



Australian Capital Territory

# **Annual Reports (Government Agencies) Act 1995 (repealed)**

**A1995-24**

**Republication No 3**

**Effective: 13 April 2004**

Republication date: 13 April 2004

As repealed by A2004-8 s 25

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Annual Reports (Government Agencies) Act 1995* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 13 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Annual Reports (Government Agencies) Act 1995 (repealed)

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Australian Capital Territory

# Annual Reports (Government Agencies) Act 1995 (repealed)

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An Act relating to annual reports in respect of certain government agencies

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R3  
13/04/04

Annual Reports (Government Agencies) Act 1995  
(repealed)

page 1

Effective: 13/04/04

**1 Short title**

This Act may be cited as the *Annual Reports (Government Agencies) Act 1995*.

**3 Application of Act**

This Act applies in relation to a reporting period that commences on or after 1 July 1995.

**4 Definitions for Act**

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***appropriate administrative unit***, in relation to a public authority, means the administrative unit declared under section 5 to be the appropriate administrative unit in relation to that public authority.

***prescribed time***, in relation to the presentation of a report or the provision of information under this Act, means the time declared under section 11 for the presentation of that report or the provision of that information.

***public authority*** means—

- (a) a Territory instrumentality; or
- (b) a statutory office-holder declared by the Minister under section 4A (1) to be a public authority for this paragraph; or
- (c) an authority, tribunal, commission, council, board, institute, committee, organisation or other body that is established by or under an Act and declared by the Minister under section 4A (2) to be a public authority for this paragraph.

***reporting period*** means—

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- (a) in relation to a public authority that is required to present a report under section 8 (1) or (5) (a) and in respect of which a direction under section 10 is in effect—the period specified in the direction; or
  - (b) in relation to—
    - (i) a public authority that is required to present a report under section 8 (1) or (5) (a) and in respect of which there is no direction under section 10 in effect; or
    - (ii) a public authority that is required to provide information under section 8 (5) (b); or
    - (iii) an administrative unit;  
that commences operations during a financial year—that part of the financial year during which the public authority or administrative unit operates; or
  - (c) in any other case—a financial year.

**responsible Minister** means—

- (a) in relation to an administrative unit—the Minister to whom the Chief Minister has, under the *Public Sector Management Act 1994*, section 14 (1) (a) allocated responsibility for the administrative unit; or
- (b) in relation to a public authority established or appointed by or under an Act—the Minister administering that Act in the relevant respect; or
- (c) for any other public authority—the Minister declared by the Chief Minister under section 4B (Declaration of responsible Minister) to be the responsible Minister for the public authority.

**statutory office-holder** means the holder of an office established by an Act, and includes all persons who for the time being occupy or perform the duties of such an office.

***Territory instrumentality*** means a body corporate that is established by or under an Act, or under the Corporations Act, and—

- (a) is comprised of persons, or has a governing body comprised of persons, a majority of whom are appointed by a Minister or an agency or instrumentality of the Territory; or
- (b) is a Territory owned corporation; or
- (c) is subject to control or direction by a Minister; or
- (d) is declared under the *Public Sector Management Act 1994*, section 3A to be a Territory instrumentality for that Act;

but does not include—

- (e) an administrative unit; or
- (f) a body declared under the *Public Sector Management Act 1994*, section 3A not to be a Territory instrumentality for that Act.

#### **4A Declaration of public authority**

- (1) The Minister may, in writing, declare that a statutory office-holder is a public authority for the definition of ***public authority***, paragraph (b).
- (2) The Minister may, in writing, declare that a body mentioned in the definition of ***public authority***, paragraph (c) is a public authority for that paragraph.
- (3) A declaration under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

#### **4B Declaration of responsible Minister**

- (1) The Chief Minister may, in writing, declare that a Minister is the responsible Minister for a public authority.
- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **5 Declaration of appropriate administrative unit for public authority**

- (1) The Minister may, in writing, declare that an administrative unit is the appropriate administrative unit for a public authority for this Act.
- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **6 Annual reports of commissioner for public administration**

- (1) The commissioner for public administration shall, within 10 weeks after the end of each financial year, present to the Chief Minister a report relating to the operations of the public service during that financial year.
- (2) A report under subsection (1) shall—
  - (a) give an account of the management of the public service as a whole during the financial year; and
  - (b) include such other information as the Chief Minister, in writing, directs.
- (3) A direction is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **U 7 Annual reports of chief executives**

- (1) The chief executive of an administrative unit shall, within 10 weeks after the end of each reporting period of the administrative unit, present to the responsible Minister a report relating to the operations of the administrative unit during that reporting period.
- (2) A report under subsection (1) shall—
  - (a) be in such form; and

(b) include such information;  
as the Minister, in writing, directs.

(3) A direction is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**U 8 Annual reports of public authorities**

(1) Subject to subsection (4), a public authority shall, within the prescribed time after the end of each reporting period of the authority, present to the chief executive of the appropriate administrative unit a report relating to the operations of the authority during that reporting period.

(2) A report under subsection (1) shall—

(a) be in such form; and  
(b) include such information;  
as the Minister, in writing, directs.

(3) A chief executive of an administrative unit to whom a report is presented under subsection (1) shall attach a copy of the report to the next report presented by the chief executive to the responsible Minister of the administrative unit under section 7.

(4) Subsection (1) does not apply in relation to a public authority that has been given a direction under subsection (5).

(5) The Minister may, in writing, direct a public authority to—

(a) present to the responsible Minister, within the prescribed time after the end of each reporting period of the authority, a report relating to the operations of the authority during that reporting period; or  
(b) provide to the chief executive of the responsible administrative unit, within the prescribed time after the end of each reporting

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period of the authority, specified information relating to the operations of the authority during that reporting period.

- (6) A report under subsection (5) (a) shall—
- (a) be in such form; and
  - (b) include such information;
- as the Minister, in writing, directs.
- (7) Information provided under subsection (5) (b) shall be in such form as the Minister, in writing, directs.
- (8) A public authority to which a direction is given under subsection (5) shall comply with the direction.
- (9) A direction under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **9 Failure by public authority to provide information or report**

If a public authority fails to comply with section 8 (1), or a direction under section 8 (5) (b), in relation to a reporting period of the authority, the chief executive of the responsible administrative unit shall, in his or her first report under section 7 after that failure—

- (a) state that the failure has occurred; and
- (b) if the public authority has given the chief executive reasons in writing for that failure—state those reasons.

## **10 Reporting period other than financial year—public authorities**

- (1) The Minister may, in writing, direct a public authority to present a report under section 8 (1) or (5) (a) in respect of a period other than a financial year.
- (2) A direction is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **11 Time for lodging annual reports by public authorities**

- (1) The Minister must, in writing, declare a time after the end of each reporting period of a public authority within which the public authority is to present a report, or provide information, relating to that reporting period under section 8 (1) or (5) (a) or (b), as the case requires.
- (2) The Minister must not declare a time under subsection (1) that exceeds 10 weeks.
- (3) A declaration under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **12 Extension of time for lodging annual report**

- (1) The Minister may, on application by the commissioner for public administration, a chief executive or a public authority not less than 21 days before the expiration of the time allowed for the presentation of a report or the provision of information under section 6, 7 or 8 (1) or (5) (a) or (b), extend the time within which the report is to be presented or the information provided.
- (2) If a person who is required to present a report or provide information under section 6, 7 or 8 (1) or (5) (a) or (b) is unable to furnish the report within the time fixed by or for the purposes of that provision or any extension of that time allowed under subsection (1), the person shall—
  - (a) not less than 14 days before the end of the time so fixed or allowed, furnish to the responsible Minister a statement in writing explaining why the report cannot be presented, or the information cannot be provided, within that time; and
  - (b) present the report, or provide the information, to the person to whom it is required to be presented or provided as soon as possible.

- (3) The responsible Minister shall cause a copy of a statement under subsection (2) (a) to be laid before the Legislative Assembly within 6 sitting days after the day on which he or she receives the statement.

### **13 Combined reports**

If a person is required to prepare more than 1 report under this Act in respect of the same period and those reports can appropriately be combined into a single report that satisfies the requirements of this Act and the relevant directions under this Act, the preparation of such a combined report and the presentation of copies of it to each of the persons to whom separate reports would otherwise have been required to be presented shall be sufficient compliance with the requirements of this Act in relation to the preparation and presentation of the reports that have been so combined.

### **14 Tabling annual reports**

- (1) The Chief Minister shall cause a copy of each report presented to him or her under section 6 to be laid before the Legislative Assembly within 6 sitting days after the day on which he or she receives the report.
- (2) The responsible Minister shall cause a copy of each report presented to him or her under section 7 or 8 (5) (a) to be laid before the Legislative Assembly within 6 sitting days after the day on which he or she receives the report.

### **15 Tabling instruments**

- (1) The Minister shall cause a copy of each instrument under section 5, 7 (2), 8 (2), (5), (6) or (7), 10 or 11 (1) to be laid before the Legislative Assembly within 6 sitting days after the day on which it is made.

- (2) The Chief Minister shall cause a copy of each instrument under section 6 (2) (b) to be laid before the Legislative Assembly within 6 sitting days after the day on which it is made.

**16 Relationship to other laws**

- (1) The requirements of this Act are in addition to the requirements of any other law.
- (2) If a public authority is required under any other law to prepare a report on the operation of the authority, the authority may prepare a report that satisfies the requirements of both this Act and the other law.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Annual Reports (Government Agencies) Act 1995 No 24**

notified 5 September 1995 (Gaz 1995 No S212)  
commenced 5 September 1995 (s 2)

as amended by

#### **Annual Reports (Government Agencies) (Amendment) Act 1997 No 119**

notified 24 December 1997 (Gaz 1997 No S420)  
commenced 24 December 1997 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 21**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 21 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Human Rights Act 2004 A2004-5 sch 2 pt 2.1**

notified LR 10 March 2004  
s 1, s 2 commenced 10 March 2004 (LA s 75 (1))  
sch 2 pt 2.1 commences 1 July 2004 (s 2)

as repealed by

#### **Annual Reports (Government Agencies) Act 2004 A2004-8 s 25**

notified LR 19 March 2004  
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
s 25 commenced 13 April 2004 (s 2 and CN2004-5)

### 4 Amendment history

#### **Commencement**

s 2 om 2001 No 44 amdt 1.218

#### **Definitions for Act**

s 4 def *prescribed time* am 2001 No 44 amdt 1.219  
def *public authority* am 2001 No 44 amdt 1.220, amdt 1.221  
def *responsible Minister* am 2001 No 44 amdt 1.222  
def *Territory instrumentality* am 1997 No 119 s 4; pars  
renum R2 LA

#### **Declaration of public authority**

s 4A ins 2001 No 44 amdt 1.223

**Declaration of responsible Minister**

s 4B ins 2001 No 44 amdt 1.223

**Declaration of appropriate administrative unit for public authority**

s 5 sub 2001 No 44 amdt 1.224

**Annual reports of commissioner for public administration**

s 6 am 2001 No 44 amdt 1.225, amdt 1.226

**Annual reports of chief executives**s 7 am 2001 No 44 amdt 1.227, amdt 1.228; A2004-5 amdt 2.1**Annual reports of public authorities**s 8 am 2001 No 44 amdts 1.229-1.232; A2004-5 amdt 2.3**Reporting period other than financial year—public authorities**

s 10 am 2001 No 44 amdt 1.233, amdt 1.234

**Time for lodging annual reports by public authorities**

s 11 am 2001 No 44 amdts 1.235-1.237

**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	Act 1997 No 119	31 March 1999
2	A2001-44	18 February 2002

## Endnotes

6 Uncommenced amendments

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### 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<b>Human Rights Act 2004 A2004-5 sch 2 pt 2.1</b>
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## Part 2.1 Annual Reports (Government Agencies) Act 1995

### [2.1] New section 7 (2A)

*insert*

- (2A) A report must include a statement describing the measures taken by the administrative unit during the period to respect, protect and promote human rights.

### [2.2] Section 7

*renumber subsections when Act next republished under Legislation Act*

### [2.3] New section 8 (2A)

*insert*

- (2A) For a report of a public authority other than a statutory office-holder declared to be a public authority under the section 4A, the report must include a statement describing the measures taken by the public authority during the period to respect, protect and promote human rights.

### [2.4] Section 8

*renumber subsections when Act next republished under Legislation Act*

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