

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

**ANNUAL REPORTING (GOVERNMENT AGENCIES)
(CONSEQUENTIAL PROVISIONS) BILL 1994**

EXPLANATORY MEMORANDUM

Circulated by the Authority of

**Rosemary Follett MLA
Chief Minister**

Annual Reporting (Government Agencies)(Consequential Provisions) Bill 1994

Outline

This Bill has the effect of making a number of consequential amendments to ensure that the *Annual Reporting (Government Agencies) Act 1994* is consistent with existing legislation.

Financial Considerations

There are no financial considerations.

Explanation of Clauses

Clause 1 provides that the short title.

Clause 2 provides for the commencement of the Act.

Clause 3 provides for amendments to the Acts listed at Schedule 1 to be made as specified in that Schedule.

Schedule 1 makes the following amendments:

Air Pollution Act 1984

Section 47

This section is repealed to remove the requirement for the Pollution Control Authority to provide an annual report relating to its activities under the *Air Pollution Act 1984*. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Architects Act 1959

Section 39A

This section is repealed to remove the requirement for the Architects Board to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Audit Act 1989

Subsections 58 (2) and 58 (4)

These subsections are repealed, and a substitute subsection 58 (2) is inserted. The substitute subsection has the effect of removing the requirement for those entities required to produce financial statements under section 58 to produce an annual report. The requirement to produce an annual report or annual information now falls under the *Annual Reporting (Government Agencies) Act 1994*. However, the requirement in 58 (2) that the annual report contain the entity's financial statements remains in the subsection.

Section 79

This amendment requires the Auditor-General to provide audited financial statements to the principle officer of the authority as well as the appropriate Minister. This is to allow the principal officer to include the audited financial statements in the annual report or annual information of the authority he or she is responsible for, which is required by the new subsection 79(2).

Subsection 93 (1)

This subsection is repealed, and a substitute subsection is inserted. The substitute subsection has the effect of removing the requirement for those entities required to produce financial statements under section 93 to produce an annual report. The requirement to produce an annual report or annual information now falls under the *Annual Reporting (Government Agencies) Act 1994*. However, the requirement in section 93 that the annual report contain the entity's financial statements remains in that section.

Subsection 93(3)

This subsection is repealed, as it makes provision for the annual report required under section 93 to be tabled within 15 sitting days. As reports will no longer be prepared under this section, but under the *Annual Reporting (Government Agencies) Act 1994*, the tabling requirements of that Act will apply.

Subsection 97 (1)

This subsection is repealed, and a substitute subsection is inserted. The substitute subsection has the effect of removing the requirement for those entities required to produce financial statements under section 97 to produce an annual report. The requirement to produce an annual report or annual information now falls under the *Annual Reporting (Government Agencies) Act 1994*. However, the requirement in section 97 that the annual report contain the entity's financial statements remains in that section.

Subsection 97(3)

This subsection is repealed, as it makes provision for the annual report required under section 97 to be tabled within 15 sitting days. As reports will no longer be prepared under this section, but under the *Annual Reporting (Government Agencies) Act 1994*, the tabling requirements of that Act will apply.

Betting (Totalizator Administration) Act 1964

Subsection 31 (2)

This section is omitted, as it refers to the report required under section 93 of the *Audit Act 1989*, which has been repealed by the *Annual Reporting (Consequential Provisions) Act 1994*. However, the requirement to report on any Ministerial Direction under section 9 of the *Betting (Totalizator Administration) Act 1964* has been transferred to the new section 31 A

Section 31 A

This is a new Section which picks up the requirement from subsection 31 (2) for the Board to report on any Ministerial direction under section 9 of the *Betting (Totalizator Administration) Act 1964* and the way in which the direction was given effect to. The requirement has been transferred to the annual report or annual information required by the *Annual Reporting (Government Agencies) Act 1994*, rather than the report required by section 93 of the *Audit Act 1989*.

Section 56

This section is repealed to remove the requirement for the A.C.T. Totalizator Administration Board to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Bookmakers Act 1985

Section 54

This section is repealed to remove the requirement for the Bookmakers Licensing Committee to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Children's Services Act 1986

Section 15

This section is repealed, and a substitute section inserted. This has the effect of removing the general reporting provision, as the Council will be covered by the *Annual Reporting (Government Agencies) Act 1994*. However, the requirement for the annual report of the Council to report on "children's welfare in the Territory during the year" remains in the substitute section.

Clinical Waste Act 1990

Section 13

This section is repealed to remove the requirement for the relevant administrative head to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Commissioner for the Environment Act 1993

Section 20

This section is repealed to remove the requirement for the Commissioner for the Environment to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Community Advocate Act 1991

Section 17

This section is repealed to remove the requirement for the Community Advocate to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Consumer Affairs Act 1973

Section 17

This section is repealed to remove the requirement for the Director of Consumer Affairs to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Co-operative Societies Act 1939

Section 12

This section is repealed to remove the requirement for the Registrar of Co-operative Societies to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Credit Act 1985

Division 4 of Part XV

This Division is repealed to remove the requirement for the Director of Credit to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Dangerous Goods Act 1984

Section 9

This section is repealed to remove the requirement for the Chief Inspector of Dangerous Goods to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Dental Technicians and Dental Prosthetists Registration Act 1988

Section 17

This section is repealed to remove the requirement for the Chairperson of the Dental Technicians and Dental Prosthetists Registration Board to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Director of Public Prosecutions Act 1990

Subsection 34 (1) and (2)

These subsections have been omitted, as the requirement for the Director of Public Prosecutions to produce an annual report, and the requirement for the Attorney-General to table it in the Legislative Assembly will both come under the *Annual Reporting (Government Agencies) Act 1994*.

Discrimination Act 1991

Section 119

This section is repealed to remove the requirement for the Commissioner of Discrimination to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Electoral Act 1992

Section 9

This section is repealed to remove the requirement for the Electoral Commissioner to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Electricity and Water Act 1988

Subsection 37 (4)

This subsection is repealed, and the requirement to include details of Ministerial direction in the authorities annual report is transferred to the new section 47A of the *Electricity and Water Act 1988*.

Section 47A

This section is repealed, and a substitute section is inserted. The substitute section requires details of any directions given to the Authority under section 36, subsection 37(2) or section 41 to be included in the Authority's annual report, which will be required by the *Annual Reporting (Government Agencies) Act 1994*.

Section 79A

This section is repealed to remove the requirement for the ACT Electricity and Water Authority to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Fire Brigade (Administration) Act 1974

Subsection 14(1)

This subsection is repealed to remove the requirement for the Commissioner of the Fire Brigade to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Subsection 19B (6)

This subsection is repealed, and a new subsection 19B (6) inserted. The new 19B (6) requires that details of the equal employment program developed under section 19B be reported upon in the Commissioner's annual report, prepared under the *Annual Reporting (Government Agencies) Act 1994*.

Freedom of Information Act 1989

Paragraph 7 (3) (b)

This amendment repeals the current paragraph, as under the *Annual Reporting (Government Agencies) Act 1994*, paragraph 8(2)(b), if there is no annual report for the agency, then the agency is required to provide "annual information" for inclusion into the annual report of another agency.

Subsection 55 (3)

This subsection is amended to remove the reference to a report under subsection 21(1) of the *Ombudsman Act 1989*, which required the Ombudsman to provide an annual report. The reference to "annual report or annual information" in subsection 55(3) of the Freedom of Information Act 1989 now means that an annual report required under the *Annual Reporting (Government Agencies) Act 1994* by the Ombudsman, or a report under subsection 21(3) of the *Ombudsman Act 1989* must include the information specified by subsection 55(3).

Gas Act 1992

Section 12

This section is repealed to remove the requirement for the Gas Authority to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Guardianship and Management of Property Act 1991

Section 76

This section is repealed to remove the requirement for the Guardianship and Management of Property Tribunal to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Health Professions Boards (Procedures) Act 1981

Section 37

This section is repealed to remove the requirement for the Chair of each Board to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Housing Assistance Act 1987

Section 19

This amendment requires the financial statements prepared by the Commissioner to be included in the Commissioner's annual report or annual information required under the *Annual Reporting (Government Agencies) Act 1994*.

Section 21

This section is repealed to remove the requirement for the Housing Commissioner to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Interpretation Act 1967

Subsection 14 (1)

The amendments to this section add a number of definitions to the Interpretation Act 1967. "Annual report" is defined as a report that has been prepared under, and complies with the *Annual Reporting (Government Agencies) Act 1994*. This definition distinguishes "annual reports" from "periodic reports", which is defined in subsection 30A (1) of the *Interpretation Act 1967*.

The definition of "annual information" has been added to allow for those cases under the *Annual Reporting (Government Agencies) Act 1994* where a public authority is not required to submit an annual report, but is required to submit information to another department for inclusion into that department's annual report.

Subsection 30A (1)

This amendment ensures that the provisions of section 30A of the *Interpretation Act 1967*, which relate to periodic reports, do not apply to annual reports or annual information.

Land (Planning and Environment) Act 1991

Section 39

This section is repealed to remove the requirement for the A.C.T. Planning Authority to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Landlord and Tenant Act 1949

Section 62AW

This section is repealed to remove the requirement for the Director of Rental Bonds to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Mental Health Act 1983

Section 81

This section has been repealed, and a substitute section inserted. The substitute section has the effect of removing the requirement to report to the *Annual Reporting (Government Agencies) Act 1994*, but still leaves the provision that requires certain information relating to treatment orders to be included in annual reports in the *Mental Health Act 1983*. By referring to "annual report or annual information", which are both defined in the *Interpretation Act 1967* (by virtue of the *Annual Reporting (Consequential Provisions) Act 1994*), the requirement to report is then transferred to the *Annual Reporting (Government Agencies) Act 1994*.

Nature Conservation Act 1980

Section 83

This section is repealed to remove the requirement for the Conservator of Wildlife to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Noise Control Act 1988

Section 49

This section is repealed to remove the requirement for the Pollution Control Authority to provide an annual report relating to its activities under the *Noise Control Act 1988*. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Occupational Health and Safety Act 1989

Section 12

This section is repealed to remove the requirement for the Occupational Health and Safety Council to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Ombudsman Act 1989

Subsections 21(1) and (2)

These subsections are repealed to remove the requirement for the Ombudsman to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Subsection 21(4)

This subsection is amended to remove the reference to subsection 21(1).

Subsection 33 (4)

This subsection has been amended to ensure that the Ombudsman is permitted to disclose certain information in certain circumstances in not only any report made under the *Ombudsman Act 1989*, but also in an annual report or in annual information produced under the *Annual Reporting (Government Agencies) Act 1994*.

Subsection 34 (1)

This subsection has been amended to ensure the Ombudsman does not release any information or make a public statement under subsection 34 (1) of the *Ombudsman Act 1989*, if the disclosure of that information is likely to interfere with an investigation, or in the preparation of a report, whether that report be made under the *Ombudsman Act 1989*, or an annual report prepared by the Ombudsman under the *Annual Reporting (Government Agencies) Act 1994*.

Parole Act 1976

Section 27A

This section is repealed to remove the requirement for the Parole Board to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Pesticides Act 1989

Section 82

This section is repealed to remove the requirement for the Registrar of Pesticides to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Sale of Motor Vehicles Act 1977

Section 90

This section is repealed to remove the requirement for the Registrar of Motor Vehicle Dealers to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Stock Act 1991

Section 43

This section is repealed to remove the requirement for the appropriate administrative head to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Surveyors Act 1967

Section 13A

This section is repealed to remove the requirement for the Surveyor's Board for the Australian Capital Territory to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Taxation (Administration) Act 1987

Section 11

This section is repealed to remove the requirement for the Commissioner for Australian Capital Territory Revenue to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Vocational Training Act 1989

Subsection 12(1)

This section is repealed to remove the requirement for the Vocational Training Authority to provide an annual report. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.

Paragraph 94 (2) (c)

This section is amended to add section 47 of the *Apprenticeship Act 1936* to the list of those provisions that do not carry over to the Vocational Training Authority under the *Vocational Training Act 1989*. Section 47 of the *Apprenticeship Act 1936* required the Apprenticeship Board to provide an annual report. Under Paragraph 94 (2) (c) of the *Vocational Training Act 1989*, section 47 applied to the Vocational Training Authority.

Water Pollution Act 1984

Section 46

This section is repealed to remove the requirement for the Pollution Control Authority to provide an annual report on its activities under this Act. The requirement to report will now come under the *Annual Reporting (Government Agencies) Act 1994*.