



Australian Capital Territory

# Annual Reports Legislation Amendment Act 2004

A2004-9

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2003 219B

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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Australian Capital Territory

# Annual Reports Legislation Amendment Act 2004

**A2004-9**

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An Act to amend legislation because of the enactment of the *Annual Reports (Government Agencies) Act 2004*

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

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2003 219B

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**1 Name of Act**

This Act is the *Annual Reports Legislation Amendment Act 2004*.

**2 Commencement**

This Act commences on the commencement of the *Annual Reports (Government Agencies) Act 2004*, section 3.

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

**3 Legislation amended—sch 1**

This Act amends the legislation mentioned in schedule 1.

## **Schedule 1      Consequential amendments**

(see s 3)

### **Part 1.1              ACTION Authority Act 2001**

#### **[1.1]      Section 34**

substitute

#### **34      Authority's annual report**

A report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 25 (Ministerial directions) during the year; and
- (b) a statement by the authority about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note*      **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

### **Part 1.2              Administrative Appeals Tribunal Act 1989**

#### **[1.2]      Section 49C (5)**

*substitute*

- (5) In this section:

**tribunal's annual report** means the report prepared by the tribunal under the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.3 Auditor-General Act 1996

### [1.3] Section 16 (5)

*substitute*

- (5) A report prepared by the auditor-general under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of the basis on which audit fees were decided for the year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.4 Australian Capital Tourism Corporation Act 1997

### [1.4] Section 29

*substitute*

#### 29 Corporation's annual report

A report prepared by the corporation under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 27 (Ministerial directions) during the year; and
- (b) a statement by the corporation about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.



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## Part 1.5 Board of Senior Secondary Studies Act 1997

### [1.5] Section 7 (4)

*substitute*

- (4) A report prepared by the board under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—
- (a) a copy of any direction given under this section during the year; and
  - (b) a statement by the board about action taken during the year to give effect to any direction given (whether before or during the year) under this section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.6 Bushfire Act 1936

### [1.6] Section 11N (1)

*substitute*

- (1) In this section:
- annual report**, of an agency, means—
- (a) a report under the *Annual Reports (Government Agencies) Act 2004* for the agency; or
  - (b) a report under subsection (5).

### [1.7] Section 11N (5)

*substitute*

- (5) If a report under the *Annual Reports (Government Agencies) Act 2004* is not required for an agency during any part of a financial

year, the manager (however described) of the agency must give the Minister a report for that part of the year.

## Part 1.7 Commissioner for the Environment Act 1993

### [1.8] Section 14 (8)

*substitute*

- (8) If the commissioner decides not to investigate a complaint during a financial year, the report prepared by the commissioner under the *Annual Reports (Government Agencies) Act 2004* for the year must include details of the decision, including the reasons for the decision.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

### [1.9] Section 20

*substitute*

#### 20 Information to be included in commissioner's annual report

A report prepared by the commissioner under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of—

- (a) any special factor that the commissioner believes had a significant impact on the environment during the year; and
- (b) measures taken during the year by or for the Territory in relation to the implementation of any recommendation in a state of the environment report under section 19 or special report under section 21; and

- (c) any recommendation in a report mentioned in paragraph (b) that the commissioner believes is still to be implemented or fully implemented.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

**[1.10] Section 23**

*substitute*

**23 Information to be included in agency annual reports**

A report prepared by an agency under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of—

- (a) any request under section 18 (Assistance to commissioner) received by the agency during the year; and
- (b) any assistance provided by the agency during the year in response to the request; and
- (c) any investigation by the commissioner during the year in relation to any activity of the agency; and
- (d) any recommendation made by the commissioner during the year following an investigation of the agency's activities; and
- (e) any action the agency has taken during the year in relation to the recommendation.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.8 Community and Health Services Complaints Act 1993

### [1.11] Section 77

*substitute*

#### 77 Commissioner's annual report

- (1) A report prepared by the commissioner under the *Annual Reports (Government Agencies) Act 2004* for a financial year must not be required to be given to a chief executive for inclusion in a chief executive annual report.
- (2) The report must include a copy of any direction given (whether before or during the year) under section 11 (Minister's directions) that applies during the year.
- (3) If the Minister has directed the commissioner to report on a matter or to give information in the report, the report must deal with the matter or give the information.
- (4) In this section:

**chief executive annual report**—see the *Annual Reports (Government Agencies) Act 2004*, section 5.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

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## Part 1.9 Confiscation of Criminal Assets Act 2003

### [1.12] Section 104 (1)

*substitute*

- (1) The public trustee must include details of a notice given under section 102 or section 103 in the public trustee's report under the *Annual Reports (Government Agencies) Act 2004* for—
- (a) the financial year during which the notice was given; or
  - (b) if the chief police officer has, under this section, declared the publication of details of the notice to be prejudicial—the next financial year after the chief police officer revokes the declaration.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.10 Cultural Facilities Corporation Act 1997

### [1.13] Section 30

*substitute*

#### 30 Corporation's annual report

A report prepared by the corporation under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 28 (Ministerial directions) during the year; and

- (b) a statement by the corporation about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.11 Director of Public Prosecutions Act 1990

### [1.14] Section 12 (4)

*substitute*

- (4) The director—
- (a) must give the Attorney-General a copy of each direction or guideline; and
- (b) must include in a report prepared by the director under the *Annual Reports (Government Agencies) Act 2004* for a financial year—
- (i) a copy of each direction or guideline given during the year; and
- (ii) a copy of each direction or guideline given that is in force at the end of the year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

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## Part 1.12 Electoral Act 1992

### [1.15] Section 10

*substitute*

#### 10 Electoral commission's annual report

The electoral commission is a public authority for the *Annual Reports (Government Agencies) Act 2004*.

### [1.16] Section 295 (1) (c)

*substitute*

- (c) a report under the *Annual Reports (Government Agencies) Act 1995* or *Annual Reports (Government Agencies) Act 2004*;

## Part 1.13 Environment Protection Act 1997

### [1.17] Section 158A (1) and (2)

*substitute*

- (1) The chief executive of an administrative unit must ensure that a report prepared by the chief executive under the *Annual Reports (Government Agencies) Act 2004*, section 5 (Annual report of chief executive) complies with subsection (3).
- (2) A public authority must ensure that a report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004*, section 6 (Annual report of public authority) complies with subsection (3).

### [1.18] Section 158A (5), new definition of *public authority*

*insert*

***public authority***—see the *Annual Reports (Government Agencies) Act 2004*, dictionary.

## Part 1.14 Fire Brigade (Administration) Act 1974

### [1.19] Section 19B (6)

*substitute*

- (6) A report prepared by the commissioner under the *Annual Reports (Government Agencies) Act 2004* must include details of the operation of this section for the financial year to which the report relates.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.15 Freedom of Information Act 1989

### [1.20] Section 7 (2)

*substitute*

- (2) The information to be published under this section must be published by including it—
- (a) in a report prepared by the agency under the *Annual Reports (Government Agencies) Act 2004*; or
  - (b) if the agency is not required to prepare a report mentioned in paragraph (a)—in the annual report to which the affairs of the agency relate.

### [1.21] Section 55 (2)

*substitute*

- (2) A report prepared by the ombudsman under the *Annual Reports (Government Agencies) Act 2004* for a financial year—
- (a) must include a statement of the ombudsman's operations during the year about complaints made to the ombudsman, or



investigations started or finished by the ombudsman, about action taken by agencies in the exercise of functions under this Act; and

- (b) may include—
- (i) observations that the ombudsman considers appropriate to make about the operation of this Act during the year; and
  - (ii) recommendations that the ombudsman considers appropriate to make about ways that public access to agencies' documents or Ministers' official documents might be improved.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

**[1.22] Section 79 (1) and (2)**

*substitute*

- (1) The Minister must, for each financial year—
- (a) prepare a report on the operation of this Act during the year; and
  - (b) include the report in the report under the *Annual Reports (Government Agencies) Act 2004*, section 5 (Annual report of chief executive) that is—
    - (i) for the financial year; and
    - (ii) for the administrative unit with responsibility for this Act.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

- (2) Each responsible Minister must, for each financial year—
- (a) prepare a report on the operation of this Act in relation to the Minister's official documents, and each agency for which the Minister is responsible, during the year; and

- (b) present the report to the Legislative Assembly when the report for the agency under the *Annual Reports (Government Agencies) Act 2004* must be presented to the Assembly.

## Part 1.16 Gambling and Racing Control Act 1999

### [1.23] Section 3, new definition of *annual report*

*insert*

*annual report* means the report that the commission is required to prepare under the *Annual Reports (Government Agencies) Act 2004*.

### [1.24] Section 16

*omit*

## Part 1.17 Government Procurement Act 2001

### [1.25] Section 48 (2), definition of *annual report*

*substitute*

*annual report* means the report that the entity is required to prepare under the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.18 Health Promotion Act 1995

### [1.26] Section 30

*substitute*

#### 30 Board's annual report

A report prepared by the corporation under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 7 (Ministerial directions) during the year; and
- (b) a statement by the board about action taken during the year to give effect to any direction given (whether before or during the year) under that section; and
- (c) a copy of any determination made by the Minister under section 24 (Transfers to board) during the year; and
- (d) a copy of any strategic plan, and any revised strategic plan, approved by the Minister under section 26 (Strategic plans) or section 27 (Revised strategic plans) during the year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## **Part 1.19**                      **Hotel School Act 1996**

### **[1.27] Section 6 (4)**

*substitute*

- (4) A report prepared by the school under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—
  - (a) a copy of any direction given under this section during the year; and
  - (b) a statement by the school about action taken during the year to give effect to any direction given (whether before or during the year) under this section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.20 Independent Competition and Regulatory Commission Act 1997

### [1.28] Section 9

*substitute*

#### 9 Commission's annual report

A report prepared by the commission under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of the following during the year:

- (a) investigations;
- (b) final reports and special reports;
- (c) price directions;
- (d) advice about proposed access agreements;
- (e) the number of access agreements notified;
- (f) arbitration disputes;
- (g) determinations of arbitration disputes;
- (h) the number of notices issued under section 41 (Provision of information to commission);
- (i) the general use made by the commission of information and documents obtained as a result of notices issued under section 41;
- (j) any other functions exercised by the commission.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

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## Part 1.21                      **Mental Health (Treatment and Care) Act 1994**

### [1.29]      **Section 120**

*substitute*

#### **120              Chief psychiatrist's annual report**

A report prepared by the chief psychiatrist under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) statistics in relation to people who have a mental illness during the year; and
- (b) details of any arrangements with New South Wales during the year in relation to people who have a mental illness.

*Note*      *Financial year* has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.22                      **National Exhibition Centre Trust Act 1976**

### [1.30]      **Section 29A**

*substitute*

#### **29A              Trust's annual reports**

A report prepared by the trust under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of—

- (a) any approvals given by the Minister under section 4 (c) (Functions of trust), section 5 (2) (Powers of trust) or section 28 (1) (Power to make by-laws) during the year; and

- (b) any direction given by the Minister under section 6 (1) (Policy) during the year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.23 Nature Conservation Act 1980

### [1.31] Section 15C (3)

*substitute*

- (3) A report prepared by the conservator under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—
- (a) a copy of any direction given under this section during the year; and
  - (b) a statement by the conservator about action taken during the year to give effect to any direction given (whether before or during the year) under this section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.24 Occupational Health and Safety Act 1989

### [1.32] Section 96C

*substitute*

#### 96C Commissioner's annual report

A report prepared by the commissioner under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 25G (Ministerial directions) during the year; and

- (b) a statement by the commissioner about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## **Part 1.25 Ombudsman Act 1989**

### **[1.33] Section 33 (4)**

*substitute*

- (4) Subject to subsection (5), subsection (2) does not prevent the ombudsman from disclosing, in a report prepared under the *Annual Reports (Government Agencies) Act 2004*, matters that, in the ombudsman's opinion, should be disclosed in the course of setting out the grounds for the conclusions and recommendations contained in the report.

## **Part 1.26 Planning and Land Act 2002**

### **[1.34] Section 17**

*substitute*

#### **17 Authority's annual report**

A report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given to the authority under this Act or another Territory law during the year; and

- (b) a statement by the authority about action taken during the year to give effect to any direction given (whether before or during the year).

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

**[1.35] Section 55**

*substitute*

**55 Land agency's annual report**

A report prepared by the land agency under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 52 (Ministerial directions to land agency) during the year; and
- (b) a statement by the land agency about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

**Part 1.27 Public Interest Disclosure Act  
1994**

**[1.36] Section 11 (1)**

*omit*

during a year

*substitute*

during a calendar or financial year



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## Part 1.28 Public Sector Management Act 1994

**[1.37] Schedule 3, modification 3.3, definition of *annual report***

*omit*

**[1.38] Schedule 3, modification 3.25, section 91A**

*substitute*

### 91A Certain matters to be included in annual reports

An annual report of an administrative unit or Territory instrumentality under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of the following during the year:

- (a) the occupational health and safety policy of the unit or instrumentality, including details of—
  - (i) any agreement made with public employees relating to occupational health and safety; and
  - (ii) the establishment of committees to deal with occupational health and safety matters; and
  - (iii) the selection of health and safety representatives;
- (b) measures taken to ensure the health, safety and welfare at work of public employees and contractors dealing with the unit or instrumentality;
- (c) statistics of any accidents or dangerous occurrences that arose out of the conduct of undertakings by the unit or instrumentality that required notice to be given under section 85 (Notice of events);
- (d) any investigations conducted that relate to undertakings carried on by the unit or instrumentality, including details of all—

- (i) tests conducted on any plant, substance or thing in the course of the investigations; and
  - (ii) directions given under section 78 (Directions not to disturb workplace etc) during the year; and
  - (iii) notices given under section 76 (Improvement notices) or section 77 (Prohibition notices);
- (e) anything else prescribed under the regulations.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.29 Racing Act 1999

### [1.39] Section 64

*omit*

## Part 1.30 Schools Authority Act 1976

### [1.40] Section 6 (6)

*substitute*

- (6) A report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of—
- (a) any approvals given by the Minister under subsection (1) (a) (ii) or (b) during the year; and
  - (b) any directions given by the Minister under subsection (1) (c) or (4) during the year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

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## **Part 1.31 Stadiums Authority Act 2000**

### **[1.41] Section 35**

*substitute*

#### **35 Authority's annual report**

A report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 26 (Ministerial directions) during the year; and
- (b) a statement by the authority about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## **Part 1.32 Territory Owned Corporations Act 1990**

### **[1.42] Section 22 (1)**

*omit*

prescribed time

*substitute*

prescribed period

### **[1.43] Section 22 (4)**

*substitute*

- (4) The Portfolio Minister must present a report under this section for a financial year to the Legislative Assembly within the prescribed

period after the end of the financial year, but after the report is given to the voting shareholders under subsection (1).

**[1.44] Section 22 (5), definition of *prescribed time***

*substitute*

*prescribed period*, for an annual report of a Territory owned corporation under this section for a financial year, means the period ending—

- (a) at the end of the day (or latest day) that the corporation's report for the year under the *Annual Reports (Government Agencies) Act 2004* (the *Annual Reports Act report*) must be presented to the Legislative Assembly; or
- (b) if the corporation's Annual Reports Act report for the year must be given to the Speaker—at the end of the day (or latest day) that the report must be given to the Speaker.

## Part 1.33 Territory Records Act 2002

**[1.45] Section 33 (1), note 2**

*substitute*

*Note 2* The *Annual Reports (Government Agencies) Act 2004*, s 6 (Annual report of public authority) deals with the annual report to be given by a statutory office-holder who is declared to be a public authority under that Act.

---

## Part 1.34 Tertiary Accreditation and Registration Act 2003

### [1.46] Section 9 (1)

*substitute*

- (1) The Minister may, in writing, give the council a direction about the exercise of its functions, but not about advising the Minister or reporting under the *Annual Reports (Government Agencies) Act 2004*, section 6 (Annual report of public authority).

### [1.47] Section 18

*substitute*

#### 18 Council's annual report

A report prepared by the council under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 9 (Ministerial directions to council) during the year; and
- (b) a statement by the council about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.35 Utilities Act 2000

### [1.48] Section 173

*substitute*

#### 173 Council's annual report

A report prepared by the council under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of the following during the year:

- (a) the number of complaints received about each utility;
- (b) the cost of handling complaints about each utility;
- (c) the number of complaints handled by each member;
- (d) any systemic issues identified by the council.

## Part 1.36 Victims of Crime Act 1994

### [1.49] Section 21

*substitute*

#### 21 Victims services scheme—annual report

The *Annual Reports (Government Agencies) Act 2004* applies in relation to the victims services scheme as if—

- (a) the annual reporting authority nominated in accordance with the regulations were a public authority under that Act; and
- (b) that Act required the annual reporting authority to prepare an annual report relating to the operations of the scheme within the relevant financial year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

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## Part 1.37                      Victims of Crime (Financial Assistance) Act 1983

### [1.50]      Section 71

*substitute*

#### 71              Registrar's annual report

A report prepared by the registrar under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include details of the following during the year:

- (a) the number of applications made;
- (b) particulars of awards made on the applications;
- (c) a brief description of the facts and circumstances to which the applications related;
- (d) any other particulars relating to the operation of this Act that the registrar considers appropriate.

*Note*      **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## Part 1.38                      Vocational Education and Training Act 2003

### [1.51]      Section 9 (1)

*substitute*

- (1) The Minister may, in writing, give the authority a direction about the exercise of its functions, but not about advising the Minister or reporting under the *Annual Reports (Government Agencies) Act 2004*, section 6 (Annual report of public authority).

**[1.52] Section 18**

*substitute*

**18 Authority's annual report**

A report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 9 (Ministerial directions to authority) during the year; and
- (b) a statement by the authority about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

## **Part 1.39 Waste Minimisation Act 2001**

**[1.53] Section 19**

*substitute*

**19 EMA's annual report**

EMA must include in its report under the *Annual Reports (Government Agencies) Act 2004* for a financial year details of each contravention during the year of a requirement of a notice under section 18.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 12 February 2004.

**2 Notification**

Notified under the Legislation Act on 19 March 2004.

**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 Legislation Amendment Bill 2004 which was passed by the Legislative Assembly on 9 March 2004.

Clerk of the Legislative Assembly

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