

Senate Standing Committee on Foreign Affairs, Defence and Trade
Budget supplementary estimates 2006-2007; November 2006
Question on notice from Senator Joe Ludwig

Response by Defence Housing Australia

All agencies and departments—possible parliamentary questions

With regard to the preparation of Possible Parliament Questions briefs or other such documents intended to brief Ministers on an issue specifically for Question Time, could the department/agency provide:

- 1. The number of such briefs prepared in each of the last three financial years (2003-04, 2004-05, 2005-06).**

Nil

- 2. The number of staff who are responsible for coordinating such briefs and the salary level they are engaged at.**

Not Applicable

- 3. The name of internal unit/team that those staff belong to and a description of its other responsibilities.**

Not Applicable

- 4. The total budget associated with the unit/team referred to in response to part 3.**

Not Applicable

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All departments – annual reports

With regard to each agencies (and the department itself) that fall inside the department's portfolio, could the department indicate:

1. What date the agency's annual report was tabled before parliament?

7 November 2006

2. If the annual report was not tabled by 31 October 2006, could the department indicate:

a) When the report was tabled, or if it remains untabled what date the report is expected to be tabled by?

Refer to the answer provided to question 1

b) Whether the agency's own legislation provides an alternative timeframe for its annual report.

No

If so, could the department provide:

- i. A description and reference to the relevant provision and legislation.**
- ii. An explanation of why the agency cannot meet the general timeframe set out in the Department of Prime Minister and Cabinet's Requirements for Annual Reports, and so requires an alternative timeframe.**

The *Defence Housing Australia Act 1987* makes no provision with respect to the tabling of Defence Housing Australia's (DHA's) Annual Report.

DHA's annual report requirements are governed by the *Commonwealth Authorities and Companies Act 1997 (CAC Act)*.

Subsection 9(1) of the CAC Act requires the report for the previous financial year to be presented to the relevant Minister by 15 October each year but does not specify the period within which the Minister is to present the report.

In accordance with Section 9 of the CAC Act, DHA's 2005-06 Annual Report was provided to the responsible Minister on 13 October 2006, both an electronic and A4 printed format.

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Due to an unforeseen delay in the printing process, the final printed version was not available for tabling prior by 31 October 2006.

The report was tabled in both houses of the Parliament 'as soon as practicable' as required by section 9(3) of the CAC Act.

The DHA is not subject to the *Requirements for Annual Reports* approved by the Joint Committee of Public Accounts and Audit under subsections 63(2) and 70(2) of the *Public Service Act 1999*. Nevertheless, the Authority makes every effort to comply with the Government policy stated therein that all annual reports should be tabled by 31 October.

c) Whether the agency was granted an extension under section subsections 34C(4) (7) of the *Acts Interpretation Act 1901*.

Not applicable

If so, could the department provide:

- i. The date for finalising the report as set out in the extension.**
- ii. The reason given for granting the extension.**
- iii. The date that the Minister tabled in Parliament a statement explaining why an extension was granted.**
- iv. A copy of the Minister's statement.**

d) Where the agency's legislation doesn't provide for an alternative timeframe (as per question b) nor was the agency granted an extension (as per question c) could the department provide:

- i. Explanation for why the annual report was tabled outside the timeframe set by the DPM&C despite there being no provision for an alternative timeframe set out in the agency's legislation nor there being any formal extension granted.**
- ii. Details of any other arrangements in place for the tabling of the agency's annual report.**

Not applicable

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All departments—legal services expenditure

(1) What sum did the department spend during 2005-2006 on external

(a) barristers and

Nil

(b) solicitors (including private firms, the Australian Government Solicitor and any others).

During the year, Defence Housing Australia (DHA) spent \$266,785 (excluding GST) on external general legal services, and \$711,840.40 (excluding GST) on property-related external legal services (eg conveyancing).

(2) What sum did the department spend on internal legal services.

The DHA's internal legal services were provided by a General Counsel. Salary and associated administrative expenses of the General Counsel in 2005/06 were \$137,344 (excluding GST).

(3) What is the department's projected expenditure on legal services for 2006-2007.

An amount of \$156,733 (excluding GST) has been budgeted for expenditure on DHA Legal Counsel services and associated administrative expenses in 2006/07 and an amount of \$475,000 for external general legal services in 2006/07.

Fees for property-related legal services are not budgeted separately as they are essentially demand-driven and included in the value of the asset which is the subject of the legal transaction.