



CLC's implementation of the ANAO performance audit recommendations *Six-monthly update: December 2023*

On 7 June 2023 the Australian National Audit Office (ANAO) published its performance [report](#) on *Governance of the Central Land Council* (CLC). This report found that the CLC's governance arrangements under the *Aboriginal Land Rights (NT) Act 1976*, the *Native Title Act 1993*, and the *Public Governance, Performance and Accountability Act 2013* are largely effective and provided 11 recommendations to address gaps and strengthen systems. The CLC's initial response is included in the ANAO report.

This report provides a six-monthly update on implementation progress for each recommendation.

After six months we are pleased to say that six of the 11 recommendations are now complete.

ANAO Recommendation 1:

The Central Land Council establish a governance document setting out:

- a) how the accountable authority (that is, the Chair and CEO) intends to operate, with specific reference to those decisions which require joint authority, and those which can be made independently by one or the other party: and
- b) the role of the accountable authority under the PGPA Act and the role of the Council under the ALRA.

Implementation Status - In progress

The CLC is progressing this recommendation, and is collaborating with key stakeholders to ensure the document will support clear understanding for relevant third parties. The CLC continues to operate with clarity regarding the role of the accountable authority and the role of the Council.

ANAO Recommendation 2:

The Central Land Council increase the accessibility of the Council and Executive Committee meeting rules and minutes (which could include the use of the Central Land Council website, newsletter, radio and social media platforms to promote how the rules and minutes can be accessed).

Implementation Status - Complete

The CLC have taken steps to increase constituent awareness of the accessibility of these documents, including promoting accessibility and a nominated contact on the CLC website, and in the Council News newsletter online and in communities. The CLC also informs constituents about meeting outcomes via the newsletter and on the regional Aboriginal radio channel, CAAMA radio.

ANAO Recommendation 3:

The Central Land Council develop a mechanism to improve full Council visibility of decisions made on its behalf by the Executive Committee.

Implementation Status - Complete

The CLC have implemented a mechanism that ensures all resolutions made by the Executive Committee are reported at each Council meeting, with opportunity for discussion and clarification.



ANAO Recommendation 4:

The Central Land Council strengthen monitoring against Part IV agreements to detect and address any non-compliance with agreement conditions.

Implementation Status - In Progress

The CLC have taken actions to progress this significant project to strengthen the monitoring of Part IV agreements, including allocating additional resources, sourcing independent technical advice, and prioritising the exploration and mining permits and agreements system reform project.

ANAO Recommendation 5:

The Central Land Council strengthen the procurement components of the Community Development Program by documenting specific procurement procedures.

Implementation Status - Complete

The CLC have developed a Community Development Implementation Guide which outlines the specific procurement procedures for CLC staff to comply with in their work facilitating meetings of Aboriginal governance groups who select partners to implement community development projects.

ANAO Recommendation 6:

The Central Land Council:

- a) review its Risk Management Plan in line with its commitment to conduct an annual review and in doing so remove references to obsolete frameworks or policies; and
- b) ensure the Risk Management Plan and the risk profile are endorsed by the accountable authority of the Central Land Council.

Implementation Status - Complete

The CLC Risk Management Framework has been reviewed, with the revised framework endorsed by the accountable authority, and the new Risk Management Policy approved by the CEO. The CLC is strengthening its risk management procedures and training to support implementation of the policy.

ANAO Recommendation 7:

The Central Land Council conduct a review of its policy suite to ensure that important governance elements and functions have an associated policy, that key policies are endorsed and appropriately reviewed, and that content is complete and accurate.

Implementation Status - In progress

A review of the policy suite has been undertaken, with key policies endorsed and appropriately reviewed, and some policies identified for further development. The implementation of this recommendation is ongoing by nature, and a process has been established to facilitate timely review.



ANAO Recommendation 8:

The Central Land Council:

- a) conduct fraud risk assessments regularly, in accordance with its Fraud Policy; and
- b) implement a fraud control plan to manage fraud risks identified during the assessments.

Implementation Status - In progress

The CLC engaged independent expertise through PKF Integrity to assist with and advise the CLC on the implementation of this recommendation. This work is expected to be complete in early 2024.

ANAO Recommendation 9:

The Central Land Council:

- a) make the requirements for managing conflicts of interest in Council and Executive Committee meetings consistent across governance documents; and
- b) implement a fit for purpose conflict of interest declaration and management process that is aligned to the Code of Conduct for employees.

Implementation Status - Complete

The Council have updated the requirements for the management of any member conflict of interest during a meeting to ensure consistent processes. The May 2023 employee conflict of interest declaration and management policy aligns with the code of conduct and is being implemented.

ANAO Recommendation 10:

The Central Land Council Accountable Authority ensure that Audit and Risk Committee members make an annual declaration of material personal interests.

Implementation Status - Complete

Annual declarations of material personal interests have been recorded for all members of the Audit and Risk Committee, and processes introduced to support ongoing timely completion.

ANAO Recommendation 11:

The accountable authority of the Central Land Council:

- a) amend the Audit and Risk Committee Charter to require the Audit and Risk Committee to provide a written statement to the accountable authority, at least annually, about the appropriateness of the Central Land Council's financial and performance reporting; systems of risk oversight and management; and system of internal control; and
- b) annually assess the performance of the Audit and Risk Committee to confirm that it is effectively undertaking all mandatory functions.

Implementation Status - In progress

The amended Audit & Risk Committee [Charter](#) requires the Audit and Risk Committee to report at least annually to the accountable authority, including on the appropriateness of financial reporting and performance reporting systems, systems of risk oversight and of internal controls.

The annual assessment of performance of the Audit and Risk Committee, in accordance with the amended Charter, will occur in 2024.