

1995
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

**Annual Reports (Government Agencies)
Bill 1995**

A BILL

FOR

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

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

Short title

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

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Application

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

85021 1993/93 (T21/95)

Interpretation

4. In this Act, unless the contrary intention appears—

5 “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 fixed under section 11 for the presentation of that report or the provision of that information;

10 “public authority” means—

- (a) a Territory instrumentality;
- (b) a statutory office holder declared by the Minister by instrument to be a public authority for the purposes of this paragraph; or
- 15 (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 by instrument to be a public authority for the purposes of this paragraph;

20 “reporting period” means—

- (a) in relation to a public authority that is required to present a report under subsection 8 (1) or paragraph 8 (5) (a) and in respect of which a direction under section 10 is in effect— the period specified in the direction;
- 25 (b) in relation to—
 - (i) a public authority that is required to present a report under subsection 8 (1) or paragraph 8 (5) (a) and in respect of which there is no direction under section 10 in effect;
 - 30 (ii) a public authority that is required to provide information under paragraph 8 (5) (b); or
 - (iii) an administrative unit;

35 which 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—

- 5
- (a) in relation to an administrative unit—the Minister to whom the Chief Minister has, under paragraph 14 (a) of the *Public Sector Management Act 1994*, allocated responsibility for the administrative unit;
- (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
- 10 (c) in relation to any other public authority—the Minister declared by the Chief Minister by notice in the *Gazette* to be the responsible Minister in respect of that public authority;

15 “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 Law, and—

- 20 (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;
- (b) is subject to control or direction by a Minister; or
- 25 (c) is declared under subsection 3 (2) of the *Public Sector Management Act 1994* to be a Territory instrumentality for the purposes of that Act;

but does not include—

- (d) an administrative unit;
- (e) a company that is a Territory owned corporation within the meaning of the *Territory Owned Corporations Act 1990*; or
- 30 (f) a body declared under subsection 3 (2) of the *Public Sector Management Act 1994* not to be a Territory instrumentality for the purposes of that Act.

Declaration of appropriate administrative unit for public authority

5 5. The Minister may, by instrument, declare that a specified administrative unit is the appropriate administrative unit in relation to a specified public authority for the purposes of this Act.

Annual reports of Commissioner for Public Administration

10 6. (1) The Commissioner for Public Administration shall, within 3 months after the end of each financial year, present to the Chief Minister a report relating to the operations of the Government Service during that financial year.

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

- 15 (a) give an account of the management of the Government Service as a whole during the financial year; and
 (b) include such other information as the Chief Minister by instrument directs.

Annual reports of Chief Executives

20 7. (1) The Chief Executive of an administrative unit shall, within 3 months 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 by instrument directs.

25 **Annual reports of public authorities**

8. (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.

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

- (a) be in such form; and
 (b) include such information;

as the Minister by instrument directs.

35 (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 (5) The Minister may, by instrument, 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

10 (b) provide to the Chief Executive of the responsible administrative unit, within the prescribed time after the end of each reporting period of the authority, specified information relating to the operations of the authority during that reporting period.

(6) A report under paragraph (5) (a) shall—

(a) be in such form; and

15 (b) include such information;

as the Minister by instrument directs.

(7) Information provided under paragraph (5) (b) shall be in such form as the Minister by instrument directs.

20 (8) A public authority to which a direction is given under subsection (5) shall comply with the direction.

Failure by public authority to provide information or report

25 **9.** Where a public authority fails to comply with subsection 8 (1), or a direction under paragraph 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) where the public authority has given the Chief Executive reasons in writing for that failure—state those reasons.

Reporting period other than financial year—public authorities

30 **10.** The Minister may, by instrument, direct a public authority to present a report under subsection 8 (1) or paragraph 8 (5) (a) in respect of a period other than a financial year.

Time for lodging annual reports by public authorities

35 **11.** The Minister shall, by instrument, fix 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 subsection 8 (1) or paragraph 8 (5) (a) or (b), as the case requires.

Extension of time for lodging annual report

5 **12. (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 or 7, subsection 8 (1) or paragraph 8 (5) (a) or (b), extend the time within which the report is to be presented or the information provided.

10 **(2)** Where a person who is required to present a report or provide information under section 6 or 7, subsection 8 (1) or paragraph 8 (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—

15 (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

20 (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 paragraph (2) (a) to be laid before the Legislative Assembly within 6 sitting days after the day on which he or she receives the statement.

25 Combined reports

30 **13.** Where 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 which have been so combined.

Tabling annual reports

35 **14. (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.

40 **(2)** The responsible Minister shall cause a copy of each report presented to him or her under section 7 or paragraph 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.

Tabling instruments

5 **15. (1)** The Minister shall cause a copy of each instrument under section 5, subsection 7 (2) or 8 (2), (5), (6) or (7) or section 10 or 11 to be laid before the Legislative Assembly within 6 sitting days after the day on which it is made.

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

Relationship to other laws

16. (1) The requirements of this Act are in addition to the requirements of any other law.

15 **(2)** Where 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.