



AUSTRALIAN CAPITAL TERRITORY

Annual Reports (Government Agencies) (Consequential Provisions) Act 1995

No. 25 of 1995

An Act to amend certain Acts in consequence of the enactment of the *Annual Reports (Government Agencies) Act 1995* and for related purposes

[Notified in ACT Gazette S212: 5 September 1995]

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

Short title

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

Commencement

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

Amendment of Acts

3. The Acts specified in the Schedule are amended as set out in that Schedule.

SCHEDULE

Section 3

AMENDMENT OF ACTS

Air Pollution Act 1984

Section 47—

Repeal the section.

Architects Act 1959

Section 39A—

Repeal the section.

Audit Act 1989

Subsection 58 (2)—

Omit the subsection, substitute the following subsection:

“(2) The Chief Executive of an administrative unit in respect of which a requirement under subsection (1) has been made shall include financial statements in respect of the operations of the administrative unit during a financial year in his or her annual report relating to those operations.”.

Subsection 58 (3)—

Omit “An administrative unit shall, before submitting the financial statements to the appropriate Minister under”, substitute “The Chief Executive of an administrative unit shall, before including financial statements in an annual report in accordance with”.

Subsection 58 (4)—

Omit the subsection.

Subsection 58 (6)—

Omit the subsection.

Section 79—

- (a) Omit “a signed copy”, substitute “signed copies”.
- (b) Omit “prepared”, substitute “prepared and the Chief Executive of that administrative unit”.
- (c) Add at the end the following subsection:

“(2) A Chief Executive of an administrative unit who receives a report under subsection (1) shall include copies of the report and the unitary financial statement to which it relates in the next annual report of the Chief Executive relating to the operations of the administrative unit.”.

Subsection 93 (1)—

SCHEDULE—continued

Omit the subsection, substitute the following subsections:

“(1) The authority shall include financial statements in respect of its operations during a financial year in the first annual report of the authority prepared after the end of that financial year.

“(1A) The financial statements shall be in such form as the Minister directs.”.

Subsection 93 (2)—

Omit “Before submitting financial statements to the appropriate Minister under subsection (1), the authority shall submit them”, substitute “The authority shall, before including financial statements in an annual report pursuant to subsection (1), submit the statements”.

Subsection 93 (3)—

Omit the subsection.

Subsection 97 (1)—

Omit the subsection, substitute the following subsections:

“(1) The authority shall include financial statements in respect of its operations during a financial year in the first annual report of the authority prepared after the end of that financial year.

“(1A) The financial statements shall be in such form as the Minister directs.”.

Subsection 97 (2)—

Omit “Before submitting financial statements to the appropriate Minister under subsection (1), the authority shall submit them”, substitute “The authority shall, before including financial statements in an annual report pursuant to subsection (1), submit the statements”.

Subsections 97 (3) and (4)—

Omit the subsections.

Betting (Totalizator Administration) Act 1964

Subsection 9 (4)—

Omit the subsection.

Subsection 31 (2)—

Omit the subsection.

Section 56—

Repeal the section, substitute the following section:

SCHEDULE—continued

Information to be included in annual report

“56. A report presented by the Board, or information provided by the Board, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include—

- (a) particulars of any direction under section 9 of this Act given by the Minister during the period to which the report or information relates; and
- (b) a statement by the Board indicating how effect has been given to the direction.”.

Bookmakers Act 1985

Section 54—

Repeal the section.

Children’s Services Act 1986

Section 15—

Repeal the section, substitute the following section:

Information to be included in annual report of Council

“15. A report presented by the Council, or information provided by the Council, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include a description of childrens welfare in the Territory during the period to which the report or information relates.”.

Clinical Waste Act 1990

Section 13—

Repeal the section.

Commissioner for the Environment Act 1993

Subsection 14 (8)—

Omit the subsection, substitute the following subsection:

“(8) A report presented by the Commissioner, or information provided by the Commissioner, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include, where the Commissioner decided not to investigate a complaint during the period to which the report or information relates, particulars of the decision including the reasons for it.”.

Section 20—

Repeal the section.

SCHEDULE—continued

Section 22—

Omit “any report to the Minister”, substitute “a report to the Minister under section 19 or 21”.

Section 23—

Repeal the section, substitute the following section:

Information to be included in annual reports of agencies

“23. A report presented by the principal officer of an agency under section 7 or 8 of the *Annual Reports (Government Agencies) Act 1995*, or information provided by the principal officer of an agency under section 8 of that Act, shall include—

- (a) details of any request under section 18 of this Act received by the agency;
- (b) details of any assistance provided by the agency in response to any such request;
- (c) details of any investigation carried out by the Commissioner in respect of any activity of the agency;
- (d) details of any recommendation made by the Commissioner following an investigation of the activities of the agency; and
- (e) details of any action the agency has taken in respect of any such recommendation;

during the period to which the report or information relates.”.

Community Advocate Act 1991

Section 17—

Repeal the section.

Consumer Affairs Act 1973

Section 17—

Repeal the section.

Co-operative Societies Act 1939

Section 12—

Repeal the section.

Credit Act 1985

Division 4 of Part XV—

Repeal the Division.

SCHEDULE—continued

Dangerous Goods Act 1984

Section 9—

Repeal the section.

Dental Technicians and Dental Prosthetists Registration Act 1988

Section 17—

Repeal the section.

Director of Public Prosecutions Act 1990

Paragraph 12 (4) (b)—

Omit “pursuant to subsection 34 (1)”, substitute “presented, or information provided, by him or her under section 8 of the *Annual Reports (Government Agencies) Act 1995*”.

Subparagraph 12 (4) (b) (i)—

Insert “or information” after “report”.

Section 34—

Repeal the section.

Discrimination Act 1991

Section 119—

Repeal the section.

Electoral Act 1992

Section 10—

Repeal the section.

Fire Brigade (Administration) Act 1974

Subsection 14 (1)—

Omit the subsection.

Subsection 19B (6)—

Omit the subsection, substitute the following subsection:

“(6) A report presented by the Commissioner, or information provided by the Commissioner, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include particulars of the operation of this section during the period to which the report or information relates.”.

SCHEDULE—continued

Freedom of Information Act 1989

Paragraphs 7 (3) (a) and (b)—

Omit the paragraphs, substitute the following paragraphs:

- “(a) in a report to be presented by the agency, or information to be provided by the agency, under section 8 of the *Annual Reports (Government Agencies) Act 1995*; or
- (b) if the agency is not required to present such a report or provide such information—in the annual report to which the affairs of the agency relate.”.

Subsection 55 (3)—

Omit the subsection, substitute the following subsection:

“(2) A report presented by the Ombudsman, or information provided by the Ombudsman, under section 8 of the *Annual Reports (Government Agencies) Act 1995*—

- (a) shall include a statement of the operations of the Ombudsman during the period to which the report or information relates with respect to complaints made to the Ombudsman, or investigations commenced or completed by the Ombudsman, concerning action taken by agencies in the exercise of powers or the performance of functions conferred by this Act; and
- (b) may include—
 - (i) such observations as the Ombudsman considers appropriate to make concerning the operation of this Act during the period to which the report or information relates; and
 - (ii) such recommendations as the Ombudsman considers appropriate to make concerning ways in which public access to documents of agencies or to official documents of Ministers might be better secured.”.

Gas Act 1992

Section 12—

Repeal the section.

Guardianship and Management of Property Act 1991

Section 76—

Repeal the section.

SCHEDULE—continued

Health Professions Boards (Procedures) Act 1981

Section 37—

Repeal the section.

Housing Assistance Act 1987

Section 21—

Repeal the section.

Interpretation Act 1967

Subsection 30A (1) (definition of “periodic report”)—

Add at the end “but does not include a report or information presented or provided pursuant to the *Annual Reports (Government Agencies) Act 1995*”.

Land (Planning and Environment) Act 1991

Subsection 37 (5)—

Omit the subsection.

Section 39—

Repeal the section.

Subsection 93 (4)—

Omit the subsection.

Section 95—

Repeal the section.

Landlord and Tenant Act 1949

Section 62AW—

Repeal the section.

Mental Health (Treatment and Care) Act 1994

Section 86—

Repeal the section.

Section 120—

Repeal the section, substitute the following section:

Information to be included in annual report of Director

“120. A report presented by the Director, or information provided by the Director, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall include—

- (a) statistics in relation to persons who have a psychiatric illness; and

SCHEDULE—continued

- (b) details of any arrangements with the State of New South Wales in respect of such persons.”.

Nature Conservation Act 1980

Subsection 15C (3)—

Omit the subsection, substitute the following subsection:

“(3) The Conservator shall include in a report presented by him or her, or information provided by him or her, under section 8 of the *Annual Reports (Government Agencies) Act 1995* a copy of any direction given to the Committee by the Minister during the period to which the report or information relates.”.

Section 83—

Repeal the section.

Noise Control Act 1988

Section 49—

Repeal the section.

Occupational Health and Safety Act 1989

Section 12—

Repeal the section.

Ombudsman Act 1989

Subsections 21 (1) and (2)—

Omit the subsections.

Subsection 21 (4)—

Omit “(1) or”.

Subsection 33 (4)—

(a) Omit “made under this Act”, substitute “or information presented or provided under section 8 of the *Annual Reports (Government Agencies) Act 1995*”.

(b) Add at the end “or information”.

Parole Act 1976

Section 27A—

Repeal the section.

SCHEDULE—continued

Pesticides Act 1989

Section 82—

Repeal the section.

Sale of Motor Vehicles Act 1977

Section 90—

Repeal the section.

Stock Act 1991

Section 43—

Repeal the section.

Surveyors Act 1967

Section 13A—

Repeal the section.

Taxation (Administration) Act 1987

Section 11—

Repeal the section.

Vocational Training Act 1989

Section 12—

Repeal the section, substitute the following section:

Information to be included in annual report

“12. A report presented by the Authority, or information provided by the Authority, under section 8 of the *Annual Reports (Government Agencies) Act 1995* shall set out any direction given to the Authority under subsection 10 (1) of this Act during the period to which the report or information relates.”.

Paragraph 94 (2) (c)—

Omit “and 46”, substitute “, 46 and 47”.

Water Pollution Act 1984

Section 46—

Repeal the section.

NOTE ABOUT SECTION HEADINGS

On the day on which section 3 of this Act commences, the headings to the following sections of the specified Acts are altered as set out in the following table:

SCHEDULE—continued

Act	Section	Alteration
<i>Audit Act 1989</i>	79	Omit the heading, substitute the following heading: Reports to be given to relevant Minister and Chief Executive
	93	Omit the heading, substitute the following heading: Annual report to include financial statements
	97	Omit the heading, substitute the following heading: Annual report to include financial statements
<i>Fire Brigade (Administration) Act 1974</i>	14	Omit the heading, substitute the following heading: Commissioner to provide information
<i>Ombudsman Act 1989</i>	21	Omit the heading, substitute the following heading: Reports to the Legislative Assembly

[Presentation speech made in Assembly on 22 June 1995]

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