

The Senate

Finance and Public
Administration Legislation
Committee

Annual reports (No. 1 of 2023)

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Abbreviations

ANAO	Australian National Audit Office
CLC	Central Land Council
DTA	Digital Transformation Agency
IPEA	Independent Parliamentary Expenses Authority
ILSC	Indigenous Land and Sea Corporation
NRRA	National Recovery and Resilience Agency
PGPA Act	Public Governance, Performance and Accountability Act 2013
PGPA Rule	Public Governance, Performance and Accountability Rule 2014
The committee	Senate Finance and Public Administration 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 Finance and Public Administration Legislation Committee's (the committee) allocated portfolios are referred to the committee for examination and report.
- 1.2 Standing Order 25(20)(f) requires the committee to 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.¹ This report (No. 1 of 2023) provides an overview of the committee's examination of annual reports presented to the Parliament between 1 May 2022 and 31 October 2022.

Terms of reference

- 1.3 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 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.²

¹ The Senate, *Standing Orders and other orders of the Senate*, July 2021, SO 25(20)(f).

² The Senate, *Standing Orders and other orders of the Senate*, July 2021, SO 25(20).

Role of annual reports

1.4 Annual reports serve as a key accountability mechanism through informing the Parliament of the performance and financial position of public sector departments, agencies, companies and statutory office holders. Annual reports also facilitate the examination of how the use of public resources achieves the intended results for a Commonwealth entity.

Requirements for annual reports

1.5 The *Public Governance, Performance and Accountability Act 2013* (PGPA Act) establishes a performance reporting framework for all Commonwealth entities and companies. Section 38 of the PGPA Act requires all Commonwealth entities to measure and assess their performance.

1.6 The Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) supports the implementation of the PGPA Act and outlines the requirements of annual reports for Commonwealth entities.

1.7 Section 39 of the PGPA Act requires all Commonwealth entities to prepare an annual performance statement to be included in their annual report. Annual performance statements compare an entity's non-financial performance results against the targets, goals and measures outlined by the relevant corporate plan and the Portfolio Budget Statements (PBS) at the beginning of the reporting period.³

1.8 Annual reporting requirements differ between Commonwealth entities. Below is a summary of the legislative authority and requirements under which annual reports are prepared for different types of bodies:

- Non-corporate Commonwealth entities⁴: section 46 of the PGPA Act and Division 3A(A) of the PGPA Rule; and for parliamentary departments, the *Parliamentary Service Act 1999*, section 65.
- Corporate Commonwealth entities⁵: section 46 of the PGPA Act and Subdivision B of Division 3A of Part 2–3 of the PGPA Rule.

³ Department of Finance, *Resource Management Guide No. 134*, Annual performance statements for Commonwealth entities, March 2020, p. 5.

⁴ An entity that is legally and financially part of the Commonwealth, and includes departments of state, parliamentary departments, statutory authorities, and listed entities (a body, person, group of persons or organisation that is prescribed by rules made under the *Public Governance, Performance and Accountability Act 2013*).

⁵ A body corporate that has a separate legal personality from the Commonwealth, and includes statutory authorities. It can act in its own right exercising certain legal rights such as entering into contracts and owning property.

- Commonwealth companies⁶: section 97 of the PGPA Act, which refers to additional requirements under the *Corporations Act 2001* and Part 3–3 of the PGPA Rule.
 - Statutory office holders and statutory bodies: statutory office holders are engaged or employed under an Act, which may prescribe annual reporting requirements pursuant to the office. There may be reporting requirements in the relevant enabling legislation for statutory bodies, which may also be Commonwealth entities.
 - Non-statutory bodies: annual reporting requirements are contained in the government response to the Senate Standing Committee on Finance and Public Administration Report on Non-Statutory bodies.⁷
- 1.9 In addition to legislative requirements, the Department of Finance (Finance) provides guidance material for Commonwealth entities which sets out further detail on the content requirements for annual reports under the Commonwealth Performance Framework in accordance with the PGPA Act and PGPA Rule. The material available from the Finance website includes several Resource Management Guides which may apply to the annual reports being examined.⁸

Reporting timeframes

- 1.10 Section 46 of the PGPA Act requires both corporate and non-corporate Commonwealth entities to prepare annual reports and for such reports to be provided to the responsible minister by the 15th day of the fourth month after the end of the reporting period for the entity. The PGPA Act does not provide a timeframe for presentation to the Parliament. Some entities, however, may have a specific date for presentation stipulated by their enabling legislation.
- 1.11 Section 97(2) of the PGPA Act sets out the annual reporting timeframes for Commonwealth companies. Annual reports are required to be prepared and provided to the responsible Minister:
- (a) if the company is required by the *Corporations Act 2001* to hold an annual general meeting – the earlier of the following:
 - (i) 21 days before the next annual general meeting after the end of the reporting period for the company;
 - (ii) four months after the end of the reporting period for the company;
 - and

⁶ A company established by the Commonwealth under the *Corporations Act 2001* that is wholly controlled by the Commonwealth.

⁷ Government response to the Senate Standing Committee on Finance and Public Administration Report on Non-Statutory bodies, *Senate Hansard*, 8 December 1987, pp. 2632–45.

⁸ Available at: www.finance.gov.au/publications/resource-management-guides.

(b) in any other case—4 months after the end of the reporting period for the company; or the end of such further period granted under subsection 34C(5) of the *Acts Interpretation Act 1901*.⁹

1.12 In the absence of specific provisions, subsection 34C(2) of the *Acts Interpretation Act 1901* may apply, which requires bodies to present annual reports to ministers within six months after the end of the period reported upon. Subsection 34C(3) further specifies that the responsible minister is obliged to present it to Parliament within 15 sitting days of receiving the report.¹⁰

Allocated portfolios and reports examined

1.13 The Senate allocated departments and agencies to committees on 27 July 2022.¹¹ In accordance with that resolution, the committee has oversight of the parliamentary departments¹² and the departments and agencies of the Prime Minister and Cabinet portfolio, and the Finance portfolio.

1.14 In accordance with Senate Standing Order 25(20)(f), this report examines annual reports tabled in the period 1 May 2022 to 30 October 2022. In this period, 24 annual reports of Commonwealth entities, companies and statutory office holders were tabled in the Parliament and referred to the committee. The annual reports examined in this report are listed in Appendix 1.

1.15 The committee is not obliged to examine reports on the operation of acts, policy papers, budget documents or corporate plans. Accordingly, several documents were also referred to the committee but were not examined for the purposes of this report. These documents are also listed in Appendix 1.

Assessment of annual reports

1.16 Standing Order 25(20)(a) requires the committee to report to the Senate on whether the annual reports of departments and agencies in its portfolio presented to it during the relevant period are 'apparently satisfactory'.

1.17 In assessing these reports, the committee has taken into consideration the role and purpose of annual reports within the Commonwealth Performance Framework, the legislative requirements for the reports, guidance for best practice in the Finance Resource Management Guides and other relevant materials.

⁹ *The Public Governance, Performance and Accountability Act 2013* can be found at: <https://www.legislation.gov.au/Details/C2017C00269> (accessed 6 January 2023).

¹⁰ *Acts Interpretation Act 1901*, subsection 34C(3).

¹¹ *Journals of the Senate*, No. 2, 27 July 2022, p. 73.

¹² As a matter of comity between the Houses of Parliament, neither House inquires into the operations of the other House. For this reason, neither the annual report of, or the proposed expenditure for, the Department of the House of Representatives is referred to a Senate committee for review.

- 1.18 The committee notes amendments to the PGPA Rule which required non-corporate Commonwealth entities to disclose in annual reports the number of, and expenditure on, consultancy and non-consultancy contracts and additional information about those organisations receiving that expenditure. The amendments took effect on 4 June 2020 and applied to annual reports presented in the assessable reporting period.¹³
- 1.19 The committee considers all reports examined to be 'apparently satisfactory' and encourages Commonwealth entities to continue to aim for standards of best practice in preparing annual reports.

Timeliness of annual reports

- 1.20 Standing Order 25(20)(c) requires the committee to investigate and report to the Senate on any lateness in the presentation of annual reports. The committee considers the timely presentation of annual reports to be an important element of accountability. Appendix 1 includes information for the date each examined annual report was:
- submitted to its responsible minister;
 - first sighted by the responsible minister; and
 - tabled (or presented) in the House of Representatives and the Senate.
- 1.21 The majority of annual reports for 2021–22 were presented in a timely manner. The following annual reports of 2021–22 were submitted to the relevant minister after 31 October 2022:
- Anindilyakwa Land Council – Annual Report 2021–22
 - Tiwi Land Council – Annual Report 2021–22
 - Wreck Bay Aboriginal Community Council – Annual Report 2021–22
- 1.22 The committee encourages Commonwealth entities and companies to prepare annual reports in accordance with the timeframe outlined by the relevant legislation.
- 1.23 Further, the Finance Resource Management Guides specify that entities are expected to table their annual reports prior to Senate estimates hearings held in October. The committee encourages Commonwealth entities to table their annual reports prior to those hearings in order to assist the committee's scrutiny of estimates.

¹³ See Public Governance, Performance and Accountability Amendment (Consultancy and Non-Consultancy Contract Expenditure Reporting) Rules 2020 <https://www.legislation.gov.au/Details/F2020L00662> (accessed 6 January 2023).

Senate debate

1.24 Standing Order 25(20)(d) requires the committee to take into account any relevant remarks about the reports made in debate in the Senate. The committee notes that none of the annual reports examined in this report have been the subject of comments or debate in the Senate at the time of preparing this report.

Bodies not presenting annual reports to the Senate

1.25 The committee is required to report to the Senate on whether there are any bodies which should have presented an annual report to the Senate but did not. The committee is satisfied that there are no such bodies at this time.

Chapter 2

Overview of the annual reports examined

- 2.1 In accordance with Standing Order 25(20)(a), and as noted in paragraph 1.16, the committee has examined annual reports against relevant legislative and reporting requirements and found them to be 'apparently satisfactory'. This chapter highlights some of the findings in relation to the annual reports examined.

Performance reporting

Availability of performance framework documents

- 2.2 The availability of relevant performance framework documents is essential for assessing a department or agency's level of achievement of planned performance. Commonwealth entities and companies are required to set out in their corporate plan each year how they will achieve their purpose and how their performance will be measured and assessed. For budget funded entities, the portfolio budget statements (PBS) also set out performance information in the delivery of departmental programs. Therefore, access to these documents for the relevant financial year is necessary when examining a body's performance as set out in the annual report.
- 2.3 While these documents have been primarily located on agencies' websites, the Government's Transparency Portal has now become an important repository for *Public Governance, Performance and Accountability Act 2013* (PGPA Act) performance framework documents. Since the launch of the Transparency Portal website in 2019, the committee has monitored the availability of the annual reports, corporate plans and PBSs for the relevant bodies it oversees.
- 2.4 The 2021–22 annual reports for all Commonwealth entities and companies were available in HTML format on the Transparency Portal and in PDF format on most bodies' websites. For example, the Department of Finance and the Department of the Prime Minister and Cabinet provided their annual reports in PDF format on their websites as well as a link to their reports in the Transparency Portal.
- 2.5 At the time of the committee's examination of reports, the Australian Public Service Commission and Independent Parliamentary Expenses Authority (IPEA) only provided a link to their 2021–22 report on the Transparency Portal website and did not provide the reports in PDF format on the website as they have done in previous years. The availability of annual reports as a complete document in PDF format is an important resource which the committee expects to be available in addition to the HTML format on the Transparency Portal.

- 2.6 All 2022–23 corporate plans for the examinable departments and agencies were located and available for reference. The committee notes that while the Australian National Audit Office (ANAO) and Digital Transformation Agency (DTA) provided both their corporate plans in HTML format on their websites, neither agency provided a version downloadable as a PDF document. The committee considers the availability of a PDF version of the corporate plan to be an important resource that assists the committee's scrutiny of annual reports.

'Clear read' principle

- 2.7 Department of Finance guidance on annual performance statements notes the importance of the alignment of the annual performance statement with the corporate plan and the PBS:

Annual performance statements should include information that demonstrates the connection between the corporate plan, PBS and annual performance statements to enable a 'clear read' across the three documents.

To achieve this, entities may wish to include a diagram demonstrating how the performance information fits together across the documents, or page number references to the corresponding information in corporate plans and the PBS.

It is good practice for entities to set out the discussion of the achievement of performance in their annual performance statements in the same order as the corporate plan, reinforcing the connection between the documents. Each performance measure should also be expressed in a consistent way to aid the clear read between its planned performance information and performance results.¹

- 2.8 Overall, most annual reports examined demonstrated a 'clear read' between the review of performance presented in the annual report, corporate plan and PBS.
- 2.9 IPEA's annual report included reference to its corporate plan and provided a table outlining its performance measures and results in an easily navigable format. However, IPEA did not provide specific page references to sections of the corporate plan which outlined performance targets.
- 2.10 While Indigenous Business Australia provided a review of performance presented in the annual report, there were discrepancies in the listing of specific page numbers in reference to the corporate plan.
- 2.11 In future, the committee expects complete accuracy to be provided when listing page number references to improve accessibility of the report.
- 2.12 The inclusion of a summary table or chart of performance results with a clear indicator of the level of achievement providing a snapshot and an accessible

¹ Department of Finance, *Resource Management Guide 134*, Annual Performance Statements for Commonwealth Entities, updated 24 February 2022, <https://www.finance.gov.au/government/managing-commonwealth-resources/annualperformance-statements-commonwealth-entities-rmg-134/what-annual-performance-statement> (accessed 9 January 2023).

overview of performance was a useful feature and was included in several reports.

- 2.13 The committee commends the Department of Finance on the provision of a table including specific page references to the corporate plan and PBS, which was particularly helpful given the large number of performance measures for the department.

Performance results

- 2.14 In reviewing the annual reports of Commonwealth entities and companies, the committee examined whether all performance measures set out in the corporate plan and PBS were reported against in the annual report.²
- 2.15 The committee is pleased to note that all bodies reported against all planned performance measures in their report's performance information.

General reporting observations

- 2.16 In terms of reporting overall, the majority of Commonwealth entities across the committee's portfolio responsibilities included all their mandatory reporting requirements. However, there were some exceptions. The Department of the Senate and IPEA did not provide an outline of mechanisms for disability reporting, and instead provided a nil or not applicable response. In addition, the Department of Parliamentary Services provided a not applicable response in regard to requirement 17AGA (reportable consultancy contracts or reportable non-consultancy contracts), although page 137 of the annual report covered off on this requirement.
- 2.17 The committee reminds agencies that mandatory reporting requirements must be accounted for, and trusts that this issue will be rectified in future reports.

Compliance indexes

- 2.18 The PGPA Rule requires all Commonwealth entities and companies to include the list of relevant reporting requirements with details of where those requirements are found in the annual report. Most bodies satisfactorily met this requirement, and this assisted in the examination of reports. However, there were some instances of missing and incomplete lists. For example, Outback Stores did not provide a compliance index in its report, despite complying with all its reporting obligations.

² As noted in Chapter 1, while Commonwealth companies are not required to prepare an annual performance statement, they are required to include in their annual report the actual performance results achieved against the performance information outlined in their corporate plan.

- 2.19 While the Australian Institute of Aboriginal and Torres Strait Islander Studies complied with all its mandatory reporting requirements, the compliance index was missing requirement s 18 BE(a)—details of legislation establishing the body—although this was addressed on page 3 of the 2021–22 report.
- 2.20 The committee notes that the 2021–22 report for the National Recovery and Resilience Agency (NRRA) provided the incorrect compliance index. Rather than providing the compliance index for a non-corporate Commonwealth entity, the agency provided the compliance index for a corporate Commonwealth entity. This occurred despite the agency complying with the requirements of the correct compliance index. The committee recognises that the NRRA was abolished on 2 September 2022 following the establishment of the National Emergency Management Agency on 1 September 2022.
- 2.21 Noting that annual reports are one of the principal accountability mechanisms of PGPA Act entities, the committee considers that it is vital that these reports be easily accessible and navigable. The majority of annual reports examined reproduced the compliance index in accordance with the requirements of the PGPA Act. The exceptions were the Central Land Council (CLC) and the Indigenous Land and Sea Corporation (ILSC), both of which provided a reformatted compliance index that was not set out in the way stipulated by Schedule 2A of the PGPA Act. It is the committee's preference that departments and agencies reproduce the compliance index as set out in the PGPA Act to improve the overall accessibility of annual reports.
- 2.22 Most bodies included exact page number references for the required items but there were some exceptions. For example, the ILSC referenced 'throughout' rather than providing a precise page reference, while IPEA did not provide a reference to the relevant chapter, section or a precise page reference for the required information. Although not prescribed in the PGPA Rule, the inclusion of precise page references in the list of requirements enhances access to information and assists in the examination of annual reports.
- 2.23 The list of requirements in the reports of Aboriginal Hostels Limited, CLC, ILSC and the National Australia Day Council omitted five items under the PGPA Rule. This has been a recurring issue for these agencies. If a reporting item has a nil return for the reporting period or is not applicable, the Department of Finance advises that it should be reported as such rather than omitted from the list.³

³ Department of Finance, *Resource Management Guide 136*, Annual Reports for Corporate Commonwealth Entities, Updated 8 April 2022, <https://www.finance.gov.au/government/managing-commonwealth-resources/planning-and-reporting/annual-reports-corporate-commonwealth-entities-rmg-136/annual-report-content-requirements-0> (accessed 10 January 2023).

2.24 Departments and agencies are reminded that the full and up-to-date list of annual reporting items as stipulated in the PGPA Act is a mandatory inclusion in the annual report.

Senator Louise Pratt
Chair

Appendix 1

Dates relating to the presentation of reports between 1 May 2022 and 30 October 2022

Reports examined

- 1.1 In accordance with Senate Standing Order 25(20)(f), this report examines the following annual reports, which were tabled between 1 May 2022 and 30 October 2022.

Parliamentary Departments

Reports	Submitted to Minister	Received by Minister	Tabled in the Senate or presented out of sitting (*)	Tabled in the House of Representatives
Department of Parliamentary Services – Annual Report 2021–22	N/A	N/A	26 October 2022	26 October 2022
Department of the Senate – Annual Report 2021–22	N/A	N/A	13 October 2022*	N/A
Parliamentary Budget Office – Annual Report 2021–22	N/A	N/A	14 October 2022*	26 October

Finance Portfolio

Reports	Submitted to Minister	Received by Minister	Tabled in the Senate or presented out of sitting (*)	Tabled in the House of Representatives
ASC Pty Ltd –Annual Report 2021–22	29 September 2022	29 September 2022	19 October 2022	25 October 2022
Australian Naval Infrastructure Pty Ltd – Annual Report 2021–22	7 October 2022	7 October 2022	3 November 2022	7 November 2022
Audit report of the 2020–21 annual performance statement – Attorney-General’s Department	30 March 2022	30 March 2022	7 April 2022	27 July 2022
Audit report of the 2020–21 annual performance statement – Department of Social Services	30 March 2022	30 March 2022	7 April 2022	27 July 2022

Audit report of the 2020–21 annual performance statement – Department of Veterans' Affairs	30 March 2022	30 March 2022	7 April 2022	27 July 2022
Audit report of the 2021–22 annual performance statement – Attorney-General's Department	13 December 2022	13 December 2022	16 December 2022	6 February 2023
Audit report of the 2021–22 annual performance statement – Department of Social Services	13 December 2022	13 December 2022	16 December 2022*	February 2023
Audit report of the 2021–22 annual performance statement – Department of Veterans' Affairs	13 December 2022	13 December 2022	16 December 2022*	6 February 2023
Commission Annual Report 2021–22	12 October 2022	12 October 2022	26 October 2022	26 October 2022

Campaign Advertising by Australian Government Departments and Entities Report 2021–22	18 November 2022	18 November 2022	16 December 2022	6 February 2023
Commonwealth Superannuation Corporation 2021–22 Annual Report	7 October 2022	7 October 2022	25 October 2022	26 October 2022
Consolidated Financial Statements for the Year Ended 30 June 2022	22 November 2022	22 November 2022	9 December 2022	6 February 2023
Correction to the Australian Public Service Commission Annual Report 2021–22	6 January 2023	20 January 2023	25 January 2023*	6 February 2023
Department of Finance Annual Report 2021–22	12 October 2022	12 October 2022	26 October 2022	26 October 2022
Department of Finance 2021–2022 Annual Report – Ministerial Consultants Engagement Engage under the Members of Parliament (Staff) Act 1984	5 September 2022	14 September 2022	27 September 2022	27 September 2022
Future Fund 2021–22 Annual Report	5 October 2022	5 October 2022	25 October 2022	25 October 2022

Independent Parliamentary Expenses Authority Annual Report 2021–22	6 October 2022	6 October 2022	25 October 2022	25 October 2022
Report on Advances Provided under the Annual Appropriation Acts for the Year Ended 30 June 2022	25 November 2022	25 November 2022	8 December 2022*	6 February 2023

Prime Minister and Cabinet Portfolio

Report	Submitted to Minister	Received by Minister	Tabled in the Senate or presented out of sitting (*)	Tabled in the House of Representatives
Aboriginal Hostels Limited – Annual Report 2021–22	30 September 2022	7 October 2022	26 October 2022	26 October 2022
Aboriginal Land Commissioner Report for the Year Ended 30 June 2022	27 September 2022	7 October 2022	28 November 2022	24 November 2022
Australian National Audit Office – Annual Report 2021–22	N/A	N/A	25 August 2022	5 September 2022
Australian Institute of Aboriginal and Torres Strait Islander Studies – Annual Report 2021–22	14 October 2022	24 October 2022	21 November 2022	24 November 2022
Australian Public Service Commission State of the Service Report 2021–22	9 November 2022	9 November 2022	23 November 2022	23 November 2022

Australian Public Service Commission Annual Report 2021–22, incorporating the report of the Merit Protection Commissioner	14 October 2022	24 October 2022	28 October 2022	7 November 2022
Central Land Council Annual Report 2021–22	6 October 2022	13 October 2022	8 December 2022	6 February 2023
Department of the Prime Minister and Cabinet – Annual Report 2021–22	5 October 2022	5 October 2022	25 October 2022	25 October 2022
Digital Transformation Agency – Annual Report 2021–22	4 October 2022	4 October 2022	25 October 2022	25 October 2022
Executive Director of Township Leasing Annual Report 2021–22	2 October 2022	7 October 2022	17 November 2022	21 November 2022
Indigenous Business Australia – Annual Report 2021–22	5 October 2022	13 October 2022	3 November 2022	7 November 2022
Indigenous Land and Sea Corporation – Annual Report 2021–22	30 September 2022	7 October 2022	4 November 2022	7 November 2022

National Australia Day Council – Annual Report 2021–22	23 October 2022	23 October 2022	21 November 2022	27 October 2022
National Indigenous Australians Agency – Annual Report 2021–22	17 October 2022	17 October 2022	21 November 2022	27 October 2022
National Recovery and Resilience Agency – Annual Report 2021–22	12 October 2022	12 October 2022	24 October 2022	25 October 2022
Northern Land Council Annual Report 2021–22	14 October 2022	24 October 2022	21 November 2022	7 November 2022
Office of the Official Secretary to the Governor-General – Annual Report 2021–22	7 October 2022	10 October 2022	21 October 2022*	25 October 2022
Outback Stores Annual Report 2021–22	28 October 2022	7 November 2022	8 December 2022*	6 February 2023
Torres Strait Regional Authority – Annual Report 2021–22	24 October 2022	26 October 2022	8 December 2022*	6 February 2023