regional Telecommunications Independent Review Committee—Regional Telecommunications Review 2015 Government Response;
 - *Telecommunications Act 1997*—Funding of Consumer Representations Grants Program to Telecommunications Report for 2014–15; and
 - Wet Tropics Management Authority—State of the Wet Tropics Report 2014–15 and Annual Report 2014–15.³

Annual reporting requirements

Current arrangements

1.7 In 2014–15, Commonwealth departments, agencies and companies reported for the first time under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The PGPA Act consolidates the governance, performance and accountability requirements that were contained in the *Financial Management and Accountability Act 1997* (FMA Act) and the *Commonwealth Authorities and Companies Act 1997* (CAC Act).

1.8 The *Requirements for Annual Reports for Departments, Executive Agencies and other Non-Corporate Commonwealth Entities* (Requirements for Annual Reports), which apply to non-corporate Commonwealth entities, were issued by the Department of the Prime Minister and Cabinet on 25 June 2015 and approved by the Joint Committee of Public Accounts and Audit (JCPAA).

1.9 The Requirements for Annual Reports do not apply to corporate Commonwealth entities and Commonwealth companies (formerly CAC Act authorities and companies). The current Requirements for Annual Reports note that sections 7AB and 7AC of the Public Governance Performance and Accountability (Consequential and Transitional Provisions) Rule 2015 continue the application of the *Commonwealth Authorities (Annual Reporting) Orders 2011* and the *Commonwealth Companies (Annual Reporting) Orders 2011* to annual reports for those entities and therefore will apply for the 2014–15 reporting period.⁴

1.10 Noting the above changes and transitional arrangements, a summary of the instruments under which the 2014–15 annual reports were prepared is as follows:

3 The Wet Tropics Management Authority is required under subsection 10(1) of the *Wet Tropics of Queensland World Heritage Conservation Act 1994* (Cth) and section 63 of the *Wet Tropics Heritage Protection and Management Act 1993* (Qld) to provide an annual report on its management of the Wet Tropics World Heritage Area to the Queensland Government and the Commonwealth. As such, the committee is not obliged to report on the operation of an Act.

4 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporate Commonwealth Entities*, 25 June 2015, p. 1.

- for non-corporate Commonwealth entities: section 46 of the PGPA Act; sections 63(2) and 70(2) of the *Public Service Act 1999*; for statutory bodies relevant enabling legislation; and the Requirements for Annual Reports;
- for corporate Commonwealth entities: section 46 of the PGPA Act; for statutory bodies relevant enabling legislation; and the Commonwealth Authorities (Annual Reporting) Orders 2011;
- for Commonwealth companies: section 97 of the PGPA Act, which also refers to the requirements under the *Corporations Act 2001*; and the Commonwealth Companies (Annual Reporting) Orders 2011; and
- for non-statutory bodies: the guidelines are contained in the government response to the Senate Standing Committee on Finance and Public Administration report on non-statutory bodies.⁵

1.11 The JCPAA, in its first report on the development of the Commonwealth performance framework, foreshadowed that in future years the annual report requirements 'will be replaced through the consolidation of all mandatory requirements into a rule made for the purposes of section 46 of the PGPA Act'.⁶

1.12 The committee notes that the JCPAA approved the draft annual reporting rules for non-corporate and corporate entities, without amendment, on 3 May 2016 for the 2015–16 reporting year.

Timeliness

1.13 Section 46 of the PGPA Act requires the provision of an annual report of a Commonwealth entity to the responsible minister by the 15th day of the fourth month after the end of the reporting period for the entity. The Requirements for Annual Reports, which relate to departments, executive agencies and other non-corporate Commonwealth entities, reflect the PGPA Act. The requirements state that 'the responsible minister must, in turn, present the report to each House of the Parliament on or before 31 October in the year in which the report is given'.⁷

1.14 In addition, the Requirements for Annual Reports state that 'it is government policy that all annual reports should be tabled by 31 October'.⁸ However, the

5 *Senate Hansard*, 8 December 1987, pp 2632–45.

6 Joint Committee of Public Accounts and Audit, *Report 453 Development of the Commonwealth Performance Framework*, December 2015, p. 12.

7 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporation Commonwealth Entities*, 25 June 2015, p. 2.

8 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports for Departments, Executive Agencies, and other Non-Corporation Commonwealth Entities*, 25 June 2015, p. 2.

committee notes that there is a lack of clarity regarding the timeframe for the presentation of annual reports of corporate Commonwealth entities to the Parliament.

1.15 Appendix 1 lists the annual reports tabled (or presented) in the Senate and the House of Representatives between 1 November 2015 and 30 April 2016 and referred to the committee, with relevant tabling dates.

1.16 Appendix 2 lists the reports relating to the operation of acts and programs tabled (or presented) in the Senate and House of Representatives between 1 November 2015 and 30 April 2016 and referred to the committee, with relevant tabling dates.

Audio-Visual Copyright Society Limited

1.17 The Audio-Visual Copyright Society Limited, trading as Screenrights, tabled its Annual Report 2014–15 in the Senate on 22 February 2016. The report was submitted to the Minister on 15 January 2016 and received by the Minister on 18 January 2016. The report was presented to both houses of Parliament by the Minister within 15 sitting days after the receipt of the report, as required by section 135ZZV of the *Copyright Act 1968*.

1.18 However, it appears that Screenrights posted its Annual Report 2014–15 on its website on 1 October 2015. The Guidelines for the Presentation of Documents to Parliament, issued by the Department of the Prime Minister and Cabinet state, in relation to the public release of documents prior to tabling, that:

When considering whether a document can be released prior to tabling in Parliament (that is, made publicly available for example at a media launch) the House of Representatives Practice 6th Edition (page 612) notes that public release of a document before presentation to Parliament "has always been considered a matter of impropriety". Every effort needs to be made to ensure the document is tabled in Parliament prior to, or to coincide with, public release of the report.⁹

1.19 The committee reminds Screenrights of its obligation to provide its report to the Parliament prior to, or to coincide with, the public release of its report.

Senate debate

1.20 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 were the subject of Senate debate.

⁹ Department of the Prime Minister and Cabinet, *Guidelines for the Presentation of Documents to the Parliament*, August 2016, p. 7, paragraph 4.31.

Apparently satisfactory

1.21 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'. In making this assessment, the committee considers such aspects as timeliness of presentation and compliance with relevant reporting requirements.

1.22 The committee has examined all annual reports referred during the reporting period and considers that they are apparently satisfactory.

Chapter 2

Review of selected agencies

2.1 The committee provides the following comments on the annual reports of the Australian Renewable Energy Agency, Audio-Visual Copyright Agency, Supervising Scientist and the Sydney Harbour Federation Trust.

Australian Renewable Energy Agency

2.2 The committee notes that this is its first opportunity to review the annual report of the Australian Renewable Energy Agency (ARENA) following the machinery of government changes announced in September 2015.¹

2.3 The ARENA Annual Report 2014–15 was presented out-of-session on 2 November 2015 and tabled in the Senate on 9 November 2015.

2.4 ARENA was established in 2012 to fund early stage renewable energy related technologies as they progress through the innovation chain. ARENA's role is to assist with the 'transition to tomorrow's energy easier, cheaper and quicker' and complements the work conducted by the Clean Energy Finance Corporation and the Renewable Energy Target. The Clean Energy Finance Corporation provides finance to assist with bringing near-commercial and commercial projects to reality, as well as co-investing with ARENA on projects that are not yet competitive on a commercial scale. The Renewable Energy Target is an Australian Government policy that encourages the uptake of the cheapest mature renewable energy technologies.

2.5 In 2014–15, the report from the Chief Executive Officer, Mr Ivor Frischknecht, noted that ARENA had placed a strong focus on projects in regional and remote areas, including those that offer cheaper and more reliable electricity produced by renewable sources in approximately 30 off-grid Indigenous communities.²

2.6 Other projects that received ARENA funding during 2014–15 included:

- the development of storage solutions for rooftop solar;
- connection of wave power generations to the electricity grid;
- the development of digital mapping and forecasting tools to assist renewable and broader energy industries to plan, build, integrate and manage renewable energy;
- the production of green crude from microalgae; and

1 Previously, ARENA's annual reports were reviewed by the Senate Economics Legislation Committee.

2 Australian Renewable Energy Agency, *Annual Report 2014–15*, p. 7.

- the construction of Australia's largest solar farms in rural and regional locations.³

2.7 The committee notes that in June 2015 ARENA was presented with the inaugural Clean Energy Award at the United Nations Association of Australia World Environment Day Awards.

Performance reporting

2.8 ARENA has provided an informative discussion of its results against 2014–15 performance measures with information presented in graphs and diagrams. The annual report contained a number of useful case studies, which outlined the projects that have received Commonwealth funding. ARENA reported commitments of \$1.1 billion for 232 projects. These projects had a total value of \$2.7 billion, indicating \$1.50 in additional financial support from industry and other parties for every dollar managed by ARENA.⁴

2.9 ARENA reported that its performance in 2014–15 included:

- the announcement of funding approvals for 37 new projects;
- the formal assessment of 49 applications for funding;
- the completion of 24 projects; and
- the discontinuation of 4 projects.⁵

2.1 The committee notes that ARENA did not provide any further information in its 2014–15 Annual Report as to the reasons why four projects were discontinued. The committee encourages ARENA to include discussion of not only continuing projects but also those that have been discontinued, particularly if they have received Commonwealth funding.

2.2 The committee notes that ARENA included a useful compliance index, which separated the relevant annual reporting requirements by legislation. This approach assisted the committee considerably in its assessment of the report.

2.10 The committee considers that ARENA has met its reporting obligations under the Act and its annual report is 'apparently satisfactory'.

Financial performance

2.11 ARENA reported a net surplus of \$22.9 million for 2014–15.⁶

3 Australian Renewable Energy Agency, *Annual Report 2014–15*, p. 7.

4 Australian Renewable Energy Agency, *Annual Report 2014–15*, p. 34.

5 Australian Renewable Energy Agency, *Annual Report 2014–15*, p. 34.

6 Australian Renewable Energy Agency, *Annual Report 2014–15*, p. 22.

Audio-Visual Copyright Society Limited (Screenrights)

2.12 The Audio-Visual Copyright Society Limited, trading as Screenrights, Annual Report 2014–15 was tabled in the Senate on 22 February 2016. Screenrights' has prepared its annual report in accordance with section 135ZZZQ of the *Copyright Act 1968* (Copyright Act).

2.13 The committee notes that this is its first opportunity to review the annual report of Screenrights, following the machinery of government changes announced in September 2015.⁷

2.14 Screenrights is an Australian domiciled company and a non-profit entity. Its principal activities include: exercising its right as a collecting society under Parts VA, VB and VC (in relation to audiovisual items) of the Copyright Act; and collecting money from educational institutions for distribution to relevant copyright owners.⁸

2.15 In the Chief Executive's Report, Mr Simon Lake, stated that Screenrights has completed the first year of a new three year strategic plan, which has focused on its two broad goals:

- to provide greater access to and usage of audio-visual content for its licensees; and
- to provide a quality experience by developing the services of Screenrights for members to support their businesses.⁹

Performance reporting

2.16 Screenrights has provided an informative report on its performance and contains extensive details of its key revenue and expenditure for 2014–15. The information is presented in a variety of formats including graphs, tables and diagrams. The inclusion of trend data for some categories, such as total licensing revenue, changes to licensing revenue over the past three years and expenditure to collections, was useful for comparative purposes.

2.17 The committee noted an inconsistency in the use of colours for agencies between figures three and four in its Overview of Key Revenue and Expenditure. This did not affect the committee's ability to review the performance of Screenrights in its annual report. However, consistency in the presentation of information in figures would improve readability.

2.18 The committee considers that Screenrights has met its reporting obligations under the Act and its annual report is 'apparently satisfactory'.

7 Previously, the annual reports of Screenrights were reviewed by the Senate Legal and Constitutional Affairs Legislation Committee.

8 Screenrights, *Annual Report 2014–15*, p. 30.

9 Screenrights, *Annual report 2014–15*, p. 6.

Financial reporting

2.19 The committee notes that Screenrights paid a total of \$38.6 million to its members in 2014–15 with \$28.4 million paid in December 2014.

Supervising Scientist

2.20 The Supervising Scientist Annual Report 2014–15 was presented out-of-session on 2 November 2015 and tabled in the Senate on 9 November 2015. The report was prepared in accordance with subsection 36(1) of the *Environment Protection (Alligator Rivers Region) Act 1978* (the Act).

2.21 The Supervising Scientist Branch is part of the Department of the Environment's Science Division.¹⁰ The branch is led by the Supervising Scientist, a statutory position established under the Act.

2.22 The committee is pleased to note that the Supervising Scientist Branch was awarded the Secretary for the Department of the Environment's People's Choice Innovation Award for its Swampfox unmanned aerial vehicle project. The Swampfox unmanned aerial vehicle was developed by the Supervising Scientist Branch in 2014 for the purpose of establishing a framework, methodologies and program to monitor the rehabilitation of the Jabiluka mine site and any changes that may occur to the mine site overtime.¹¹

Performance reporting

2.23 During 2014–15, the Supervising Scientist Branch received funding from the Department of the Environment's Outcome 1: Clean Land and contributed to Program 1.5: Environmental Regulation. The committee notes that the department reported on the performance of the Alligator Rivers Region in Program 1.5 in its annual report for 2014–15.¹² The committee reviewed the Department of the Environment Annual Report 2014–15 in its *Annual Reports (No. 1 of 2016)*.

2.24 The Supervising Scientist Annual Report 2014–15 provided more extensive information than that provided in the department's annual report. For example, there is discussion of environmental assessments of uranium mines, environmental research and other science and technical activities. The information is reported against 2014–15 performance measures and is presented in a range of formats including, graphs, charts and diagrams.

10 The Administrative Arrangements Orders were amended on 19 July 2016 and resulted in the Department of the Environment changing its name to the Department of the Environment and Energy.

11 Supervising Scientist, *Annual Report 2014–15*, pp x, 76–77.

12 See the Department of the Environment, *Annual Report 2014–15*, pp 65, 66, 71–72, 74.

2.25 The committee considers that the Supervising Scientist has met its reporting obligations under the Act and its annual report is 'apparently satisfactory'.

Sydney Harbour Federation Trust

2.26 The Sydney Harbour Federation Trust Annual Report 2014–15 was presented out-of-session on 2 November 2015 and tabled in the Senate on 9 November 2015.

2.27 The Executive Director's Summary outlined the Sydney Harbour Federation Trust's achievements for 2014–15, which included:

- an increase of 47 per cent in non-event visits to Cockatoo Island compared to the previous reporting period;
- the official opening, by then Parliamentary Secretary to the Minister for the Environment, Senator the Hon Simon Birmingham, of the walking track from Rawson Park to Georges Head Lookout;
- the donation of two sculptures from the Sculpture by the Sea event which were placed in the Georges Heights parkland; and
- the opening of the exhibition 'Shipyard Stories' as a permanent exhibition following the positive response from the public.¹³

2.28 The committee notes that in November 2014 the Institute of Public Administration Australia presented the Sydney Harbour Federation Trust with a Commendation Award for delivering a leading foreshore park at the Australian Awards for Excellence in Public Sector Management.¹⁴

Performance reporting

2.29 The performance reporting section of the report is clearly presented and provides an informative assessment of how the Sydney Harbour Federation Trust has progressed in meeting its performance indicators and objectives for 2014–15. For each objective, the Trust has included key performance indicators, a snapshot of what took place in 2014–15 and relevant trend data for the past six years. The inclusion of trend data is particularly useful as it allowed the committee to compare the Trust's performance over previous reporting periods.

2.30 The Sydney Harbour Federation Trust has comprehensively reported on its performance for 2014–15 and the committee considers its report to be 'apparently satisfactory'.

13 Sydney Harbour Federation Trust, *Annual Report 2014–15*, pp 6–7.

14 Sydney Harbour Federation Trust, *Annual Report 2014–15*, p. 7.

Financial reporting

2.31 The Sydney Harbour Federation Trust has been a self-funding government agency for six years and does not receive recurrent operation or capital works funding from the Commonwealth.

2.32 The annual report provides a detailed summary of the Sydney Harbour Federation Trust's financial performance in 2014–15, including the operational areas that performed above expectations. The committee notes that the Sydney Harbour Federation Trust recorded an operating surplus of \$132 000.¹⁵

Senator David Bushby
Chair

15 Sydney Harbour Federation Trust, *Annual Report 2014–15*, p. 45.

Appendix 1

Dates relating to the presentation of annual reports between 1 November 2015 and 30 April 2016

Communications and the Arts Portfolio				
Reporting Body	Submitted to Minister	Received by Minister	Tabled in the House of Representatives	Tabled in the Senate
Audio-Visual Copyright Society (trading as Screenrights)—Annual Report 2014–15	15/01/2016	18/01/2016	11/02/2016	22/02/2016
Copyright Agency Limited—Annual Report 2014–15	15/01/2016	18/01/2016	11/02/2016	22/02/2016
Environment and Energy Portfolio				
Reporting Body	Submitted to Minister	Received by Minister	Tabled in the House of Representatives	Tabled in the Senate
Australian Renewable Energy Agency—Annual Report 2014–15	1/10/2015	1/10/2015	9/11/2015	9/11/2015 (presented *02/11/2015)
Supervising Scientist—Annual Report 2014–15	16/10/2015	16/10/2015	9/11/2015	9/11/2015 (presented 02/11/2015*)
Sydney Harbour Federation Trust—Annual Report 2014–15	6/10/2015	6/10/2015	9/11/2015	9/11/2015 (presented 02/11/2015*)

* An asterisk denotes a report presented to the President of the Senate out-of-session.

Appendix 2

Dates relating to the presentation of reports on the operation of acts and programs between 1 November 2015 and 30 April 2016

Communications and the Arts Portfolio				
Reporting Body	Submitted to Minister	Received by Minister	Tabled in the House of Representatives	Tabled in the Senate
Australian Broadcasting Corporation—Equity and diversity—Report for the period 1 September 2014 to 31 August 2015	17/02/2016	17/02/2016	29/02/2016	29/02/2016
Australian Competition and Consumer Commission—Telecommunications reports for 2014–15—Report 1: Competition in the Australian telecommunications sector; Report 2: Price changes for telecommunications services in Australia	21/03/2016	21/03/2016	18/04/2016	18/04/2016
Australian Competition and Consumer Commission—Telstra's structural separation undertaking—Report for 2014–15	9/03/2016	9/03/2016	18/04/2016	18/04/2016 (presented 14/04/2016*)
Australian Communications and Media Authority—Communications report for 2014–15	13/11/2015	29/11/2015	2/12/2015	2/12/2015

Communications and the Arts Portfolio				
Reporting Body	Submitted to Minister	Received by Minister	Tabled in the House of Representatives	Tabled in the Senate
Regional Telecommunications Independent Review Committee—Regional telecommunications review 2015—Government response	3/02/2016	4/02/2016	23/02/2016	23/02/2016
<i>Telecommunications Act 1997</i> —Funding of consumer representations grants program to telecommunications—Report for 2014–15	8/12/2015	9/12/2015	22/02/2016	22/02/2016
Environment and Energy Portfolio				
Reporting Body	Submitted to Minister	Received by Minister	Tabled in the House of Representatives	Tabled in the Senate
Wet Tropics Management Authority—Annual Report 2014–15	21/12/2015	21/12/2015	2/02/2016	02/02/2016 (presented 21/01/2016*)

* An asterisk denotes a report presented to the President of the Senate out-of-session.