



20 May 2026

File reference: AGD2026/1417

Legislative Scrutiny Committee  
C/- Secretary to the Committee

By email: [LSC@nt.gov.au](mailto:LSC@nt.gov.au)

Dear Legislative Scrutiny Committee

### Submission to the Legislation Scrutiny Committee

I welcome the opportunity to provide comments on the *Attorney-General Legislation Amendment (Boards, Committees and Statutory Offices) Bill 2026*. I will limit my comments to the proposed amendments of the *Public Trustee Act 1979* (Public Trustee Act) as they relate to financial reporting responsibilities of the Public Trustee and responsibilities of the Auditor-General.

#### Current legislative framework

The Public Trustee Act currently requires the preparation of an annual report on the operations of the Public Trustee. This includes audited statements of account for each common fund and the Auditor-General's report on those accounts.

In practice, the timeframe for the preparation and audit of these accounts is effectively determined by section 24C(1) of the Public Trustee Act, which requires the Public Trustee to provide each investor (other than an estate) with an extract from the annual report by 31 October each year. This requirement creates a relatively timely accountability mechanism, ensuring that investors receive audited financial information within four months of the end of the financial year.

#### Effect of the proposed amendments

The Bill alters these timeframes by introducing:

- a new requirement for the Auditor-General to complete the audit of each common fund within **six months** after the end of the financial year
- a requirement for the Public Trustee to prepare an annual report as soon as practicable **after completion of the audit**.

The requirement for the Minister to table the annual report in the Legislative Assembly within six sitting days after receiving it remains unchanged.

The changes effectively extend the timeframe for the preparation and distribution of audited financial information well beyond the current October deadline. In practical terms, this may result in investors not receiving audited information until February or March of the following year.

#### Impact on accountability

Public sector entities demonstrate accountability in several ways. Annual reports, including independently audited financial statements, are a key mechanism through which public sector entities demonstrate accountability to Parliament and the community.

However, in the case of the Office of the Public Trustee, there is **no legislative requirement** to prepare financial statements that summarise its operations, have such financial statements audited and included in the annual report. This position has been confirmed in legal advice, which highlighted:

- the relatively limited record-keeping obligations imposed on the Public Trustee; and
- its exemption from many of the financial management and accountability requirements that apply to government agencies under the *Financial Management Act 1995*.

As a result, the financial statements currently included in the annual report are confined to the common funds and are primarily relevant to investors. They do not provide broader operational transparency to Members of the Legislative Assembly or the community.

If the intent of the Public Trustee Act provisions requiring audited financial statements for each common fund is to ensure accountability to investors, the proposed amendments do not enhance that objective. On the contrary, they reduce accountability by delaying the provision of audited financial information.

Under the current framework, investors receive audited financial information within four months of financial year end. Under the proposed arrangements, this may be delayed by several additional months, diminishing the timeliness and usefulness of the information.

Additionally, while the Bill imposes a six-month deadline on the Auditor-General to complete his or her audit, it does not impose a corresponding obligation on the Public Trustee to prepare and submit financial statements within a timeframe that enables this deadline to be met. This creates a potential misalignment in responsibilities and may undermine the practicality of the requirement.

This approach is inconsistent with other legislation, which typically:

- require the accountable authority to prepare and submit financial statements for audit within a defined period after the end of each financial year
- require the Auditor-General to complete the audit within a specified period thereafter.

I consider that a more effective approach would be to:

- (i) separate the obligations relating to the preparation and tabling of the annual report and the provision of financial information to investors; and
- (ii) requiring the Public Trustee to submit financial statements to the Auditor-General within a specified timeframe after the end of the financial year, while retaining a defined period for completion of the audit thereafter.

I thank the Legislation Scrutiny Committee for its consideration of this submission.

Yours sincerely

Jara K Dean  
**Auditor-General**