

**ANNUAL REPORTS LEGISLATION (AMENDMENT)
BILL 1992**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Public Finance and Audit (Amendment) Bill 1992. The object of this Bill is to amend the Annual Reports (Departments) Act 1985 and the Annual Reports (Statutory Bodies) Act 1984:

- (a) to the extent necessary to ensue that the annual reports of Departments and statutory bodies include the financial statements of the entities which they control;
- (b) to require a Department or statutory body to include an explanatory letter when it submits its annual report to its Minister,
- (c) to require an annual report which is tabled late in Parliament to be accompanied by a Ministerial explanation;
- (d) to provide express authority for the delegation of the Treasurer's functions under those Acts.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to Schedule 1.

Clause 4 gives effect to Schedule 2.

Schedule 1 makes the amendments to the Annual Reports (Departments) Act 1985 described in more detail below.

Schedule 2 makes the amendments to the Annual Reports (Statutory Bodies) Act 1984 described in more detail below.

Annual Reports Legislation (Amendment) 1992 [Act 1992 No. 24]

**SCHEDULE 1—AMENDMENT OF ANNUAL REPORTS (DEPARTMENTS)
ACT 1985**

Schedule 1 (1) amends section 9 to update and clarify certain cross-references.

Note also that, even without amending the Annual Reports (Departments) Act 1985, the cognate amendments to the Public Finance and Audit Act 1983 will have the effect of requiring the annual report of a Department to include the financial statements of the entities which the Department controls. This is because the concept of Department in the Act is already broadly linked to the definition in the Public Finance and Audit Act 1983.

Schedule 1 (2) inserts a new section 11A to require a Departmental annual report to include a letter of submission to the Department's Minister. The letter is to indicate that the report is for presentation to Parliament, to cite the legislation under which it has been prepared, and to include an explanation of any lateness in submitting the report and any extension of time or failure to seek such an extension.

Schedule 1 (3) amends section 13 to require late tabling of an annual report to be accompanied by a Ministerial statement explaining that delay and indicating the extent of the delay.

Schedule 1 (4) inserts a new section 19A to put beyond doubt the Treasurer's power to delegate functions under the Act, and to provide for delegates to be able to sub-delegate those functions in certain circumstances.

**SCHEDULE 2—AMENDMENT OF ANNUAL REPORTS (STATUTORY
BODIES) ACT 1984**

Schedule 2 (1) amends the definition of "statutory body" in section 3 as a consequence of the cognate amendments to the Public Finance and Audit Act 1983 which will change the concept of *subsidiary organisation* to one of *controlled entity* in line with the new Corporations Law.

Schedule 2 (2) amends section 7 to require the annual report of a statutory body to include the financial statements of the entities which it controls. This amendment is necessary because the definition of *statutory body* in the Act, although linked to the definition in the Public Finance and Audit Act 1983, expressly excludes such entities.

Schedule 2 (3) inserts a new section 9A to require a statutory body's annual report to include a letter of submission to the body's Minister. The letter is to indicate that the report is for presentation to Parliament, to cite the legislation under which it has been prepared, and to include an explanation of any lateness in submitting the report and any extension of time or failure to seek such an extension.

Schedule 2 (4) amends section 11 to require late tabling of an annual report to be accompanied by a Ministerial statement explaining that delay and indicating the extent of the delay.

Schedule 2 (5) inserts a new section 16A to put beyond doubt the Treasurer's power to delegate functions under the Act, and to provide for delegates to be able to sub-delegate those functions in certain circumstances.
