

The Senate

Foreign Affairs, Defence and Trade
Legislation Committee

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Chapter 1

Introduction

1.1 Under Senate Standing Order 25(20), the annual reports of departments and agencies under the Senate Foreign Affairs, Defence and Trade Legislation Committee's (the Committee) allocated portfolios stand referred to the Committee for examination and report.

Terms of reference

1.2 Under Standing Order 25(20) 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 the attention of the Senate to 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.

Background

1.3 Details about the annual reporting requirements of departments, agencies and statutory offices/holders under the Committee's allocated portfolios for 2018-19 annual reports are set out in the Committee's first report of 2020.

1.4 Copies of this and other Committee reports can be obtained from the Senate Table Office or online at the Committee's webpage.

Report examined

1.5 Under the Standing Order, for the year's second report, the Committee is required to examine those annual reports presented to the Parliament after 31 October 2019 and up until 30 April 2020. However, for the Committee's first report of 2020, it chose to also examine reports that were tabled after 31 October 2019 and available at the time of preparing that report, that is, up until 14 February 2020. Therefore, this report examines reports tabled after that time, that is, between 15 February and 30 April 2020.

1.6 On this occasion, one annual report was presented to the Parliament and referred to the Committee for examination during this time period: *Inspector-General of the Australian Defence Force Annual Report 1 July 2018 to 30 June 2019*.

Reporting requirements of the Inspector-General of the Australian Defence Force

1.7 The Inspector-General of the Australian Defence Force (IGADF) is a statutory office holder established under Part VIII B of the *Defence Act 1903* (Defence Act). As the IGADF is not a body which is subject to the *Public Governance, Performance and Accountability Act 2013*, section 110R of the Defence Act sets out the requirements for the IGADF to prepare an annual report. It states that as soon as practicable after the end of each financial year, the IGADF must prepare and give to the Minister, for presentation to the Parliament, a report on the operations of the Inspector-General during the financial year. This section also notes that reference should also be made to section 34C of the *Acts Interpretation Act 1901*, which requires the Minister to lay a copy of the report before each House of Parliament within 15 sitting days of receipt of that report.

Timeliness

1.8 The 2018-19 report of the IGADF was submitted to the Minister on 4 December, and received by the Minister on 20 December 2019; that is, approximately five months after the end of the reporting period. The Committee was pleased to note a significant improvement on the time period for the provision of the report to the Minister in comparison to the previous report, which was approximately a year after the financial year it reported on.

1.9 The report was tabled in the House of Representatives and the Senate on 25 February 2020, which was nine sittings days after the Minister received it; therefore meeting the legislative requirement of being tabled within 15 sitting days of receipt.

Senate debate

1.10 The Committee notes that the 2018-19 annual report of the IGADF was not the subject of comments or debate in the Senate.

Assessment of report

1.11 The Committee considers the IGADF's annual report for 2018-19 to be 'apparently satisfactory', meeting the legislative requirement set out above.

1.12 The inclusion of information about the progress of the Office's inquiry into the conduct of Special Forces members deployed in Afghanistan during the period 2005 to 2016¹ was appreciated by the Committee given the public interest in this inquiry.

Senator the Hon Eric Abetz

Chair

1 *Inspector-General of the Australian Defence Force – Annual Report 2018-19*, p. 8.

Appendix 1

Dates relating to the presentation of reports between 15 February and 30 April 2020¹

Report	Submitted to minister (if known)	Received by minister (if known)	Tabled in Senate or received by the President out of sitting	Tabled in House of Reps
Defence Portfolio				
Inspector-General of the Australian Defence Force Annual Report 1 July 2018 to 30 June 2019	04/12/2019	20/12/2019	Tabled 25/02/2020	25/02/2020

1 NB Reports tabled from 1 November 2019 to 14 February 2020 were considered in the Committee's first report of 2020.

