



# Australian Government Organisations Register - Types of Bodies

Updated: 20 July 2018

Australian Government bodies are diverse, which means classification is not always straightforward. The following table provides guidance on the main types of Australian Government bodies. Bodies may possess some but not all of the features listed. Where a government body could be classified under more than one body type, the most relevant classification has been chosen.

The Australian Government Organisations Register (the Register) uses information collected from portfolios. The Register will be updated at least twice-yearly.

Type of Australian Government Body	Key Characteristics	Examples
<u>A: Principal Australian Government Body - Non-Corporate Commonwealth Entity</u>	<ul style="list-style-type: none"> <li>Defined in section 11(b) of the PGPA Act 2013 as “a Commonwealth entity that is not a body corporate”.</li> <li>Includes Parliamentary departments, Departments of State and listed entities (section 10(1) of PGPA Act 2013).</li> </ul>	<ul style="list-style-type: none"> <li>Department of Finance</li> <li>Department of Parliamentary Services</li> <li>Australian Bureau of Statistics</li> <li>National Blood Authority</li> </ul>
<u>B: Principal Australian Government Body - Corporate Commonwealth Entity</u>	<ul style="list-style-type: none"> <li>Defined in section 11(a) of the Public Governance, Performance and Accountability (PGPA) Act 2013 as “a Commonwealth entity that is a body corporate”.</li> </ul>	<ul style="list-style-type: none"> <li>Commonwealth Scientific and Industrial Research Organisation (CSIRO)</li> <li>National Gallery of Australia</li> <li>Reserve Bank of Australia</li> </ul>
<u>C: Principal Australian Government Body - Commonwealth Company</u>	<ul style="list-style-type: none"> <li>Defined in section 89 of the PGPA Act 2013 as “a Corporations Act company that the Commonwealth controls”.</li> <li>Commonwealth control may be through controlling the composition of the board; through casting/control of more than 50% of the votes at a general meeting; or holding more than 50% of the share capital of the entity.</li> <li>Limited by shares or guarantee, and independent from Ministers and Portfolio departments.</li> <li>Governed by a board of directors appointed by the Secretary/a senior official in a Commonwealth entity, the Minister or the Governor-General</li> </ul>	<ul style="list-style-type: none"> <li>Aboriginal Hostels Limited</li> <li>Bundanon Trust</li> <li>Australian Business Arts Foundation Limited</li> <li>NBN Co Limited</li> <li>RAAF Welfare Recreational Company</li> </ul>

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<p><u>D: Secondary Australian Government Body</u> - Advisory body - policy and stakeholder consultation*</p>	<ul style="list-style-type: none"> <li>• These are non-statutory bodies providing advice, which may assist with policy development, regulation, and assurance activities.</li> <li>• These bodies may report to the Commonwealth entity, the Secretary of the Portfolio department or to the Minister directly.</li> <li>• Members are often appointed by the Minister but may also be appointed by the Commonwealth entity.</li> <li>• Majority of members are likely to be external to the Australian Government.</li> <li>• Members may be paid or unpaid.</li> <li>• Usually includes a representative of the Commonwealth entity as an ex officio member.</li> <li>• These bodies do not usually employ staff but may be supported by public servants. They do not usually incur expenditure on their own account nor prepare separate accounts. Instead, where expenditure is incurred, it is accounted for through the accounts of a parent body.</li> <li>• Includes bodies established to promote international relations.</li> <li>• Does not include Parliamentary committees such as Senate Committee, House Committees and Joint Committees.</li> </ul>	<ul style="list-style-type: none"> <li>• Australia-Japan Foundation</li> <li>• Older Australians Working Group</li> <li>• Prime Minister's Business Advisory Council</li> </ul>
<p><u>E: Secondary Australian Government Body</u> - Statutory office holders, offices and committees</p>	<ul style="list-style-type: none"> <li>• The functions of the office, office holder or committee are recognised in legislation.</li> <li>• The head of the office is usually appointed under legislation by Ministers, the Governor-General, or may hold the role ex officio.</li> <li>• Can include corporations established under legislation other than the PGPA Act 2013 and Corporations Act 2001, such as the Repatriation Commission.</li> <li>• Can also include selection committees/panels established under legislation to appoint members to the board/council of a Commonwealth entity.</li> <li>• Can form part of a Commonwealth entity, supported by staff from that entity.</li> <li>• They do not usually incur expenditure on their own account nor prepare separate accounts. Instead, where expenditure is incurred, it is accounted for through the accounts of a parent body.</li> <li>• May employ branding/marketing separate from the parent entity for the purposes of engaging with stakeholders (mostly external).</li> </ul>	<ul style="list-style-type: none"> <li>• Cotton Research and Development Corporation Selection Committee</li> <li>• Director of Human Biosecurity</li> <li>• Gene Technology Regulator</li> <li>• Head of the Defence Forces/Army/Navy/Air Force</li> <li>• National Measurement Institute</li> <li>• Repatriation Commission</li> <li>• Superannuation Complaints Tribunal</li> <li>• Water Efficiency Labelling and Standards (WELS) Regulator</li> </ul>

Type of Australian Government Body	Key Characteristics	Examples
<p><u>F: Secondary Australian Government Body</u> - Non-statutory function with separate branding</p>	<ul style="list-style-type: none"> <li>• An activity within a Commonwealth entity, supported by staff from that body.</li> <li>• Employs branding/marketing separate from the department/executive agency for the purposes of engaging with stakeholders (mostly external).</li> <li>• May provide support to a statutory office holder, for example, Centrelink is a separately branded function of the Department of Human Services, which provides support to its statutorily appointed Chief Executive.</li> <li>• This can include bodies referred to in legislation but not created by legislation.</li> <li>• Often responsible for the delivery of services to the public and/or to government.</li> <li>• Any expenditure is recorded in the parent Commonwealth entity's accounts.</li> </ul>	<ul style="list-style-type: none"> <li>• Australian Border Force</li> <li>• Australian Cyber Security Centre</li> <li>• Australian Government Actuary</li> <li>• Centrelink</li> <li>• Comcar</li> <li>• Comcover</li> <li>• Medicare</li> <li>• Defence Intelligence Organisation</li> <li>• Scamwatch</li> <li>• Stay Smart Online</li> <li>• Tourism Research Australia</li> <li>• Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry</li> </ul>
<p><u>G: Secondary Australian Government Body</u> - Ministerial Councils and related bodies, including those established by the Council of Australian Governments (COAG)*</p>	<ul style="list-style-type: none"> <li>• Ministerial Councils are established to provide a forum for Australian Government, State and Territory Ministers to discuss national policy issues.</li> <li>• There are currently eight Ministerial Councils established by COAG.</li> <li>• Secretariat services are typically provided by portfolio departments, but may be provided by State/Territory departments.</li> <li>• Related bodies include sub-committees and working groups of the COAG Ministerial Councils (and sub-committees and working groups of these bodies), established to discuss policy issues and implement programs across Australia.</li> <li>• Please also see Other Relationships – National Law Bodies for other bodies which have been established under State/Territory laws to coordinate national activities.</li> </ul>	<ul style="list-style-type: none"> <li>• The eight COAG Ministerial Councils include the Federal Financial Relations Council, Industry and Skills Council, Law, Crime and Community Safety Council, and Education Council</li> <li>• Agriculture Ministers Forum</li> <li>• National Cybercrime Working Group</li> <li>• Early Childhood Policy Group</li> <li>• Transport and Infrastructure Senior officials' Committee</li> <li>• Heads of Treasuries</li> </ul>
<p><u>H: Secondary Australian Government Body</u> - Inter-jurisdictional and international bodies*</p>	<ul style="list-style-type: none"> <li>• Bodies established by the Australian Government as a result of treaty obligations or negotiated agreements with individual or a number of governments (State, Territory or international).</li> <li>• The functions of these bodies can vary from ensuring compliance with international commitments or policy commitments to administering grant programs.</li> <li>• Members may be appointed by each jurisdiction, and may be ex officio appointees or from the private sector or community.</li> <li>• External members are usually paid.</li> <li>• Support staff may be employed directly by the organisation (if incorporated), or be provided by the relevant Commonwealth entity or the other jurisdiction.</li> </ul>	<ul style="list-style-type: none"> <li>• Australia National Commission for UNESCO</li> <li>• Australia-Netherlands Committee on Old Dutch Shipwrecks</li> <li>• Australia-New Zealand Counter-Terrorism Committee</li> <li>• Global Infrastructure Hub</li> <li>• Northern Territory Fisheries Joint Authority</li> <li>• State / Territory consultation forum</li> </ul>

Type of Australian Government Body	Key Characteristics	Examples
<p><b>I: Other Body</b> - Subsidiaries of Corporate Commonwealth Entities and Commonwealth Companies</p>	<ul style="list-style-type: none"> <li>• Defined in section 8 of the PGPA Act 2013 as “an entity that is controlled by a corporate Commonwealth entity or Commonwealth company”.</li> <li>• Subsidiaries for the purposes of the Register are considered controlled where the parent entity owns 50% or more of the equity of the subsidiary, either directly or indirectly.</li> <li>• Established to carry out certain business operations on a commercial/independent basis from the parent body.</li> <li>• Established under the Corporations Act 2001, State or international legislation.</li> <li>• May carry out business in Australian and/or overseas.</li> <li>• Financials are consolidated as part of the parent body’s accounts, but they may produce separate annual reports for management.</li> <li>• Report to the parent body but may not report directly to the Minister.</li> <li>• Staff are usually employed by the subsidiary directly.</li> </ul>	<ul style="list-style-type: none"> <li>• Darwin Hotel Holdings Pty Limited</li> <li>• Fundación CSIRO Chile Research</li> <li>• Star Track Pty Ltd (Communications – subsidiary of Australia Post)</li> <li>• Voyages Indigenous Tourism Australia Pty Ltd (Prime Minister and Cabinet – subsidiary of Indigenous Land Corporation)</li> </ul>
<p><b>J: Other Body</b> - Joint ventures, partnerships and interests in other companies</p>	<ul style="list-style-type: none"> <li>• Bodies where the Australian Government (through a Minister and/or a Commonwealth entity) owns 50% or more of the equity, either directly or indirectly.</li> <li>• Where there is an interest less than 50%, but the value of equity is material, the Department of Finance should be consulted on the potential need to list the body on the Register.</li> <li>• Established to carry out certain business operations or hold assets on a commercial/independent basis from the parent entity through an agreement.</li> <li>• Joint ventures and partnerships are usually run in conjunction with a private sector or academic partner.</li> <li>• Report directly to each parent body.</li> <li>• Staff may be employed by the body directly, or depending on the governance arrangements, be provided by the Commonwealth entity and/or private sector partner.</li> </ul>	<ul style="list-style-type: none"> <li>• Baranduda Industrial Estate</li> <li>• Crace Developments - Investments in Associates</li> <li>• Data61</li> <li>• Law Courts Ltd</li> <li>• Our Neighbourhood Trust</li> <li>• Wildman River Lodge Trust</li> </ul>

Type of Australian Government Body	Key Characteristics	Examples
<p><b>K: Other Body - National Law bodies*</b></p>	<ul style="list-style-type: none"> <li>• These bodies are established under consistent laws enacted in every State and Territory and are usually the result of some form of inter-governmental agreement.</li> <li>• They may be incorporated under State/Territory corporations law.</li> <li>• They are usually funded jointly by the Australian Government and the States/Territories, with the Commonwealth usually contributing the largest portion.</li> <li>• They typically undertake a national regulatory role, for example, licensing, regulation or compliance.</li> <li>• May report to and may be funded through a Commonwealth entity, typically a portfolio department.</li> <li>• Members may be appointed by the Commonwealth entity, by the relevant COAG Ministerial council, by the States and Territories and/or by industry.</li> </ul>	<ul style="list-style-type: none"> <li>• Australian Health Practitioner Regulation Agency</li> <li>• Medical Radiation Practice Board of Australia</li> <li>• National Heavy Vehicle Regulator</li> <li>• Occupational Therapy Board of Australia</li> </ul>
<p><b>L. Other Body - Bodies linked to the Australian Government through statutory contracts, agreements and delegations*</b></p>	<ul style="list-style-type: none"> <li>• These bodies are owned and operated by the private sector, but have been recognised in legislation or a legislative instrument, or are party to a statutory contract/funding agreement to deliver services on the Government's behalf.</li> <li>• These bodies may conduct research on behalf of their industry, or manage registrations/licensing.</li> <li>• They are predominantly funded via grants from the Australian Government. These grants may represent levies/fees collected on the industry's behalf.</li> <li>• Statutory contracts, agreements and delegations may be tabled in Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>• Airport Environment Officers</li> <li>• Australian Housing &amp; Urban Research Institute</li> <li>• Australian Pork Limited</li> <li>• Maritime Security Identification Card issuing Bodies</li> <li>• National School Resourcing Board</li> <li>• Sydney Airport Slot Manager</li> </ul>

## Other information

### \* Sub-bodies

Sub-bodies of committees, working groups and advisory bodies, etc are generally listed as separate entries in the Register where:

- At least half of their memberships are drawn from outside the parent bodies' memberships.
- Another consideration relevant to determining whether a sub-body should be listed separately on is whether the sub-body has its own separate terms of reference.

### Exclusions

The following types of bodies are generally excluded from the Australian Government Organisations Register (the Register):

- Internal management, advisory and administration bodies (including Commonwealth officials-only working groups and inter-departmental committees), as their primary purpose is to assist departments and other government entities with their internal management.
- The High Court of Australia, as it is not a Commonwealth entity due to its status under its enabling legislation.
- Parliamentary Committees, as their creation is controlled by the Parliament rather than the Government.

For queries on the types of bodies captured in the Register, please email [OAR@finance.gov.au](mailto:OAR@finance.gov.au)

### Inactive Bodies

'Inactive' bodies are dormant bodies, which meet for a specific purpose from time-to-time but are not considered to have ceased in the interim. In some instances they may lay dormant for a prolonged period of time, for years even, until a specific event triggers the members to meet to consider matters in order to provide advice and / or make decisions.

### Time Limited Bodies

Some bodies are considered to be 'time limited', where they exists for only a set period of time. Only bodies that continue in existence for 3 months or longer ought to be reported by the Register.

Where the 'life' of the body is shorter than 3 months, they should be excluded from reporting except where there is a need to report the appointees as per Senate Order 15 requirements.

## Abolitions and Cessations

A body created through statutory means can only cease once its enabling legislation has been successfully repealed. Even though a decision has been made to abolish the body by the Government, legally it still exists until its underlying authority is repealed.

For subsidiaries of Corporate Commonwealth Entities and Commonwealth Companies, they can only be abolished once sold (or when the Government's material component is sold) or when they are wound-up and deregistered on ASIC's Organisation and Business Names register (or another similar Register for those bodies registered in an overseas jurisdiction).

In general, for all other bodies, they can only cease when the underlying authority is no longer relevant.

## Reporting of Creation Dates

### Principal Bodies

A Department's or agency's creation date will always be based on the authority that establishes it, for example:

- A Department's creation date will be based on the date the Administrative Arrangement Order (AAO) was issued. This includes those changes where existing Departments are renamed by an AAO.
- For a PGPA Act agency the creation date will be based on the commencement date as specified by its enabling legislation or through listing in Schedule 1 of the Public Governance, Performance and Accountability Rule 2014.

Where a secondary body is replaced by a PGPA Act Department or entity, its creation date will be based on the commencement date as specified by the authority establishing the new PGPA Act Department or entity.

Similarly, where a PGPA Act agency is merged into an existing Department or entity and continues to exist as a secondary body with an identical name, the creation date will be based on the commencement date establishing the secondary body under the new authority (this could be through legislative or non-statutory means i.e. the date of effect for when the non-statutory function with a separate branding commenced operations).

This approach ensures the creation dates are tied to the relevant authority and overarching governance arrangements.

### Secondary and Other Bodies

Equally, for secondary bodies their creation date will usually be based on the authority for when they were established. Sometimes that authority may mean when the Government assumed control of the entity. Some more specific examples are provided below:

- Where they are established by legislative means, their creation date will be based on the commencement provisions as specified by the Act. *Usually applies to cat. E, cat. K bodies and to cat. L when they are considered to be established by the existence of a statutory contract.*

- Where they are advisory / non-statutory bodies, their creation date would be based on the terms-of-reference and / or on a Ministerial announcement proclaiming its commencement and / or when it commenced operations and / or when it first meets and / or when the first chairman is appointed and has commenced in the role. *Usually applies to cat. D and cat. F bodies.*
- For COAG and inter-jurisdictional bodies, these would be based on the effective commencement date as specified within the agreement / treaty obligation. For smaller COAG bodies sometimes, considered working group bodies, their creation date could be determined by referring to their terms-of-reference where one exists. *Usually applies to cat. G and H bodies.*
- For subsidiaries of Corporate Commonwealth Entities and Commonwealth Companies their creation date should be based on when the Government assumed control of the entity which can vary depending on the circumstances:
  - » where the Government establishes the subsidiary from the beginning, the creation date will match the Registration date reported by the ASIC's *Organisations and Business Names* register; OR
  - » where a Corporate entity assumes control of an existing subsidiary (i.e. purchases an existing entity), the creation date will need to reflect when the controlling interest was assumed to have taken effect i.e. the date for when the shares were transferred to the parent entity. *Usually applies to cat. I bodies.*
- For Joint ventures and partnerships their creation date needs to reflect when a controlling interest was assumed to have taken effect. *Usually applies to cat. J bodies.*

Where a body existed prior to the 2014-15 financial year and its exact creation date is unknown, but the year in which it was created is, the creation date is to be defaulted to the start of the financial year (i.e. 1 July xxxx). Where the month is known, but the exact day is not, then refer to the first day of the month.

The above covers the most common examples for determining a body's creation date. Where a body exists that is not captured by one of the above examples, the principals of referring to when the underlying authority came into effect and / or when control was assumed continue to apply.