



Australian Capital Territory

# Annual Reports (Government Agencies) Amendment Act 2015

A2015-16

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Australian Capital Territory

# Annual Reports (Government Agencies) Amendment Act 2015

A2015-16

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An Act to amend the *Annual Reports (Government Agencies) Act 2004*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## **1 Name of Act**

This Act is the *Annual Reports (Government Agencies) Amendment Act 2015*.

## **2 Commencement**

This Act commences on the 7th day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

## **3 Legislation amended**

This Act amends the *Annual Reports (Government Agencies) Act 2004*.

*Note* This Act also amends other legislation (see sch 1).

## **4 Sections 5 to 9**

*substitute*

### **5 Annual report of director-general**

- (1) The director-general of an administrative unit must, for a reporting year, prepare a report about the operation of the administrative unit in the reporting year (a *director-general annual report*).
- (2) The report must include a statement describing the measures taken by the administrative unit during the reporting year to respect, protect and promote human rights.

### **6 Annual report of public authority**

- (1) A public authority must, for a reporting year, prepare a report about the operation of the authority in the reporting year (a *public authority annual report*).

(2) The report of the following public authorities must include an account of the management of the entity's office during the reporting year:

- (a) the Office of the Legislative Assembly;
- (b) an officer of the Assembly.

*Note* The auditor-general is a public authority (see dict, def *public authority*). However, the auditor-general is not required to comply with this Act in certain circumstances (see [Auditor-General Act 1996](#), s 7A).

## **7 Annual report of commissioner for public administration**

- (1) The commissioner for public administration must, for a reporting year, prepare a report about the operation of the public service in the reporting year (a *state of the service report*).
- (2) The report must include an account of the management of the public service as a whole in the reporting year.

## **8 Annual report direction**

- (1) The Minister must make a direction about annual reports (an *annual report direction*).

*Note* Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters (see [Legislation Act](#), s 48).

- (2) An annual report, other than an annual report of the following entities, must comply with the annual report direction:
  - (a) the Office of the Legislative Assembly;
  - (b) an officer of the Assembly.
- (3) The annual report direction may require the following:
  - (a) an annual report to include stated information;

- (b) an annual report to be in a stated form or published in a stated place;
  - (c) all or part of an annual report to be included in another annual report (as an attachment or otherwise);
  - (d) an annual report or part of an annual report to be prepared for a stated period;
  - (e) a director-general annual report to include stated matters if a public authority does not comply with section 6 (Annual report of public authority) or the annual report direction;
  - (f) an annual report to be given by a stated person or stated public authority to the responsible Minister by a stated day;
  - (g) for a public authority annual report—the report to include a statement describing the measures taken by the public authority during the reporting year to respect, protect and promote human rights.
- (4) An annual report direction is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (5) The Minister must present a copy of an annual report direction to the Legislative Assembly within 6 sitting days after the day it is notified under the [Legislation Act](#).

## **9 Consultation about annual report direction**

- (1) Before making an annual report direction under section 8, the Minister must—
- (a) give the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts (the *committee*) a copy of the proposed annual report direction; and
  - (b) ask the committee, in writing, for any recommendation about the proposed annual report direction; and



- (c) consider any recommendation made, in writing, by the committee.
- (2) The Minister must not make the annual report direction until the earlier of—
  - (a) the committee giving the Minister any recommendation; or
  - (b) 30 days after asking the committee for a recommendation.

**5 Responsible Minister to present annual report  
Section 13 (1) and (2)**

*substitute*

- (1) The responsible Minister for an annual report must present the report to the Legislative Assembly—
  - (a) within 15 weeks after the end of the reporting year (the ***15-week period***), and on the day (if any) declared under subsection (2); or
  - (b) if the 15-week period coincides with all or part of the pre-election period for a general election of members of the Assembly—on the 2nd sitting day after the election is held.
- (2) The Chief Minister may declare that an annual report to which subsection (1) (a) applies must be presented to the Legislative Assembly on a stated day that is within the 15-week period.

**6 Section 13 (4)**

*omit*

If an annual report has not been presented to the Legislative Assembly before the last 7 days of the 3-month period for the report,

*substitute*

If an annual report to which subsection (1) (a) applies has not been presented to the Legislative Assembly before the last 7 days of the 15-week period,

**7 Section 13 (4) (a) and (c) (i)**

*omit*

3-month period

*substitute*

15-week period

**8 Section 13 (6), new definition of *pre-election period***

*insert*

*pre-election period*—see the [Electoral Act 1992](#), dictionary.

**9 Extension of time for presenting annual reports  
Section 14 (2)**

*substitute*

- (2) An application for an extension must be made before the end of the period in which, or day when, the report is required under section 13 to be presented to the Legislative Assembly or given to the Speaker.

**10 Section 14 (6)**

*omit*

3-month period

*substitute*

15-week period

**11 Section 14 (7)**

*substitute*

- (7) The statement mentioned in subsection (3) must be presented to the Legislative Assembly before the end of the period in which, or day when, the report is required under section 13 to be presented to the Legislative Assembly or given to the Speaker.

**12 Section 14 (8)**

*omit*

**13 Presentation of annual reports of Office of the Legislative Assembly and officers of the Assembly  
Section 15 (2)**

*substitute*

- (2) The Speaker must present the report to the Legislative Assembly—
- (a) within 15 weeks after the end of the reporting year; or
  - (b) if the 15-week period coincides with all or part of the pre-election period for a general election of members of the Assembly—on the 2nd sitting day after the election is held.

**14 Section 15 (3)**

*omit*

However, if the report has not been presented to the Legislative Assembly before the last 7 days of the 3-month period for the report,

*substitute*

If an annual report to which subsection (1) (a) applies has not been presented to the Legislative Assembly before the last 7 days of the 15-week period,

**15 Section 15 (3) (a) and (c) (i)**

*omit*

3-month period

*substitute*

15-week period

**16 New section 15 (6)**

*insert*

(6) In this section:

*pre-election period*—see the [Electoral Act 1992](#), dictionary.

**17 Declaration of public authority  
Section 16 (1) and (2)**

*substitute*

- (1) The Minister may declare that a statutory office-holder is a public authority for this Act.
- (2) The Minister may declare that a body established under an Act is a public authority for this Act.

*Note* **Body** includes any group of people joined together for a common purpose, whether or not incorporated (see [Legislation Act](#), dict, pt 1).

**18 Combined reports  
Section 17 (1) (a)**

*omit*

financial year

*substitute*

reporting year

**19 Dictionary, note 2**

*insert*

- body
- financial year
- territory instrumentality

**20 Dictionary, definition of *financial year***

*omit*

**21 Dictionary, definition of *public authority*,  
new paragraph (aa)**

*insert*

(aa) a territory-owned corporation; or

**22 Dictionary, definition of *public authority*, paragraph (c)**

*omit*

an entity

*substitute*

a body

**23 Dictionary, new definition of *reporting year***

*insert*

***reporting year***—

(a) means—

(i) a financial year; or

(ii) if a period is stated in an annual report direction under section 8 (3) (d) (Annual report direction)—the stated period; but

(b) if an administrative unit or public authority did not operate for all of the period mentioned in paragraph (a)—does not include the period during which the administrative unit or public authority did not operate.

**24 Dictionary, definition of *Territory instrumentality***

*omit*

## **Schedule 1      Consequential amendments**

(see s 3)

### **Part 1.1              ACT Civil and Administrative Tribunal Act 2008**

**[1.1]      Section 22P (4) and (6)**

*omit*

### **Part 1.2              ACT Teacher Quality Institute Act 2010**

**[1.2]      Section 26**

*omit*

### **Part 1.3              Board of Senior Secondary Studies Act 1997**

**[1.3]      Section 7 (4) and note**

*omit*

### **Part 1.4              Climate Change and Greenhouse Gas Reduction Act 2010**

**[1.4]      Section 25**

*omit*

## **Part 1.5 Cultural Facilities Corporation Act 1997**

**[1.5] Section 16**

*omit*

## **Part 1.6 Dangerous Substances Act 2004**

**[1.6] Section 200 (3)**

*omit*

**[1.7] Section 200 (4), definition of *annual report***

*omit*

## **Part 1.7 Director of Public Prosecutions Act 1990**

**[1.8] Section 12 (4) (b) and note**

*omit*

## **Part 1.8 Education Act 2004**

**[1.9] Section 22 (3)**

*omit*

**[1.10] Section 39 (3)**

*omit*



## **Part 1.9                      Emergencies Act 2004**

### **[1.11]      Section 70, definition of *annual report***

*omit*

### **[1.12]      Section 85**

*omit*

### **[1.13]      Dictionary, definition of *annual report***

*omit*

## **Part 1.10                    Environment Protection Act 1997**

### **[1.14]      Section 158A**

*omit*

## **Part 1.11                    Freedom of Information Act 1989**

### **[1.15]      Section 7 (2)**

*omit*

## **Part 1.12                    Gambling and Racing Control Act 1999**

### **[1.16]      Sections 6 (5), 8 (2) and 31 (3)**

*omit*

## **Part 1.13 Gaming Machine Act 2004**

### **[1.17] Section 163C**

*omit*

## **Part 1.14 Government Procurement Act 2001**

### **[1.18] Section 48**

*omit*

## **Part 1.15 Law Officers Act 2011**

### **[1.19] Section 15 (3)**

*omit*

## **Part 1.16 Medicines, Poisons and Therapeutic Goods Act 2008**

### **[1.20] Section 177 (3)**

*omit*

### **[1.21] Section 177 (4), definition of *annual report***

*omit*

## **Part 1.17                    Mental Health (Treatment and Care) Act 1994**

### **[1.22]           Sections 120 and 120E**

*omit*

## **Part 1.18                    Nature Conservation Act 1980**

### **[1.23]           Section 15 (3) and note**

*omit*

## **Part 1.19                    Planning and Development Act 2007**

### **[1.24]           Sections 19 and 40**

*omit*

## **Part 1.20                    Public Interest Disclosure Act 2012**

### **[1.25]           Section 45**

*omit*

## **Part 1.21                    Road Transport (Third-Party Insurance) Act 2008**

### **[1.26]           Section 46A**

*omit*

## **Part 1.22                      Tobacco Act 1927**

### **[1.27]      Section 42H**

*omit*

## **Part 1.23                      Victims of Crime (Financial Assistance) Act 1983**

### **[1.28]      Section 71**

*omit*

## **Part 1.24                      Waste Minimisation Act 2001**

### **[1.29]      Section 19**

*omit*

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 27 November 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 27 May 2015.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Annual Reports (Government Agencies) Amendment Bill 2015, which originated in the Legislative Assembly as the Annual Reports (Government Agencies) Amendment Bill 2014 and was passed by the Assembly on 14 May 2015.

Clerk of the Legislative Assembly

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