

The Senate

Legal and Constitutional
Legislation Committee

Annual reports (No. 2 of 2004)

September 2004

Commonwealth of Australia 2004

ISBN 0 642 71456 8

This document was printed by the Senate Printing Unit, Department of the Senate,
Parliament House, Canberra.

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ABBREVIATIONS

ACC	Australian Crime Commission
ASIC	Australian Securities and Investments Commission
ASIO	Australian Security and Intelligence Organisation
ATSIC	Aboriginal and Torres Strait Islander Commission
CPD	Continuous Professional Development
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
DPP	Director of Public Prosecutions (Commonwealth)
ILUA	Indigenous Land Use Agreement
MARA	Migration Agents Registration Authority
MIA	Migration Institute of Australia (Limited)
NCA	National Crime Authority
NNTT	National Native Title Tribunal
PBC	Prescribed Bodies Corporate
RHPA	Regional Heritage Protection Agreement
SWALSC	South West Aboriginal Land and Sea Council

PREFACE

Terms of reference

On 1 May 1996 a resolution of the Senate allocated the following portfolios to the Legal and Constitutional Legislation Committee:

- Attorney-General's portfolio; and
- Immigration and Multicultural and Indigenous Affairs portfolio.

This report was prepared pursuant to Standing Order 25(21) relating to the consideration of annual reports by legislation committees. The Standing Order states:

Annual reports of departments and agencies shall stand referred to the legislation committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:

- (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; and
- (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.

Role of annual reports

Annual reports place a great deal of information about government departments and agencies on the public record. Accordingly, the tabling of annual reports is an important element of accountability to Parliament, as the information provided in annual reports assists in the effective examination of the performance of departments and agencies and the administration of government programs.

Timing of presentation of reports on annual reports

Standing order 25(21)(f) requires that legislation committees 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.

Under the guidelines, issued by the Department of Prime Minister and Cabinet, the annual reports of departments and executive and prescribed agencies must be tabled by 31 October. If a department is unable to meet this deadline, the secretary is to advise the responsible minister of the reasons for the delay, the expected tabling date and what action is proposed so that the deadline will be met for the following year's annual report. The responsible minister is to table this explanation in the Parliament on the next available sitting day.¹ It is government policy that all annual reports should be tabled by 31 October.²

Guidelines for the annual reports of statutory bodies are set out in the *Commonwealth Authorities and Companies Orders 1998* (tabled 10 November 1998).

Guidelines for the annual reports of non-statutory bodies are set out in the Government Response to recommendations of the then Senate Standing Committee on Finance and Government Operations in its report entitled, *Reporting Requirements for the Annual Reports of Non-Statutory Bodies*. The response was incorporated into the Senate Hansard of 8 December 1987.³

“Apparently satisfactory”

Under the terms of standing order 25(21)(a), the Committee is required to report to the Senate whether reports are apparently satisfactory. In making this assessment, the Committee considers such aspects as compliance with relevant reporting guidelines.

1 Department of the Prime Minister and Cabinet, *Requirements for Departmental Annual Reports*, Canberra, June 2003.

2 *ibid*, p.2

3 *Official Senate Hansard*, 8 December 1987, pp 2643-45.

Timeliness

Under standing order 25(21)(c) the Committee must also report to the Senate on any lateness in the presentation of annual reports. A table listing the Annual Reports referred to the Committee and their tabling dates can be found at Appendix I.

On the basis of previous reporting patterns, it appears that the annual reports of a number of bodies had not been tabled in, or presented to, the Senate by the deadline of 30 April 2004. As these agencies had previously reported in a timely manner, the Committee wrote to the following agencies seeking their advice on their apparent late reporting:

- Aboriginal Legal Rights Movement
- Central Queensland Land Council Aboriginal Corporation
- Goldfields Land and Sea Corporation
- Kimberley Land Council
- Ngaanyatjarra Council Native Title Unit
- North Queensland Land Council
- South West Aboriginal Land and Sea Council

The Committee has received responses from these bodies, which are attached to this report at Appendix II.

Conclusion

The Committee examined all of the annual reports submitted by 30 April 2004 and found them to be of a satisfactory standard, adequately describing the functions and activities and financial positions of the various departments and agencies. The Committee therefore finds all those submitted in time to be “apparently satisfactory.”

CHAPTER 1

ANNUAL REPORTS OF STATUTORY AUTHORITIES

Reports referred to the Committee

1.1 The following reports of statutory authorities for the financial year 2002-2003 were referred to the Committee for examination and report:

- Aboriginal Legal Rights Movement
- Administrative Review Council
- Australasian Police Ministers' Council
- Australian Crime Commission
- Australian Security Intelligence Organisation
- Cape York Land Council
- Central Land Council
- Central Queensland Land Council Aboriginal Corporation
- Goldfields Land and Sea Council
- Gurang Land Council
- High Court of Australia
- Kimberley Land Council
- Mirimbiak Nations Aboriginal Corporation
- Ngaanyatjarra Council Native Title Unit (Aboriginal Corporation)
- North Queensland Land Council (Aboriginal Corporation)
- Office of the Commonwealth Director of Public Prosecutions
- Office of the Inspector-General of Intelligence and Security
- Queensland South Representative Body Aboriginal Corporation
- South West Aboriginal Land and Sea Council
- Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation

1.2 The Committee has elected to comment on the annual reports and performance of a number of the statutory authorities listed above. These comments constitute the remainder of the chapter.

Australian Crime Commission (ACC)

1.3 This annual report covers the first full year of operations for the Australian Crime Commission which was formed in January 2003. The ACC was formed with the aim of enhancing law enforcement cooperation between State, Territory and Commonwealth Governments.

1.4 Australian Federal Police Commissioner Mr Mick Keelty, describes the creation of the ACC as addressing:

...the need to improve the strategic understanding of crime in Australia, with a particular emphasis on nationally significant activity and the development of innovative and effective responses to it.¹

1.5 The Board overseeing the ACC comprises the Commissioner of the Australian Federal Police (Chair), Commissioners of the State and Territory police forces, including the Chief Police Officer of the ACT, the Secretary of the Commonwealth Attorney-General's Department, the CEO of the Australian Customs Service, the Chair of the Australian Securities Investments Commission, the Director-General of Security and the CEO of the ACC.

1.6 The report describes one of the primary functions of the ACC as being the collection of criminal intelligence and the establishment of national intelligence priorities. The ACC will, amongst other operations, also target nationally organised crime across a range of illegal activity including motor vehicle rebirthing, money laundering and tax fraud, the trafficking of illegal firearms, identity crime and drug offences.

1.7 The ACC board authorised the Commission to complete a number of National Crime Authority (NCA) investigations which were incomplete at the time the NCA ceased operations. These included South East Asian Organised Crime, Money Laundering and Established Crime Networks references.

1.8 The report advises of the success of ACC fraud coordination and intelligence sharing arrangements with a number of agencies including the development of new relationships with New Zealand Police and island nations in the South Pacific. The ACC sees these new relationships as being particularly significant as the work:

...directly enhances the capacity of Australian Law Enforcement agencies to deal with identity fraud as a crime enabler and to impact on a range of serious and organised crime issues.²

1 Australian Crime Commission *Annual Report 2002 - 2003*, pp. 5-6.

1.9 The Committee finds the annual report of the Australian Crime Commission to be "apparently satisfactory."

Australian Security Intelligence Organisation (ASIO)

1.10 The Committee notes the restructuring of ASIO over the reporting period from three to five divisions allowing for the anticipated expansion of the Organisation over the coming years.

1.11 The ASIO annual report advises of additional funding provided in the 2002-2003 budget of \$48.3 million over four years and a further \$14.9 million per year thereafter. Following the Bali bombings in October 2002, the Organisation is also to receive additional funding of \$28.5 million over five years. Projects for which this funding was provided included:

- ASIO's 24-hour alert and monitoring capability;
- increased overseas liaison in the Middle East and Southeast Asia;
- enhanced counter-terrorism cooperation with other Australian law enforcement, intelligence and border control agencies; and
- the expansion of ASIO's technical analysis capabilities.

1.12 The report showed a 20% increase in the demand for protective security advice 'reflecting heightened awareness of the need to protect Commonwealth resources, staff and visitors.'³ Advice was provided to a variety of clients including the Australian Nuclear Science and Technology Organisation, the Sydney Airport Corporation, Austrade, Comcar and South Australia's Government House.

1.13 There were 7,537 calls referred to ASIO from the National Security Hotline over the reporting period. Of those, 1,049 were considered to contain sufficient information to warrant further investigation. At the time of reporting, there were 141 ongoing investigations.

1.14 The report advises of two notable legislative amendments passed by the Parliament over the reporting period. Those being the *Australian Security Intelligence Organisation Amendment (Terrorism) Act 2002*, designed to 'enhance Australia's capability to combat terrorism' and the *Criminal Code Amendment (Espionage and Related Offences) Act 2002* which strengthens 'criminal provisions relating to the deliberate disclosure to a foreign power of national security information.'⁴

2 Australian Crime Commission *Annual Report 2002 - 2003*, pp. 36-37.

3 ASIO *Annual Report 2002 - 2003*, p. 32.

4 ASIO *Annual Report 2002 - 2003*, p. 36.

1.15 The Committee finds the annual report of the Australian Security Intelligence Organisation to be "apparently satisfactory."

Office of the Commonwealth Director of Public Prosecutions (DPP)

1.16 The annual report advises of a number of important developments impacting on the work of the Office. January 2003 saw the introduction of the *Proceeds of Crime Act 2002* which authorises the confiscation of the proceeds of crime through civil proceedings. In order to implement the Act, the Office has been required to recruit and train new staff, formulate new guidelines and policy documents and update Information Technology systems. The report advises:

...that the Act has provided the DPP with a range of new tools and the indications are that it will provide an effective addition to the Commonwealth's armoury to control and deter crime.⁵

1.17 The government announced on 3 July that the DPP would be responsible for prosecuting any criminal action found to have arisen from the financial collapse of HIH Insurance Limited and related companies. The Australian Securities and Investments Commission (ASIC) advised the DPP that it will not be limiting the scope of its investigation to the 53 matters referred to in the report of HIH Royal Commissioner, Justice Owen. As a result, the Office expects to be involved in the prosecution of a number of further cases which may arise from investigations into the collapse of HIH.

1.18 The Office will also be responsible for the prosecution of cases arising from the Royal Commission into the Building Industry as well as any cases referred by the Building Industry Task Force.

1.19 The report advises of the results of a client satisfaction survey undertaken in 2002, as required by its Corporate Plan. The survey revealed that, overall, responding Commonwealth and State agencies gave high ratings to the DPP for the quality of its prosecution work, legal advice and criminal assets work. Some negative comments were received concerning the timeliness of DPP work, whilst some agencies identified liaison related problems.

1.20 The Committee notes that the DPP has new guidelines for the preparation of briefs of evidence which it believes will assist to speed up the assessment process. The new guidelines provide, for the first time, a common set of instructions for all Commonwealth investigators for the preparation of briefs of evidence. In addition:

...the DPP plans to develop training material for its officers on liaison with investigative agencies and will hold in-house training on this topic.

Reducing the scope for misunderstanding between agencies is likely to lead to better liaison.⁶

1.21 The Committee finds the annual report of the Office of the Commonwealth Director of Public Prosecutions to be "apparently satisfactory."

Ngaanyatjarra Council Native Title Unit (Aboriginal Corporation)

1.22 The Ngaanyatjarra Council has, over the reporting period, continued to progress the native title interests of the 2000 Indigenous persons living in a number of communities in the Central Desert region of Western Australia.

1.23 At the time of reporting, the Council had 14 claims registered with the National Native Title Tribunal. The Council was involved in the determination of a grant of native title to the Martu people in September 2002. In relation to that grant, the report states:

A determination of exclusive possession native title was achieved over an area of 136,000 sq km of what was formerly unallocated crown land. Mediation to resolve the outstanding un-determined areas continued under the direction of the National Native Title Tribunal.⁷

1.24 The Chairperson's report advises that one of the major difficulties faced after a grant of native title is the 'issue of building workable Prescribed Bodies Corporate'⁸ (PBC) due, at least in part, to the expensive and complex nature of the work required for their successful establishment.

1.25 The Committee is pleased to note that despite such difficulties, the Council has been active in consultations regarding the rules for the Kiwirrkurra PBC and has also been involved in negotiations leading to the successful registration of the Martu PBC with the Registrar of Aboriginal Corporations.

1.26 The report notes that one of the main challenges for the Council has been to strike an acceptable balance between mining and exploration activities and the best interests of traditional land owners:

The mining industry is seen by many as the economic life force of Western Australia. The reality is that exploration activities create enormous pressures for Aboriginal people who are strongly traditional in outlook, and who have a responsibility to look after the integrity of their country and their society.

6 Commonwealth Director of Public Prosecutions *Annual Report 2002 - 2003*, p. 13.

7 Ngaanyatjarra Council Native Title Unit *Annual Report 2002 - 2003*, p. 6.

8 Ngaanyatjarra Council Native Title Unit *Annual Report 2002 - 2003*, p. 3.

One of the challenges ahead for the Native Title Unit is to improve understanding on all sides.⁹

1.27 The Committee notes that the Council had some considerable difficulty implementing a new accounting system to satisfy the reporting requirements of the Aboriginal and Torres Strait Islander Commission (ATSIC) and the *Native Title Act 1993*. As a result of these and other difficulties, including the 'untimely resignation in 2002 of the Council's Finance Manager'¹⁰, the report advises that the Council was unable to publish its annual report within the usual timeframe.

1.28 The Committee also notes the absence of a Letter of Transmittal in the report, which caused some difficulty in determining the Council's reporting requirements.

1.29 With the exception of the matter of the lack of a Letter of Transmittal and the Council's lateness in the presentation of its report, as noted above, the Committee finds the annual report of the Ngaanyatjarra Council Native Title Unit (Aboriginal Corporation) to be "apparently satisfactory."

North Queensland Land Council (Aboriginal Corporation)

1.30 Over the reporting period, the Council was able to complete the purchase of its operating premises in Manunda. The building is seen as an important and valuable asset that will support the long term future needs of the Council.

1.31 The report indicates a number of significant changes in the Council's operating environment, particularly in relation to ongoing funding. The Council's funding body, (Native Title and Land Rights Branch) advised that Land Councils would in future "be funded as a service delivery organisation and not as 'community-based' organisations"¹¹ as had previously been the case. As a result, the Council has determined that it will need to 'focus more on negotiated agreements for outcomes as opposed to limiting its activities to the pursuit of native title consent determinations...'¹²

1.32 The Council advises that it has been able to reduce its costs in relation to the funding of external lawyers for the pursuit of native title claims due to the 'retention of staff and a corresponding consolidation of and increase in experience and expertise.'¹³ Consequently, this has allowed the Council to allocate greater resources to other areas including anthropological research.

9 Ngaanyatjarra Council Native Title Unit *Annual Report 2002 – 2003*, p. 3.

10 Ngaanyatjarra Council Native Title Unit *Annual Report 2002 – 2003*, p. 7.

11 North Queensland Land Council *Annual Report 2002 – 2003*, p. 3.

12 North Queensland Land Council *Annual Report 2002 – 2003*, p. 3.

13 North Queensland Land Council *Annual Report 2002 – 2003*, p. 6.

1.33 There was further progress over the year in the use Indigenous Land Use Agreements (ILUAs). The Council hopes to see 'a great many of the mining notices dealt with under the provisions of ILUA's'¹⁴ and has been active in negotiations between the Queensland Mining Council and the State of Queensland over the processing of future mining exploration permits in Queensland. At the time of reporting, negotiations were also in train for ILUAs with pastoralists in the western region of the Land Council's area of operation.

1.34 With regard to native title outcomes, the Council participated in a number of priority setting agreements with the National Native Title Tribunal (NNTT) and the State of Queensland. The Council together with the NNTT and the State of Queensland have identified the Yarrabah cluster of claims, the Njadgon People's claim and the Djabugay claim as being high priority claims.

1.35 The Committee finds the annual report of the North Queensland Land Council (Aboriginal Corporation) to be "apparently satisfactory."

South West Aboriginal Land and Sea Council (SWALSC)

1.36 The report advises of a significant policy shift in the management of native title claim representation during the reporting period:

The new policy called for the amalgamation of the large, inclusive community claims and the formation of a Single Noongar Claim.¹⁵

1.37 The Council viewed the policy shift as more resource efficient than a number of smaller individual claims. Available evidence suggests that the Noongar people form a single cultural bloc with some claimants having rights and responsibilities in more than one claim area which has led to conflict and confusion between applicant groups.

1.38 The Committee notes the Council has been conducting ongoing negotiations with the Western Australian State Government and a number of industry bodies to:

- develop a Regional Heritage Protection Agreement (RHPA) that encompasses the whole of the South West region of Western Australia;
- amend the Mining Act (1978) and Mining Regulations.¹⁶

1.39 The Council reported that it has also been actively promoting the use of ILUAs between claimants and other land users as and where appropriate. Over the reporting period the Council assisted in the negotiation of:

14 North Queensland Land Council *Annual Report 2002 – 2003*, p. 22.

15 South West Aboriginal Land and Sea Council *Annual Report 2002 – 2003*, p. 5.

16 South West Aboriginal Land and Sea Council *Annual Report 2002 – 2003*, p. 22.

- An ILUA between the 16 member councils of the Central Zone of the Western Australian Local Government Association, the Balardong, Gnaala Karla Boola and Wagl Kaip peoples, and the State of Western Australia. As of 30 June, the parties were waiting on a response from the State.
- An ILUA with CALM [Conservation and Land Management] over new National Parks. SWALSC staff are preparing a draft agreement that calls for the freehold return of National Park land (on a lease back basis), Noongar participation in park management, and Noongar access for traditional practices.¹⁷

1.40 The Council also reports having made substantial progress in the development of Memoranda of Understanding (MOUs) with a range of agencies. This has included agreements with the Western Australian Local Government Association, the Department of Indigenous Affairs, the Aboriginal Lands Trust, the Indigenous Land Corporation and the Office of Aboriginal Economic Development.

1.41 The Committee finds the annual report of the South West Aboriginal Land and Sea Council to be "apparently satisfactory."

CHAPTER 2

ANNUAL REPORTS OF NON-STATUTORY BODIES

Reports referred to the Committee

2.1 The following reports of non-statutory bodies for the financial year 2002-2003 were referred to the Committee for examination and report:

- Audio-Visual Copyright Society Limited (Screenrights)
- Copyright Agency Limited
- Migration Agents Registration Authority

The Audio-Visual Copyright Society (Screenrights)

2.2 The Committee notes that the total collections from all Screenrights services comprised \$18.8 million for the 2002-2003 financial year. Of this amount, \$15.4 million was declared available for distribution to rights holders, an increase of 8.6% over the previous financial year.

2.3 The report advises that this continued growth can be attributed to the three established copyright collection services: the Australian and the New Zealand Educational Services and the International Service.

2.4 Screenrights advises that it has made further progress in the New Zealand tertiary sector and has entered into agreements with all NZ universities and the majorities of polytechnics. According to the report this has:

...had a large impact on the total collections from this service, increasing the amount by 107.2% on the figure for the 2001/2002 financial year.¹

2.5 The Australian Educational Service continues to grow and provide educational institutions with access to movies, news, educational programming, current affairs and documentaries. Screenrights distributed the first payments of communication royalties to members from this service:

These royalties were collected under the recent extensions to the Copyright Act that allow educational institutions to communicate copies of audio-visual material by such means as email and online distribution.²

1 Screenrights *Annual Report 2002 - 2003*, p. 8.

2 Screenrights *Annual Report 2002 - 2003*, p. 7.

2.6 Membership growth has increased by 10% on the total for the 2001-2002 financial year. At the time of reporting Screenrights had 1,812 members from 45 countries.

2.7 The Committee finds the annual report of the Audio-Visual Copyright Society (Screenrights) to be "apparently satisfactory."

Copyright Agency Limited

2.8 The Agency reports that total revenue for the 2002-2003 financial year was 60.4 million, an increase of 32.9% over the previous year, while distribution to members rose 21% to \$32 million over the same period. Revenue from licensing agreements contributed \$55.4 million to the Agency's revenue stream.

2.9 In May 2003, the Agency received a Federal Government grant of \$500,000 under the Enhanced Printing Industry Competitiveness Scheme. The grant will be used to fund:

...a pilot project to develop an online print-on-demand service for education coursepacks, which is being developed by a group of industry partners...³

and

...to develop and pilot an new infrastructure that will help the book industry to harness the new digital technologies, including print-on-demand...⁴

2.10 During 2002-2003 the Agency's Data Management department:

- processed 4,554,949 copying records, an increase of 51% over last year;
- processed 16,224,526 copy pages;
- ran 19 data collection surveys across 331 institutions;
- monitored electronic copying across eight universities; and
- conducted 81 copyright management training sessions.⁵

2.11 The Committee finds the annual report of the Copyright Agency Limited to be "apparently satisfactory."

3 Copyright Agency Limited *Annual Report 2002 - 2003*, p. 3.

4 Copyright Agency Limited *Annual Report 2002 - 2003*, p. 3.

5 Copyright Agency Limited *Annual Report 2002 - 2003*, p. 23.

Migration Agents Registration Authority (the MARA)

2.12 The 2002-2003 reporting period saw a number of significant developments within MARA. The Deed of Agreement between the Commonwealth and the Migration Institute of Australia (MIA) was renegotiated and now includes:

...agreed performance targets, both for the MIA in its role as the MARA and for the Department of Immigration and Multicultural and Indigenous Affairs representing the Commonwealth. The targets represent important steps towards self-regulation of the profession.⁶

2.13 From 1 July 2003, responsibility for approval of Continuing Professional Development (CPD) activities will pass from the Minister (Citizenship and Multicultural Affairs) to the MARA. The previous system of gazettal by the Minister will be replaced and future CPD activities will be both approved and published by the MARA.

2.14 In the second half of 2003 the Migration Advice Knowledge Entry Examination will come into operation. The exam is seen by the MARA as a significant step towards protecting consumers, increasing entry level standards for all new applicants who do not hold a prescribed qualification and industry self-regulation.

2.15 MARA records indicate a gradual increase in the stability of the profession as agents are retaining their registrations for longer periods. At the end of the reporting period, the number of agents with more than eight years of continuous experience was 445 or 14.4%. The average length of continuous experience in the profession rose from 3.45 years in 2001-2002 to 3.67 years in 2002-2003.

2.16 The Committee finds the annual report of the Migration Agents Registration Authority to be "apparently satisfactory."

6 Migration Agents Registration Authority *Annual Report 2002 - 2003*, p. 4.

CHAPTER 3

ANNUAL REPORTS ON THE OPERATION OF ACTS AND PROGRAMS

3.1 Standing Order 25(21) does not provide for consideration of annual reports on the implementation or operation of Acts or programs. The Committee is not therefore required to include them in its report on the examination of annual reports. The Committee has chosen, at this stage, only to list them.

Aboriginal and Torres Strait Islander Social Justice Commissioner – Native Title Report 2003

Aboriginal and Torres Strait Islander Social Justice Commissioner – Social Justice Report 2003

Commonwealth Ombudsman – Report under Part 1AB, Division 2A of the Crimes Act 1914.

Freedom of Information Act 1982

Operation of the Privacy Act

Telecommunications (Interception) Act 1979. Report—Review of named person warrants and other matters, June 2003.

Telecommunications (Interception) Act 1979 Annual Report 2002-2003

Senator Marise Payne

Chair

APPENDIX I

List of Annual Reports Referred

List of annual reports referred by the Senate to the Committee during the period 1 November 2003 to 30 April 2004.

Department/Authority	Submitted to Minister	Received by Minister	Tabled
Aboriginal Legal Rights Movement	11/02/04	11/02/04	02/03/04
Administrative Review Council	19/11/03	19/11/03	25/11/03
Australasian Police Ministers' Council	17/12/03	17/12/03	11/02/04
Australian Crime Commission	30/09/03	30/09/03	09/03/04
Australian Security Intelligence Organisation	14/11/03	14/11/03	03/12/03
Cape York Land Council	05/12/03	05/12/03	10/02/04
Central Land Council	28/11/03	28/11/03	10/02/04
Addendum	29/03/04	29/03/04	11/05/04
Central Queensland Land Council Aboriginal Corporation	11/02/04	11/02/04	02/03/04
Commonwealth Director of Public Prosecutions	24/10/03	27/10/03	25/11/03
Copyright Agency Limited	07/11/03	07/11/03	02/12/03
Goldfields Land and Sea Council	11/02/04	11/02/04	02/03/04
Gurang Land Council	11/02/04	11/02/04	02/03/04
High Court of Australia	—	—	10/02/04 22/01/04*
Kimberley Land Council	21/11/03	21/11/03	10/02/04
Migration Agents Registration Authority	03/11/03	03/11/03	25/11/03
Mirimbiak Nations Aboriginal	20/02/04	20/02/04	09/03/04

Department/Authority	Submitted to Minister	Received by Minister	Tabled
Corporation			
Ngaanyatjarra Council Native Title Unit	11/02/04	11/02/04	02/03/04
North Queensland Land Council	05/12/03	05/12/03	10/02/04
Office of the Inspector-General of Intelligence and Security	28/10/03	29/10/03	25/11/03
Queensland South Representative Body Aboriginal Corporation	21/11/03	21/11/03	10/02/04
Screenrights (The Audio-Visual Copyright Society)	19/11/03	19/11/03	02/12/03
South West Aboriginal Land and Sea Council	11/02/04	11/02/04	02/03/04
Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation	20/02/04	20/02/04	09/03/04
Reports on Legislation	Submitted to Minister	Received by Minister	Tabled
Aboriginal and Torres Strait Islander Social Justice Commissioner – Native Title Report 2003	30/01/04	30/01/04	10/03/04
Aboriginal and Torres Strait Islander Social Justice Commissioner – Social Justice Report 2003	30/01/04	30/01/04	10/03/04
Commonwealth Ombudsman – Report under Part 1AB, Division 2A of the Crimes Act 1914	—	—	10/02/04
Freedom of Information Act 1982	—	—	10/02/04 14/01/04#
Operation of the Privacy Act			24/11/03 31/10/03@

Department/Authority	Submitted to Minister	Received by Minister	Tabled
Telecommunications (Interception) Act 1979. Report—Review of named person warrants and other matters, June 2003	16/10/03	21/10/03	26/11/03
Telecommunications (Interception) Act 1979 Annual Report 2002-2003	30/01/04	30/01/04	09/03/04

@Date presented to the President of the Senate

Date presented to the Deputy President of the Senate

* Date presented to the Temporary Chair of Committees

APPENDIX II

**Correspondence from bodies
concerning timing
of presentation of annual reports
to Parliament**



34 Sydney Street (PO Box 108) Mackay Q 4740 Tel (07) 4951 1899 Fax (07) 4951 3629

ABN 57 278 276 440

Our ref: 65 009/6/1

28 July 2004

Acting Secretary,
Senate Legislation Committee,
Parliament House,
Canberra ACT 2600

Dear Sir,

Re: CQLCAC Annual Report 2002/03

I refer to your letter dated 7 July received by this office on 12 July 2004. CQLCAC's Annual Report was received by ATSIIS on 17 October 2003 for tabling in Parliament before 31 October 2003 as required. On 8 December 2003, CQLCAC received a letter from Mr Wayne Gibbons, CEO of ATSIIS advising that ATSIIS had formed the opinion that the financial statements provided by CQLCAC did not fully comply with the financial reporting requirements of the Native Title Act and requesting the further information be provided by way of addendum to the Annual Report. Mr Gibbons' letter requested the information prior to 15 January 2004 to enable the Annual Report and Addendum to be tabled in Parliament at the first available opportunity being February 2004 (the first sitting of Parliament for 2004). This information was provided as requested and ATSIIS has advised that the Annual Report was tabled in the House of Representatives on 17 February 2004 and the Senate on 2nd March 2004.

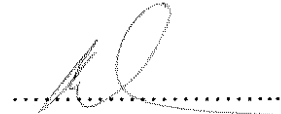
The issues raised by ATSIIS in relation to the Annual Report related to a statement by the CQLCAC directors as to whether the financial statements gave a true and fair view of the matters required by the Minister and a requirement of the auditors to specifically report on S203DC(5)(a) – (d) rather than the general statement which had been given that "the land council have complied with the obligations and requirements imposed under section 203DC(5) and section 203CA(1) of the NTA". These issues were addressed in the addendum.

.../2

Page 2
28 July 2004

I trust this answers your queries. If you have any further concerns, please do not hesitate to contact this office.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R. Bellear', is written over a horizontal dotted line.

Russell Bellear
Executive Officer



COUNCIL (Aboriginal Corporation)
NATIVE TITLE UNIT

P.O. Box Y3439
East St Georges Terrace
Perth WA 6832
Level 2, 8 Victoria Avenue
Perth WA 6000
Phone: (08) 9425 2000
Fax: (08) 9425 2001

email: pitt@perth.ngaanyatjarra.org.au

29th July 2004

- 2 AUG 2004

Phillip Bailey
Acting Secretary
Senate Legislation Committee
Parliament House
Canberra ACT 2600

Dear Mr. Bailey,

TABLING OF ANNUAL REPORT 2002 - 2003

I refer to your letter dated 7 July 2004.

You have invited me to explain why the annual report was tabled on 2 March 2004 rather than on the due date of 31 October 2003.

Preparation of this report was significantly delayed by the following events and issues;

1. Compliance requirements under the Native Title Act are particularly onerous for a complex not for profit organization like the Ngaanyatjarra Council, particularly the consolidation of all accounts.
2. To meet the compliance requirements the Council commissioned the implementation of a new finance management system to be implemented.
3. During implementation the Council's Finance Manager resigned and the Council had difficulties recruiting a suitable replacement Finance Manager.
4. This led to difficulties in implementation and problems reconciling final 02/03 accounts, which led to the late submission of the annual report.

The report was to be presented by 15 October 2003 and was submitted to ATSSIS on 5 December 2003.

ATSSIS was kept informed in relation to the delays and the appropriate extensions of time were granted. (see attached)

Another Finance Manager has been employed, the finance system fully implemented and systems are in place to ensure that the consolidation of Council accounts will be able to be done in a timely manner in future. We expect that the Annual Report for the 2003/2004 financial year will be submitted on time.

Please call me should you wish to discuss the matter.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'I. Rawlings', with a stylized flourish at the end.

Ian Rawlings
Administration Officer



COUNCIL (Aboriginal Corporation)
NATIVE TITLE UNIT

P.O. Box Y3439
East St Georges Terrace
Perth WA 6832
Level 2, 8 Victoria Avenue
Perth WA 6000
Phone: (08) 9425 2000
Fax: (08) 9425 2001

email: sware@ngaanyatjarra.org.au

2 September 2003

Mr Wayne Gibbons
Chief Executive Officer
ATSIC
PO Box 17
WODEN ACT 2606

Dear Mr Gibbons

Request for Extension of Time to Submit NTRB Annual Report 2002/2003

Under Section 203DC(2) of the Native Title Act 1993 (NTA), the Ngaanyatjarra Council (AC) is seeking an extension to the deadline to submit its 2002/2003 Annual Report from October 15 to November 15, 2003.

The Minister's directions under the NTA require the Ngaanyatjarra Council to produce a consolidated financial report for inclusion in its annual report. While the Native Title Unit (NTU) has its accounts complete, several of the other entities within the Council will not be ready to have their accounts consolidated in time to meet the October 15 deadline. This situation has arisen due to unforeseen and unavoidable changes in staff in those entities at and around the end of the 02/03 financial year. Council has taken steps to address these issues and is confident that there will be no ongoing repercussions, however the 2002/03 annual reporting process has been significantly delayed.

The Ngaanyatjarra Council was able to meet the 2002 deadline and is confident it will continue to meet future timeframes. I trust you will give this submission due consideration and if you need any further information or supporting documentation please contact me by phone (08 9425 2052) or by email (irawlings@ngaanyatjarra.org.au).

Sincerely

A handwritten signature in black ink, appearing to read 'IAN RAWLINGS'.

IAN RAWLINGS
Administration Manager
Native Title Unit
Ngaanyatjarra Council

Cc: Wayne Denning, ATSI



Australian Government
Aboriginal and Torres Strait Islander Services

Chief Executive Officer

CEO 20030477

Mr Ian Rawlings
Administrative Manager
Ngaanyatjarra Council
PO Box Y3439
PERTH WA 6832

Dear Mr Rawlings

Thank you for your letter of 2 September 2003 requesting an extension of time to submit the 2002/03 Annual Report under Section 203DC (1)(b) of the *Native Title Act 1993* for the Ngaanyatjarra Council Aboriginal Corporation.

I am pleased to advise you that I have approved an extension of time, under Section 203DC(2) of the *Native Title Act 1993*, for the due date of receipt of the annual report to 15 November 2003.

Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wayne Gibbons', written over a horizontal line.

Wayne Gibbons

8 October 2003



COUNCIL (Aboriginal Corporation)
NATIVE TITLE UNIT

P.O. Box Y3439
East St Georges Terrace
Perth WA 6832
Level 2, 8 Victoria Avenue
Perth WA 6000
Phone: (08) 9425 2000
Fax: (08) 9425 2001

email: sware@ngaanyatjarra.org.au

5 November 2003

Mr Wayne Gibbons
Chief Executive Officer
ATSIC
PO Box 17
WODEN ACT 2606

Dear Mr Gibbons

Request for Extension of Time to Submit NTRB Annual Report 2002/2003

Under Section 203DC(2) of the Native Title Act 1993 (NTA), the Ngaanyatjarra Council (AC) has been granted an extension of time for submission of its 2002/2003 Annual Report from October 15 to November 15, 2003.

Unfortunately the preparation of accounts has taken longer than anticipated and we are seeking a longer extension to enable us to complete the report for submission by December 5, 2003.

In 2002/2003 Ngaanyatjarra Council implemented a new accounting system in order to satisfy the reporting requirements for ATSIC and specifically the NTA. Due to the untimely resignation in 2002 of the Council's Finance Manager (who was also the project manager for the implementation of the new system) and problems finding an appropriate replacement many technical difficulties were experienced with the implementation process. These difficulties compounded during the year causing massive reconciliation problems in the 02/03 accounts.

Since July 17, Ngaanyatjarra Council has employed the services of a new Financial Controller to take charge of the financial and reporting activities. Action has been taken to correct technical and procedural problems and the accounting system should be fully operational by the end of this year. At the time of seeking the first extension to November 15, the extent of the problem was still unfolding and our prediction for resolving it was misjudged. We have now seen the full picture and are close to reconciling all accounts. Once reconciled the consolidation, audit, printing and delivery will flow easily.

I trust you will give this submission due consideration and if you need any further information or supporting documentation please contact me by phone (08 9425 2052) or by email (irawlings@ngaanyatjarra.org.au).

Sincerely

A handwritten signature in black ink, appearing to read 'IAN RAWLINGS'.

IAN RAWLINGS
Administration Manager
Native Title Unit
Ngaanyatjarra Council



ATSIC

CHIEF EXECUTIVE OFFICER

CEO 20030622

Mr Ian Rawlings
Administrative Manager
Ngaanyatjarra Council
PO Box Y3439
PERTH WA 6832

Dear Mr Rawlings

**Request for extension to the due date for the Ngaanyatjarra Council
Aboriginal Corporation Annual Report 2002-03**

Thank you for your letter of 5 November 2003 requesting an extension of time to submit the 2002/03 Annual Report for the Ngaanyatjarra Council Aboriginal Corporation under Section 203DC (1)(b) of the *Native Title Act 1993*.

I am pleased to advise you that I have approved a further extension of time, under Section 203DC(2) of the *Native Title Act 1993*, for the due date of receipt of the annual report to 5 December 2003.

Thank you for bringing this matter to my attention.

Yours sincerely



W J GIBBONS

17 November 2003



**Aboriginal
Legal
Rights
Movement
Inc.**

ABN 32 942 723 464

ADELAIDE
321-325 King William Street
Adelaide SA 5000
DX 239
Ph (08) 8113 3777
Fax (08) 8211 7618

NATIVE TITLE UNIT
Level 4
345 King William Street
Adelaide SA 5000
DX 239
Ph (08) 8110 2800
Fax (08) 8211 7424

CEDUNA
cnr East Tce & Merghiny St
PO Box 419
Ceduna SA 5690
DX 51904
Ph (08) 8625 2432
(08) 8625 2200
Fax (08) 8625 3093

MURRAY BRIDGE
3-5 Bridge Street
PO Box 763
Murray Bridge SA 5253
DX 51215
Ph (08) 8532 4788
Fax (08) 8531 1015

PORT AUGUSTA
12 Church Street
PO Box 1771
Port Augusta SA 5700
DX 51023
Ph (08) 8642 4366
Fax (08) 8642 4650

PORT LINCOLN
30 Ravendale Road
PO Box 800
Port Lincoln SA 5606
Ph (08) 8683 4160
Fax (08) 8683 4160

Reply To: Native Title Unit

Your Reference:
Our Reference:

20 July 2004

23 JUL 2004

Mr Phillip Bailey
Ag Secretary
Australian Senate
Legal and Constitutional Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Bailey

Re: Tabling of Annual Report 2002-2003

I refer to your letter dated 7 July 2004.

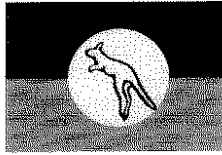
Please be advised that the ALRM annual report was late in its presentation due to two separate factors. Firstly, the ALRM audit report for 2002-2003 was delayed in its completion resulting in ALRM seeking an extension to the time frame for presentation of the annual report. Approval was provided from the ATSI CEO, Mr Wayne Gibbons, for the due date of receipt of the annual report to 15 November 2003.

Secondly, on receipt of ALRM's annual report ATSI advised ALRM of a deficiency in the Audit Report in not meeting the requirements of the Native Title Act (section 203DC(5)). Accordingly, an addendum was prepared by the Auditors and forwarded to ATSI in December 2003 for inclusion in ALRM's annual report.

Should the Committee require further detail concerning this matter I would ask that you contact me at your earliest convenience.

Yours sincerely

Keith Thomas
General Manager
Native Title Unit



Kimberley Land Council

P.O. BOX 2145 BROOME WA 6725

Phone: (08) 9193 6199

Facsimile: (08) 9193 6279

Our ref: 1-01-057

16 July 2004

Mr Phillip Bailey
Ag Secretary
Legal and Constitutional
References Committee
Legislation Committee
Parliament House
CANBERRA ACT 2600

25 JUL 2004

Dear Mr Bailey

TABLING OF ANNUAL REPORT 2002-2003

I refer to your letter of 7 July 2004. Under the terms of our funding agreement we are required to provide before 13th October the following number of annual reports:

- 5 copies to ATSI Native Title and Land Rights Branch, Brisbane;
- 306 copies to ATSI Tabling Officer, ACT; and
- 194 to Canprint Parliamentary Paper Series.

These reports were freighted from Broome to all destinations on the 8th October 2003. An additional report was sent to Hon Philip Ruddock on the 9th September 2003.

Senator Vanstone advised us on the 24th December that she had approved the tabling of the Kimberley Land Council's 2002-2003 Annual Report in Parliament.

I suggest that you contact the Department of Immigration, Multicultural and Indigenous Affairs in relation to any delays in the tabling of the reports in Parliament.

In the interim, please find attached a copy of the Kimberley Land Council's 2002-2003 Annual Report.

Yours faithfully

WAYNE BERGMANN
Executive Director



North Queensland Land Council

Native Title Representative Body

Aboriginal Corporation

ABN 19 047 713 117

61 Anderson Street, Cairns, QLD, 4870

PO BOX 679N, Cairns North, QLD, 4870

Tel: 07 4031 4779

Fax: Executive / Legal / Anthropology ~ 07 4031 9489

Fax: Administration / Project Officers ~ 07 4031 7414

nqlc@nqlc.com.au

ikuch@nqlc.com.au

Phillip Bailey
Ag Secretary
Australia Senate Legal and Constitutional Committee
PARLIAMENT HOUSE
CANBERRA ACT 2600

25 JUL 2004

21 July, 2004

Dear Sir,

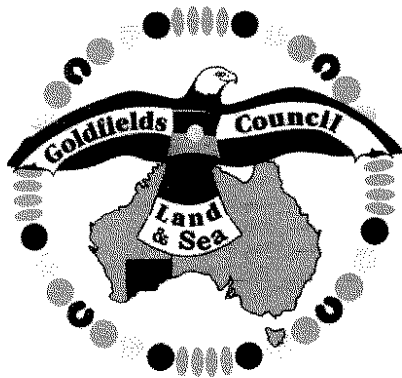
I refer to your letter of the 7 July 2004 regarding the tabling of our Annual Report for 2002-03.

Please be informed that the North Queensland Land Council NTRB AC provided ASTIS & The Minister with our Annual Report on the 14 October 2003 which is within the deadline of the 17 October 2003 for the submission of NTRB Annual Reports.

I am at a loss to explain why our report was not tabled on time as the NQLC NTRB AC met all relevant deadlines.

Yours faithfully,

Ian Kuch
Executive Officer



GOLDFIELDS LAND AND SEA COUNCIL

Aboriginal Corporation (Representative Body)

67-71 Dugan Street (in laneway, at rear)
PO Box 10006, Kalgoorlie WA 6430
Telephone: (08) 9091 1661 Fax: (08) 9091 1662

20 JUL 2004

16 July 2004

Phillip Bailey
Acting Secretary
Legislation Committee
Australian Senate
Parliament House
Canberra ACT 2600

FAXED
16/7/04

Dear Mr Bailey

Tabling of Annual Report 2002-2003

I write in response to your letter of 7 July 2004.

The GLSC complied with the requirement to provide 510 copies to ATSIC by the statutory deadline of 15 October 2003. ATSIC advises they received the GLSC's reports on 13 October 2003.

The CEO of ATSIC subsequently wrote to the GLSC, in a letter dated 2 December 2003, requesting an addendum to the Annual Report in relation to the Independent Auditor's Report (which had been submitted in the same form and content as had been acceptable in previous years). The addendum was to be provided by 15 January 2004. The GLSC's auditor complied with this request on 12 January 2004.

I understand from ATSI that the ATSIC CEO forwarded the report for tabling on 10 February 2004.

If more information is required, please contact us, or ATSIC to whom we reported on time.

Yours sincerely


Brian Wyatt
Executive Director



South West Aboriginal
Land & Sea Council

16 JUL 2004

Mr Phillip Bailey
Acting Secretary
References Committee
Australian Senate
Parliament House
CANBERRA ACT 2600
13 July 2004

Dear Mr Bailey

Tabling of Annual report 2002-2003

Thank you for your letter of 7 July 2004 requesting advice on the late tabling of South West Aboriginal Land & Sea Council ("SWALSC") Annual Report for 2002-03.

Pursuant to section 203DC(1)(b) of the *Native Title Act 1993*, SWALSC is required to give its Annual Report to ATSIC by 15 October each year. The report for 2002-03 was provided to ATSIC within the required timeframe.

In a letter dated 2 December 2003 the Chief Executive Officer of ATSIC requested amendments. The certificate of compliance was signed by executives of SWALSC but this is not in accordance with the Finance Minister's Orders and we were requested to add a certificate from the Board. The second matter was an extension of the standard form audit certificate for some additional matters in the *Native Title Act*.

The letter from the Chief Executive Officer of ATSIC requested the corrigenda and addendum be provided by 15 January 2004. This timeframe was complied with as the necessary documents were forwarded on 13 January 2004.

I note from your letter that the Annual Report was not tabled until 2 March 2004. Given that we originally gave the Annual Report to ATSIC prior to 15 October 2003 and that the corrigenda and addendum were forwarded by 15 January 2004, I am unable to explain either the delay from 15 October to 2 December 2003 or that from 15 January to 2 March 2004.

Yours sincerely

Darryl Pearce
Chief Executive Officer