

**Question on notice no. 1819**

**Portfolio question number: NIAA1819**

**2025-26 Supplementary Budget estimates**

**Finance and Public Administration Committee, Cross Portfolio Indigenous matters**

**Senator David Pocock:** asked the National Indigenous Australians Agency on 1 December 2025—

The NIAA corporate governance framework includes an independently chaired Audit and Risk Committee, and a Risk and Operations Committee. The NIAA has regulatory responsibilities advising the Minister in relation to her responsibilities under the Aboriginal Land Rights (Northern Territory) Act 1976. These responsibilities include advice on and oversight of the administration of the Aboriginals Benefit Account established under the ALRA and the distribution of hundreds of millions of dollars appropriated to the ABA by the Parliament in section 64

(3) payments by land councils.

In the light of these regulatory responsibilities, in relation to each Committee:

(a) Please advise the dates and agenda topic of each discussion over the past six years when the committee has discussed and considered the risks associated with the agency's responsibilities related to the ABA and its administration.

(b) Please provide the Committee minutes relating to each discussion listed under

(a) above, any decisions taken or recommendations made to management arising from those discussions, and copies of any relevant correspondence.

**Answer —**

See attached.

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Supplementary Budget Estimates 2025-2026**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** National Indigenous Australians Agency  
**Topic:** Aboriginal Land Rights and Regulatory Responsibilities

**Senator:** David Pocock

**Question reference number:** NIAA1819

**Type of question:** Written

**Date set by the committee for the return of answer:** 29 January 2026

**Number of pages:** 7

**Question:**

The NIAA corporate governance framework includes an independently chaired Audit and Risk Committee, and a Risk and Operations Committee. The NIAA has regulatory responsibilities advising the Minister in relation to her responsibilities under the Aboriginal Land Rights (Northern Territory) Act 1976. These responsibilities include advice on and oversight of the administration of the Aboriginals Benefit Account established under the ALRA and the distribution of hundreds of millions of dollars appropriated to the ABA by the Parliament in section 64(3) payments by land councils.

In the light of these regulatory responsibilities, in relation to each Committee:

- a) Please advise the dates and agenda topic of each discussion over the past six years when the committee has discussed and considered the risks associated with the agency's responsibilities related to the ABA and its administration.
- b) Please provide the Committee minutes relating to each discussion listed under (a) above, any decisions taken or recommendations made to management arising from those discussions, and copies of any relevant correspondence.

**Answer: -**

The *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) does not establish a regulatory relationship between the NIAA and Land Councils established under that Act. The ALRA provides the Minister with specified powers and the NIAA supports the Minister in the exercise of these powers, including through the exercise of certain Ministerial powers and functions under delegation

- a) The NIAA Audit and Risk Committee (ARC) has considered the risks associated with the financial reporting of the Aboriginals Benefit Account, see table 1 for dates and agenda topics.

**Table 1.**

<b>Date</b>	<b>Agenda Topic</b>
15 June 2020	Item 1: NIAA Portfolio body responsibilities
21 August 2020	Item 3: Financial Report
4 September 2020	Item 5: ANAO Report
31 March 2021	Item 4: ANAO Report
3 September 2021	Item 3: Financial Reporting
24 September 2021	Item 4: Financial Report
5 September 2022	Item 3: Financial Reporting
13 September 2022	Item 4: ANAO Report Item 5: Financial Report
25 November 2022	Item 4: ANAO Report
April 2023 (Out of session)	Item 1: Audit Strategy Documents
5 September 2023	Item 3: CFO Report
13 September 2023	Item 5: Financial Report
30 August 2024	Item 3: Financial Reporting
16 September 2024	Item 6: Financial Report
30 August 2025	Item 3: Financial Reporting
16 September 2025	Item 7: ANAO Report

- b) Excerpts from the Audit and Risk Committee (ARC) Meetings minutes are below.

### **15 June 2020**

#### **Item 1: NIAA Portfolio body responsibilities**

The Committee noted the paper on portfolio bodies

### **21 August 2020**

#### **Item 3 Financial Report**

The CFO presented the financial statements for the NIAA and the Aboriginals Benefit Account (ABA), and supporting papers.

The Committee noted the draft financial statements for NIAA:

- Including grants from IAS and as part of ABA, administered expenses includes \$1.2 billion, and [REDACTED] noted that payments from ABA were around \$20 million this year compared with \$10 million last year.
- In the schedule of assets and liabilities for administered accounts, the largest balance is a term deposit sitting in the ABA.

### **4 September 2020**

#### **Item 5: ANAO Report**

[REDACTED] confirmed to the ARC that:

- The report was on track to be signed on Monday 7 September 2020, with an unmodified audit opinion.
- Results of the audit of the ABA and NIAA documents indicated no exceptions.

- Conduct of the audit was relatively smooth considering it was the first year of operation for the NIAA.

The Committee noted the status of the ANAO audit on the Financial Statements.

### **31 March 2021**

#### **Item Four: ANAO Report**

The ARC **noted** the ANAO Activity report and the draft ANAO audit strategies for NIAA and ABA presented by [REDACTED]

- The ANAO noted that their strategy documents were provided in December 2020 and the strategy is consistent with the previous year.

### **3 September 2021**

#### **Item 3: Financial Reporting**

##### **ACTION ITEMS**

3. CFO to provide update at the November meeting on ABA grant payment financial statement adjustment and how this will be fixed or otherwise checks undertaken each year-end to identify any similar adjustments required.

The ARC noted the CFO report and presentation of the Financial Statements and supporting documents.

The CFO noted efforts of Financial Statements team at NIAA, and positive relationship with the ANAO.

ARC noted that the CFO paper will be updated before presentation to the CEO, with an update on items identified as outstanding at the time that the 3 September paper was prepared.

ARC noted the:

- NIAA and ABA Variance Analysis papers.

ARC noted ANAO Draft Closing Letter for ABA. ANAO also commented on one minor adjusted audit difference relating to timing of ABA grant payments.

The Chair thanked the ANAO and Financial Statements team for a good audit process and positive outcome. The ARC agreed that they would sign off on the financial statements out of session, after receiving the CFO's response out of session.

### **24 September 2021**

#### **Item 4: Financial Report**

The ARC and CFO noted that the Financial Statements were finalised out of session, and due to be signed during the week commencing 27 September 2021.

### **5 September 2022**

#### **Item 3: Financial Reporting**

The ARC discussed the financial statements pack and discussed each part separately.

The Chair provided comments on the draft financial statements and the Annual Performance Statements via email on 2 September 2022 and noted the responsiveness from the CFO Team in responding to questions via email ahead of the meeting.

The Committee noted the commentary from the ANAO relayed during the In-Camera session that the ANAO is thankful for the cooperation and engagement from NIAA

Management. The Committee was appreciative of the focus on building good relationships and having open discussions on issues.

**Item 3.1 CFO Report**

*Attachment B – (Aboriginals Benefit Account) ABA Financial Statements*

- The Committee noted the draft ABA Financial Statements.

*Attachment E – ABA Variance Analysis*

- The Committee noted the ABA Variance Analysis.

**Item 3.5 - Financial Statements Clearance Pack (including the letter from the CFO to the CEO)**

*Attachment C –Draft Management Representation Letter (MRL) for ABA*

- The Committee noted the MRL for ABA.

**Item 3.7 ABA Draft Closing Letter**

- [REDACTED] presented the Draft Closing Letter and advised that the ANAO did not foresee any changes in the Final Closing Letter, and mentioned the unadjusted difference noted in the report.
- [REDACTED] recommended that management consider how this could be addressed, as it will keep carrying forward in subsequent years. The CFO agreed to re-examine this item and how it can be treated.
- The Committee noted the ABA Draft Closing Letter.

The Chair confirmed the following papers are required at the 13 September meeting:

- NIAA and ABA final financial statements
- Management Representation Letters for ABA and NIAA but not the supporting statement
- ANAO Closing Reports for NIAA and ABA; and

An updated version of the financial statements was circulated by the Financial Reporting team on the evening of 5 September 2022, with feedback provided by the Committee by email the same day.

**13 September 2022**

**Item 4: ANAO Report**

[REDACTED] presented for the ANAO. Key points included:

- The draft Closing Letters for NIAA and ABA were confirmed as final and will be issued soon after the ARC meeting.
- There was one exception for the 3 sampled post 30 June transactions for the ABA, noting it was not material and will not affect the issuing of the Closing Letters, but there may be a need for additional testing.

[REDACTED] advised he will confirm whether additional testing will be required and when this will be undertaken. The Chair requested the Committee be advised of any further issues identified if additional sample testing is undertaken.

[REDACTED] noted the audits had gone well, and expressed his thanks to [REDACTED], [REDACTED] and their teams, advising he is expecting to issue an unmodified auditor's report.

Discussion with the ARC included:

- The need to ensure the ABA unadjusted audit difference will not carry over to the next financial year, with the ANAO advising it will not carry forward as it was a timing issue. There will not be an unadjusted audit difference next year unless something new is identified.
- That there should be a credit recorded for the ABA unadjusted audit difference in the ABA Closing Letter and the ANAO will correct this.

The ARC:

- **Noted** the ANAO update.
- **Noted** the draft Closing Letters.

### **Item 5: Financial Report**

CFO Update

The ARC **noted** the CFO update, including:

- Minor editorial changes to the financial reporting pack were made following the last meeting on 5 September 2022.

The ARC discussed:

- That no subsequent events have occurred since the Financial Statements were discussed at the last meeting.

The Committee **endorsed** the letter at Item 7B for signing by the Chair.

### **25 November 2022**

#### **Item 4: ANAO Report**

*Financial Statements*

[REDACTED] presented for the ANAO as outlined in the papers. Key points included:

- The Committee is interested in the flow of ABA funds to NTAIC which will be considered as part of the Aboriginals Benefit Account (ABA) ASD.

The ARC **noted** the ANAO update.

### **April 2023 (Out of Session)**

#### **Item 1: Audit Strategy Documents**

The ARC

- **Noted** the final version of the Audit Strategy Document for the National Indigenous Australians Agency and the Aboriginals Benefit Account

### **5 September 2023**

#### **Item 3: CFO Report**

*NIAA Financial Statements*

The Committee conducted a detailed review of the financial statements and provided feedback to [REDACTED].

[REDACTED] provided additional information on the Aboriginal's Benefit Account and its structure as a special account and the special reporting requirements under the *Aboriginal Land Rights Act 1976*. The ABA remains a special account in the NIAA despite the establishment of the Northern Territory Aboriginal Investment Corporation.

The Committee noted the draft financial statements.

### **13 September 2023**

#### **Item 5: Financial Report**

##### Financial Statements

[REDACTED], presented the final financial statements and the supporting sign offs and analysis, as outlined in the papers.

The committee **noted** the revised NIAA and ABA statements (including the NTAIC funds issue discussed as part of the closing letter in Item 4).

The committee **noted** the updated NIAA Management Response Letters support questions around fraud control and that the NIAA and ABA MRLs had not changed. The ARC **agreed** to recommend to the CEO they sign the financial statements and agreed a letter of advice will be provided by the ARC.

### **30 August 2024**

#### **Item 3: Financial Reporting**

##### NIAA Financial Statements

[REDACTED] presented the NIAA financial statements as outlined in the papers.

The Committee reviewed the financial statements and key items included:

- The post balance date event included is a payment to the Northern Territory Aboriginal Investment Corporation (NTAIC) relating to the transfer of responsibility for the Aboriginals Benefit Account (ABA) from the NIAA

##### ABA Financial Statements

[REDACTED] presented the ABA Financial Statements as outlined in the papers.

The Committee expressed that these statements are high quality and did not have any feedback.

The Committee **noted** the financial statements.

##### ABA Financial Statement Variance Analysis

[REDACTED] presented the draft ABA Financial Statement Variance Analysis as outlined in the papers.

The Committee **noted** the analysis.

### **16 September 2024**

#### **Item 6: Financial Report**

##### CFO Update

[REDACTED] presented his report as outlined in the papers.

The Committee **noted** they have received and reviewed the NIAA and ABA Management Representation Letters (MRL).

The Committee **noted** the report.

### **30 August 2025**

#### **Item 3: Financial Reporting**

##### ABA Financial Statements

[REDACTED] presented the ABA Financial Statements as outlined in the papers.

The Committee reviewed the financial statements and key items included:

- Minor editorials were noted.
- There is a deficit of \$66.3m. This is caused by a reduction in mining royalties.
- The Financial Statements for ABA are audited; however, the Committee does not receive regular reports as part of the CFO report. The ABA is not an entity but is required under provisions of the Aboriginal Land Rights Act to publish a set of financial statements. Once payments are made by the NIAA to the various Land Councils and to the Aboriginal Investment NT agency the responsibility for accountability and oversight transfers to those PGPA entities. There are some legacy grants which continue to be paid from ABA and administered by NIAA.

The Committee **noted** the financial statements.

ABA Financial Statement Variance Analysis

[REDACTED] presented the draft ABA Financial Statement Variance Analysis as outlined in the papers.

The Committee **noted and accepted** the analysis; this need not be presented again in the September meeting.

## **16 September 2025**

### **Item 7: ANAO Report**

Financial Statements Audit

[REDACTED] noted:

- Thanked the Finance team, as the audit has gone very smoothly.
- NIAA and ABA financial statements will be signed off the same day

The Committee **noted** the revised draft closing letters.