

1994  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

**Annual Reporting (Government Agencies)  
Bill 1994**

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**A BILL  
FOR**

**An Act to make provision for annual reporting by  
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 Reporting (Government Agencies) Act 1994*.

**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 1994.

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84033 1993/93 (T33/94)

**Interpretation**

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

5 “appropriate department”, in relation to a public authority, means the department declared under section 5 to be the appropriate department in relation to that authority for the purposes of the provision in which the expression occurs;

10 “department” means an administrative unit into which the Public Service is divided pursuant to paragraph 54 (2) (a) of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;

“principal officer” means—

(a) in relation to the public service as a whole—the Head of Administration;

15 (b) in relation to the department under the control of the Head of Administration—the Head of Administration;

(c) in relation to any other department—the Associate Head of Administration who has control of that department; or

(d) in relation to a public authority—

20 (i) if an office is declared by instrument to be the principal office in respect of the authority—the person holding, or performing the duties of, that office; or

25 (ii) in any other case—the person who constitutes that authority or, if the authority is constituted by 2 or more persons, the person who is entitled to preside at any meeting of the authority at which the person is present;

“public authority” means—

30 (a) a body corporate, or an unincorporated body, established for a public purpose by, or in accordance with the provisions of, an Act, other than—

(i) an incorporated company or association;

(ii) a Royal Commission appointed under the *Royal Commissions Act 1991*;

35 (iii) a Board of Inquiry appointed under the *Inquiries Act 1991*; or

- (iv) a Judicial Commission appointed under the *Judicial Commissions Act 1994*;
- 5 (b) any other body, whether incorporated or unincorporated, that is declared by instrument by the Minister to be a public authority for the purposes of this Act, being—
  - (i) a body established by the Executive or by a Minister; or
  - (ii) an incorporated company or association over which the Territory is in a position to exercise control;
- 10 (c) a person holding an office established by an Act; or
- (d) a person holding, or performing the duties of, an office declared by instrument to be an office the holder of which is a public authority for the purposes of this Act, being an office created by the Executive or by a Minister otherwise
- 15 than under an Act;

“reporting period” means—

- (a) in relation to a public authority in respect of which a direction under section 11 is in effect—the period specified in the direction;
- 20 (b) in relation to—
  - (i) a public authority, in respect of which there is no direction under section 11 operating; or
  - (ii) a department;which commences or ceases operations during a financial year—that part of the financial year in which the public authority or the department operates; or
- 25 (c) in any other case—the financial year;

“responsible Minister” means—

- 30 (a) in relation to a department—the Minister to whom the Chief Minister has, under subsection 6 (2) of the *Public Service Act 1989*, allocated responsibility for the department;
- (b) in relation to a public authority referred to in paragraph (a) or (c) of the definition of “public authority”, other than the
- 35 Auditor-General—the Minister administering the Act by which it is established;

- (c) in relation to a public authority referred to in paragraph (b) or (d) of the definition of public authority—the Minister declared by instrument to be the responsible Minister in respect of that authority; or
- 5 (d) in relation to the Auditor-General—the Speaker of the Legislative Assembly.

(2) Where—

- (a) a department or a public authority has more than 1 principal officer during a reporting period; or
- 10 (b) a department or a public authority ceases operations without having complied with this Act in respect of a reporting period;

the obligation to comply with this Act is imposed on the person who is the principal officer at the end of the reporting period or when the department ceases operations (as the case requires).

15 **Declaration of appropriate department for public authority**

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

**Annual report—Head of Administration**

- 20 6. (1) Subject to subsection (2), the Head of Administration shall on or before the date specified by the Minister under subsection 12 (1), present to the Chief Minister a report relating to the last reporting period to end before that date, that deals with—

- (a) the management of the Public Service as a whole; and
- 25 (b) any other matter specified by the Chief Minister in writing.

- (2) Where the Head of Administration reports under subsection 25 (6) of the *Public Service Act 1922* of the Commonwealth as applied by subsection 21 (2) of the *A.C.T. Self-Government (Consequential Provisions) Act 1988* of the Commonwealth and modified by subsection 21 (3) of that Act, he or she is not required to comply with subsection (1).
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**Annual report—principal officers of departments**

- 35 7. Subject to this Act a principal officer of a department shall, on or before the date specified by the Minister under subsection 12 (1), present to the responsible Minister a report relating to the operation of the department under his or her control during the last reporting period to end before that date.

**Annual report—public authorities**

5       8. (1) Subject to subsection (2), the principal officer of a public authority shall give to the principal officer of the appropriate department an annual report relating to the operation of the authority for the purpose of being attached to the annual report of that department.

      (2) The Minister may by instrument direct that—

      (a) the annual report of a specified public authority be an independent report; or

10       (b) the principal officer of a specified public authority provide annual information.

      (3) The principal officer of a public authority specified in an instrument under paragraph (2) (a) shall present his or her annual report to the responsible Minister directly.

15       (4) A principal officer of a public authority specified in an instrument under paragraph (2) (b) shall, as soon as practicable after the end of a reporting period, provide to the principal officer of the appropriate department accurate information on the operation of the authority during that reporting period.

**Form and content of annual reports**

20       9. (1) The Minister may by instrument direct that—

      (a) an annual report; or

      (b) a class of annual reports;

be prepared in a specified form or deal with a specified topic.

25       (2) A principal officer who is required to prepare an annual report to which a direction under subsection (1) applies shall comply with the direction.

30       (3) A principal officer of a public authority specified in an instrument under paragraph 8 (2) (b) shall provide to the principal officer of the appropriate department information in such form and on such topics as are specified in an instrument under this section that is applicable to the annual report to be prepared by that officer.

      (4) Nothing in this section shall be taken to prevent the inclusion in an annual report of any information a principal officer regards as relevant.

35       (5) Nothing in this section shall be taken to authorise the Minister to require the disclosure of information if the disclosure of that information is prohibited by any other Act.

      (6) In this section—

“annual report” does not include a report referred to in subsection 6 (1).

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

5       **10.** Where the principal officer of a public authority fails to comply with subsection 8 (1) or paragraph 8 (2) (b), the principal officer of the appropriate department shall state, in his or her annual report, that the public authority has failed to provide an annual report or annual information (as the case requires).

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

10       **11.** (1) The Minister may by instrument direct that a public authority produce an annual report in relation to a period other than a financial year.

(2) A direction under subsection (1) may be given in respect of a specified reporting period or in respect of all reporting periods of a public authority.

**Lodging annual reports**

15       **12.** (1) The Minister shall by instrument determine the period within which the Head of Administration, the principal officer of a department or a public authority shall furnish an annual report to the responsible Minister.

(2) The Minister may extend the period determined under subsection (1) on application made by a principal officer within the determined period.

20       (3) A principal officer shall furnish an annual report to the responsible Minister within the period referred to in subsection (1) or that period as extended under subsection (2).

(4) Where a principal officer fails to furnish a report within—

25       (a) the period determined under subsection (1) and he or she has not applied for an extension of time under subsection (2); or

(b) the period as extended under subsection (2);

he or she shall—

30       (c) within 14 days after the end of that specified period or extended period, as the case may be, furnish to the responsible Minister a statement in writing explaining why the report was not furnished as required; and

(d) furnish the report to the responsible Minister as soon as possible.

35       (5) The responsible Minister shall cause a copy of a statement under subsection (4) to be laid before the Legislative Assembly within 6 sitting days after the day on which he or she receives the statement.

**Tabling annual reports**

5      13. The responsible Minister shall cause a copy of each report furnished to him or her under section 12 to be laid before the Legislative Assembly within 6 sitting days after the day on which he or she receives the report.

**Tabling instruments**

14. The Minister shall cause a copy of an instrument under this Act to be laid before the Legislative Assembly within 6 sitting days after the day on which the Minister makes the instrument.

10      **Principal officer responsible to more than 1 Minister**

15      15. (1) Where different Ministers have responsibility for the same department in different respects, the principal officer of that department may present the same annual report to each of those Ministers.

15      (2) Where the annual report of a department has attached to it or incorporated in it, an annual report or annual information relating to the operation of a public authority, the principal officer of that department may present the same annual report to the Minister who has responsibility for that authority.

20      (3) Where an annual report is presented to more than 1 Minister under subsection (1) or (2), each report shall contain a statement that it has been prepared for more than 1 Minister.

**Relationship to other laws**

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

25      (2) Where a principal officer is required under any other law to prepare a report on the operation of a public authority, he or she may prepare a report that satisfies the requirements of both this Act and the other law.