



Australian Government

Australian Government response to the Senate
Community Affairs Legislation Committee report:

Annual reports (No.2 of 2012)

May 2014

Response to the second Community Affairs Legislation Committee report on Annual Reports for 2012

On 12 September 2012 the Community Affairs Legislation Committee tabled report titled Annual reports (No. 2 of 2012). The Committee made the following statement and recommendation:

“Bodies not presenting annual reports to the Senate

1.43 In accordance with Standing Order 25(21)(h), the committee is required to report to the Senate on whether there are any bodies which do not present annual reports to the Senate and which should present such reports.

1.44 The committee notes that the National E-Health Transition Authority (NEHTA) has been invited to several estimates hearings and has received a significant number of questions on notice arising from those hearings, including questions around the issues of funding, expenditure and governance. The committee notes that NEHTA is not required to present an annual report to Parliament.

1.45 Given NEHTA's significant public funding and responsibilities that go to Commonwealth policy and funding, the committee asks the government to consider whether, as a principal shareholder in NEHTA, it should make arrangements for the report to be presented to Parliament.

Recommendation 1

1.46 The committee recommends that the Commonwealth government review whether an annual report of NEHTA should be presented to Parliament.”

Government Response

The Commonwealth has reviewed the Senate's recommendation and has concluded that NEHTA is not bound by the provisions of the *Public Service Act 1999* to provide an annual report to the Parliament.

NEHTA, jointly funded by all states and territories and the Commonwealth Government, is registered with the Australian Securities and Investment Commission (ASIC) as an Australian Public Company, Limited by Guarantee (not for profit) and is required to prepare and have audited an annual report in accordance with the *Corporations Act 2001*.

Since commencement of funding in 2005, NEHTA has provided an annual report to the Department of Health at the end of each financial year. A copy of the report is forwarded to the Minister for Health and is publicly available on the NEHTA website.

The review took the following factors into consideration:

Policy and Legislation

- The Department of Prime Minister and Cabinet (PM&C) Guidelines for the presentation of documents to Parliament (including Annual Reports) dated June 2012 states that the requirement to provide an Annual Report to Parliament refers to an Executive Agency.
- Section 65(2) of the *Public Service Act 1999* states that for the purposes of this Act, an Executive Agency consists of the Head of the Agency, together with the Australian Public Service (APS) employees assisting the Head.
- Under the *Public Service Act 1999*, NEHTA is not considered an Executive Agency and is therefore not bound to provide an Annual Report under these provisions.