

2014

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

Annual Reports (Government Agencies) Amendment Bill 2014

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(Chief Minister)

Annual Reports (Government Agencies) Amendment Bill 2014

A Bill for

An Act to amend the *Annual Reports (Government Agencies) Act 2004*, and for other purposes

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

- 1 **1 Name of Act**
- 2 This Act is the *Annual Reports (Government Agencies) Amendment*
3 *Act 2014*.
- 4 **2 Commencement**
- 5 This Act commences on the 7th day after its notification day.
- 6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).
- 8 **3 Legislation amended**
- 9 This Act amends the *Annual Reports (Government Agencies)*
10 *Act 2004*.
- 11 *Note* This Act also amends other legislation (see sch 1).
- 12 **4 Sections 5 to 9**
- 13 *substitute*
- 14 **5 Annual report of director-general**
- 15 (1) The director-general of an administrative unit must, for a reporting
16 year, prepare a report about the operation of the administrative unit
17 in the reporting year (a *director-general annual report*).
- 18 (2) The report must include a statement describing the measures taken
19 by the administrative unit during the reporting year to respect,
20 protect and promote human rights.
- 21 **6 Annual report of public authority**
- 22 (1) A public authority must, for a reporting year, prepare a report about
23 the operation of the authority in the reporting year (a *public*
24 *authority annual report*).

1 (2) The report of the following public authorities must include an
2 account of the management of the entity's office during the
3 reporting year:

4 (a) the Office of the Legislative Assembly;

5 (b) an officer of the Assembly.

6 *Note* The auditor-general is a public authority (see dict, def *public authority*).
7 However, the auditor-general is not required to comply with this Act in
8 certain circumstances (see [Auditor-General Act 1996](#), s 7A).

9 **7 Annual report of commissioner for public administration**

10 (1) The commissioner for public administration must, for a reporting
11 year, prepare a report about the operation of the public service in the
12 reporting year (a *state of the service report*).

13 (2) The report must include an account of the management of the public
14 service as a whole in the reporting year.

15 **8 Annual report direction**

16 (1) The Minister must make a direction about annual reports (an *annual*
17 *report direction*).

18 *Note* Power to make a statutory instrument includes power to make different
19 provision in relation to different matters or different classes of matters
20 (see [Legislation Act](#), s 48).

21 (2) An annual report, other than an annual report of the following
22 entities, must comply with the annual report direction:

23 (a) the Office of the Legislative Assembly;

24 (b) an officer of the Assembly.

25 (3) The annual report direction may require the following:

26 (a) an annual report to include stated information;

- 1 (b) an annual report to be in a stated form or published in a stated
2 place;
- 3 (c) all or part of an annual report to be included in another annual
4 report (as an attachment or otherwise);
- 5 (d) an annual report or part of an annual report to be prepared for a
6 stated period;
- 7 (e) a director-general annual report to include stated matters if a
8 public authority does not comply with section 6 (Annual report
9 of public authority) or the annual report direction;
- 10 (f) an annual report to be given by a stated person or stated public
11 authority to the responsible Minister by a stated day;
- 12 (g) for a public authority annual report—the report to include a
13 statement describing the measures taken by the public authority
14 during the reporting year to respect, protect and promote
15 human rights.
- 16 (4) An annual report direction is a notifiable instrument.
- 17 *Note* A notifiable instrument must be notified under the [Legislation Act](#).
- 18 (5) The Minister must present a copy of an annual report direction to
19 the Legislative Assembly within 6 sitting days after the day it is
20 notified under the [Legislation Act](#).

21 **9 Consultation about annual report direction**

- 22 (1) Before making an annual report direction under section 8, the
23 Minister must—
- 24 (a) give the standing committee of the Legislative Assembly
25 responsible for the scrutiny of public accounts (the *committee*)
26 a copy of the proposed annual report direction; and
- 27 (b) ask the committee, in writing, for any recommendation about
28 the proposed annual report direction; and

1 (c) consider any recommendation made, in writing, by the
2 committee.

3 (2) The Minister must not make the annual report direction until the
4 earlier of—

5 (a) the committee giving the Minister any recommendation; or

6 (b) 30 days after asking the committee for a recommendation.

7 **5 Responsible Minister to present annual report**
8 **Section 13 (1) (a)**

9 *substitute*

10 (a) within 4 months after the end of the reporting year (the
11 *4-month period*); and

12 **6 Sections 13 and 14**

13 *omit*

14 3-month

15 *substitute*

16 4-month

17 **7 Section 14 (8)**

18 *omit*

19 *3-month period*

20 *substitute*

21 *4-month period*

1 **8 Presentation of annual report of Office of the Legislative**
2 **Assembly and officers of the Assembly**
3 **Section 15 (2)**

4 *omit*

5 3 months after the end of the financial year (the *3-month period*)

6 *substitute*

7 4 months after the end of the reporting year (the *4-month period*)

8 **9 Section 15 (3)**

9 *omit*

10 3-month

11 *substitute*

12 4-month

13 **10 Declaration of public authority**
14 **Section 16 (1) and (2)**

15 *substitute*

16 (1) The Minister may declare that a statutory office-holder is a public
17 authority for this Act.

18 (2) The Minister may declare that a body established under an Act is a
19 public authority for this Act.

20 *Note* **Body** includes any group of people joined together for a common
21 purpose, whether or not incorporated (see [Legislation Act](#), dict, pt 1).

1	11	Combined reports
2		Section 17 (1) (a)
3		<i>omit</i>
4		financial year
5		<i>substitute</i>
6		reporting year
7	12	Dictionary, note 2
8		<i>insert</i>
9		<ul style="list-style-type: none">• body
10		<ul style="list-style-type: none">• financial year
11		<ul style="list-style-type: none">• territory instrumentality
12	13	Dictionary, definition of <i>financial year</i>
13		<i>omit</i>
14	14	Dictionary, definition of <i>public authority</i>,
15		new paragraph (aa)
16		<i>insert</i>
17		(aa) a territory-owned corporation; or
18	15	Dictionary, definition of <i>public authority</i>, paragraph (c)
19		<i>omit</i>
20		an entity
21		<i>substitute</i>
22		a body

1 **16 Dictionary, new definition of *reporting year***

2 *insert*

3 *reporting year*—

4 (a) means—

5 (i) a financial year; or

6 (ii) if a period is stated in an annual report direction under
7 section 8 (3) (d) (Annual report direction)—the stated
8 period; but

9 (b) if an administrative unit or public authority did not operate for
10 all of the period mentioned in paragraph (a)—does not include
11 the period during which the administrative unit or public
12 authority did not operate.

13 **17 Dictionary, definition of *Territory instrumentality***

14 *omit*

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **ACT Civil and Administrative**
4 **Tribunal Act 2008**

5 **[1.1]** **Section 22P (4) and (6)**

6 *omit*

7 **Part 1.2** **ACT Teacher Quality Institute**
8 **Act 2010**

9 **[1.2]** **Section 26**

10 *omit*

11 **Part 1.3** **Board of Senior Secondary**
12 **Studies Act 1997**

13 **[1.3]** **Section 7 (4) and note**

14 *omit*

15 **Part 1.4** **Climate Change and Greenhouse**
16 **Gas Reduction Act 2010**

17 **[1.4]** **Section 25**

18 *omit*

1 **Part 1.5 Cultural Facilities Corporation**
2 **Act 1997**

3 **[1.5] Section 16**

4 *omit*

5 **Part 1.6 Dangerous Substances Act 2004**

6 **[1.6] Section 200 (3)**

7 *omit*

8 **[1.7] Section 200 (4), definition of *annual report***

9 *omit*

10 **Part 1.7 Director of Public Prosecutions**
11 **Act 1990**

12 **[1.8] Section 12 (4) (b) and note**

13 *omit*

14 **Part 1.8 Education Act 2004**

15 **[1.9] Section 22 (3)**

16 *omit*

17 **[1.10] Section 39 (3)**

18 *omit*

1 **Part 1.9** **Emergencies Act 2004**

2 **[1.11] Section 70, definition of *annual report***

3 *omit*

4 **[1.12] Section 85**

5 *omit*

6 **[1.13] Dictionary, definition of *annual report***

7 *omit*

8 **Part 1.10** **Environment Protection Act 1997**

9 **[1.14] Section 158A**

10 *omit*

11 **Part 1.11** **Freedom of Information Act 1989**

12 **[1.15] Section 7 (2)**

13 *omit*

14 **Part 1.12** **Gambling and Racing Control**
15 **Act 1999**

16 **[1.16] Sections 6 (5), 8 (2), 31 (3) and 46 (2)**

17 *omit*

1 **Part 1.13 Gaming Machine Act 2004**

2 **[1.17] Section 163C**

3 *omit*

4 **Part 1.14 Government Procurement**
5 **Act 2001**

6 **[1.18] Section 48**

7 *omit*

8 **Part 1.15 Law Officers Act 2011**

9 **[1.19] Section 15 (3)**

10 *omit*

11 **Part 1.16 Medicines, Poisons and**
12 **Therapeutic Goods Act 2008**

13 **[1.20] Section 177 (3)**

14 *omit*

15 **[1.21] Section 177 (4), definition of *annual report***

16 *omit*

1 **Part 1.17** **Mental Health (Treatment and**
2 **Care) Act 1994**

3 **[1.22] Sections 120 and 120E**

4 *omit*

5 **Part 1.18** **Nature Conservation Act 1980**

6 **[1.23] Section 15 (3) and note**

7 *omit*

8 **Part 1.19** **Planning and Development**
9 **Act 2007**

10 **[1.24] Sections 19 and 40**

11 *omit*

12 **Part 1.20** **Road Transport (Third-Party**
13 **Insurance) Act 2008**

14 **[1.25] Section 46A**

15 *omit*

16 **Part 1.21** **Tobacco Act 1927**

17 **[1.26] Section 42H**

18 *omit*

1 **Part 1.22** **Victims of Crime (Financial**
2 **Assistance) Act 1983**

3 **[1.27] Section 71**

4 *omit*

5 **Part 1.23** **Waste Minimisation Act 2001**

6 **[1.28] Section 19**

7 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 27 November 2014.

2 Notification

Notified under the [Legislation Act](#) on 2014.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
