

**ANNUAL REPORTS (DEPARTMENTS) ACT 1985—
REGULATION**

(Annual Reports (Departments) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Annual Reports (Departments) Act 1985, has been pleased to make the Regulation set forth hereunder.

Michael Egan
Treasurer.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Annual Reports (Departments) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“**executive officer**” means a person who holds an executive position, and includes a person acting in such a position for 6 months or more;

“**executive position**” means:

- (a) a position in the Chief Executive Service under the Public Sector Management Act 1988; or
- (b) a position in the Senior Executive Service under the Public Sector Management Act 1988 or in the Police Service Senior Executive Service;

“**level**” means the level by which the remuneration of an executive officer is determined, being level 1, 2, 3, 4, 5, 6, 7 or 8;

“**reporting year**” means:

- (a) in relation to a Department, other than the Department of Education—the financial year of the Department determined in accordance with section 4 of the Public Finance and Audit Act 1983; or
- (b) in relation to the Department of Education—the period from 1 January to the next following 31 December;

“**the Act**” means the Annual Reports (Departments) Act 1985.

PART 2—ANNUAL REPORTS GENERALLY

Identification of audited financial statements

4. The start and finish of the audited financial statements of a Department required under section 9 (1) (a) of the Act is to be clearly indicated in the annual report of the Department.

Additional matters for inclusion in annual reports

5. For the purposes of section 9 (1) (d) of the Act, there must be shown in the annual report of a Department:

- (a) a list of major assets, other than land holdings, appropriately classified and highlighting major acquisitions made in the reporting year; and
- (b) for the first reporting year, a copy of the code of conduct prepared by the Department for observance by its officers and employees; and
- (c) for the second and subsequent reporting years, a copy of any amendments made to the code referred to in paragraph (b), or of any new code that has replaced that code, during the reporting year; and
- (d) particulars of any matter (arising after the end of the reporting year and before the report is submitted to the appropriate Minister under section 12 (1) of the Act) which could have a significant effect in the succeeding reporting year on:
 - (i) the financial operations of the Department; or
 - (ii) the other operations of the Department; or
 - (iii) the clientele or section of the community served by the Department; and

- (e) the number of copies printed of the annual report and the average cost of producing each copy, if known, or if not, the estimated average cost of producing each copy, based on the external costs (such as fees for consultants or printing costs) incurred in the production of the report.

Inclusion of unaudited financial statements

6. If unaudited financial statements are, or unaudited financial information is, included in the annual report of a Department, the fact that the statements have not, or the information has not, been audited is to be clearly indicated by note or otherwise.

Performance of executive officers

7. (1) The matters comprised in an annual report of a Department under section 9 of the Act are to include a statement on the performance of each executive officer of the Department of or above level 5 holding office at the end of the reporting year.

(2) The statement:

- (a) is to be made by the person responsible by law for reviewing the officer's performance; and
- (b) is to indicate the officer's performance having regard to the officer's agreed performance criteria; and
- (c) is to be prepared in accordance with guidelines issued to Departments by the Treasurer from time to time.

(3) This clause also applies to any statutory officer who is the chief executive officer of a Department but does not hold an executive position.

(4) In any such case this clause applies as provided in guidelines issued to Departments by the Treasurer from time to time.

PART 3—REPORT OF OPERATIONS

Numbers of executive officers

8. (1) The report under section 10 of the Act of the operations of a Department is to include the following particulars about the staff of the Department:

- (a) the number of executive positions at each level at the end of the reporting year, compared with the number at the end of the previous reporting year;

(b) the number of female executive officers at the end of the reporting year, compared with the number at the end of the previous reporting year;

(c) the name of, position held by and level of each executive officer of or above level 5 holding office at the end of the reporting year.

(2) This clause also applies to any statutory officer who is the chief executive officer of a Department but does not hold an executive position.

(3) In any such case this clause applies as provided in guidelines issued to Departments by the Treasurer from time to time.

Information and particulars in report of operations

9. For the purposes of section 11 (1) and (2) of the Act, the particulars set out in Column 2 of Schedule 1 are prescribed in relation to the matters described in Column 1 of that Schedule.

PART 4—MISCELLANEOUS

Form of annual reports—generally

10. (1) The annual report of a Department must be effectively presented and arranged with attention given to:

- (a) material information reported; and
- (b) logical sequence of information; and
- (c) appropriate layout of information; and
- (d) clear readable text; and
- (e) appropriately captioned charts, diagrams or photographs.

(2) The annual report of a Department is to contain an index and a table of contents, arranged so as to assist in identifying the reporting requirements of the Act complied with in the report.

Form of annual reports—presentation to Parliament

11. (1) The copies of an annual report of a Department which are laid before Parliament or distributed to members of Parliament are to be of the size ISO A4.

(2) The appropriate Minister, in transmitting copies of an annual report to the Clerk of the Parliaments and the Clerk of the Legislative Assembly pursuant to section 13 (2) of the Act, must transmit a sufficient number of copies for distribution to the members of Parliament.

(3) An additional copy of an annual report of a Department is to be provided to the Clerk of the Parliaments and the Clerk of the Legislative Assembly in a computer readable form which complies with guidelines issued by the Treasurer.

Public availability of annual reports

12. (1) A Department Head must keep, at the office of the Department, sufficient copies of its annual report in order to meet normal public demand.

(2) A Department Head must, if required by the Treasurer to do so, furnish copies of its annual report to the New South Wales Government Information Service, and to such other persons or organisations as may be specified by the Treasurer, for purchase by the public at a price per copy not greater than the direct cost of production per copy.

Exemptions

13. (1) The Treasurer may, on application by a Department Head made at any time, grant an exemption from any or all of the provisions of this Regulation, other than subclause (4), in relation to the annual report of the Department for a particular reporting year.

(2) An exemption may be granted subject to such conditions as the Treasurer may determine.

(3) An exemption ceases to apply if the Treasurer, by notice in writing, so informs the Department Head to whom the exemption was granted.

(4) Details of an exemption, and the reasons for the exemption, must be included under a separate heading entitled "Exemptions from the Reporting Provisions" in the annual report for the reporting year in which the exemption applies.

Repeal

14 (1) The Annual Reports (Departments) Regulation 1986 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Annual Reports (Departments) Regulation 1986, had effect under that Regulation continues to have effect under this Regulation.

SCHEDULE B—REPORT OF OPERATIONS

(Cl. 9)

Column 1	Column 2
Charter	A statement of the manner in which and the purpose for which the Department was established and a statement of the principal legislation administered within the Department
Aims and objectives	Information as to what the Department sets out to do, the range of services provided by the Department and the clientele or section of the community served by the Department
Access	The address and telephone number of the principal office or offices of the Department and the business and service hours of the Department
Management and structure	<p>The names of the principal officers of the Department and the offices they occupy, particulars of any appropriate qualifications of those officers, the names of significant committees of the Department, the names of the members of those committees and the names of officers and offices held by those officers as members of significant statutory bodies and significant inter-Departmental committees</p> <p>A list of all significant committees established or abolished during the reporting year and a list of the functions of all such committees established during the reporting year</p> <p>An organisation chart indicating functional responsibilities within the Department</p>
Summary review of operations	<p>A narrative summary of the significant operations for the reporting year</p> <p>Selected financial and other quantitative information associated with the administration of programs or the operations of the Department</p>
Funds granted to non-government community organisations	<p>The name of the organisation receiving the grant of funds</p> <p>The amount of funds granted</p> <p>The program area, as defined in the relevant Budget paper for the reporting year</p>

	<p>The program, as defined in the relevant Budget paper for the reporting year</p> <p>Further details in accordance with guidelines issued to the Department by the Treasurer from time to time</p>
Legal change	<p>Changes in Acts and subordinate legislation and significant judicial decisions affecting the Department or the users of the services provided by the Department</p>
Economic or other factors	<p>Factors which have affected the achievement of the operational objectives of the Department during the reporting year</p>
Management and activities	<p>A description of the nature and range of activities undertaken</p> <p>If practicable, qualitative and quantitative measures and indicators of performance showing the level of efficiency and effectiveness</p> <p>The nature and extent of performance review practices and of improvements in organisational achievements as assessed by both internal and external performance reviews</p> <p>Benefits achieved as a result of management and strategy reviews</p> <p>A description of management improvement plans adopted by the Department and achievements in reaching previous targets</p> <p>A description of the major problems and issues that have arisen</p> <p>Details, lists or tables of major works in progress, the cost of those works to date and the estimated dates of completion, together with particulars of significant cost overruns in major works or programs</p> <p>The reasons for any significant delays to, or amendment, deferment or cancellation of, major works or programs</p>
Research and development	<p>Particulars of completed research and continuing research and development activities together with the resources allocated for that research and those activities, unless the inclusion of those particulars would, in the opinion of the Department Head, adversely affect the business or commercial operations of the Department</p>

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Human resources	<p>The number of officers and employees, by category, with comparison to each of not less than 3 years before the reporting year</p> <p>Any exceptional movement in wages, salaries or allowances</p> <p>Personnel policies and practices</p> <p>Industrial relations policies and practices</p>
Consultants	<p>In respect of the engagement during the reporting year of a consultant by or on behalf of the Department the cost of which exceeds \$38,000 the following details relating to the consultant:</p> <ul style="list-style-type: none"> (a) the name of the consultant; (b) if the consultant has been engaged for a particular project, the title of the project; (c) the actual cost of engaging the consultant <p>In respect of the engagement during the reporting year of consultants by or on behalf of the Department if the cost of each such engagement is less than \$30,000 the following details relating to the consultants:</p> <ul style="list-style-type: none"> (a) the total number of engagements costing less than \$30,000; (b) the total cost of all such engagements <p>If no consultants were engaged by or on behalf of the Department during the reporting year, a statement of that fact</p>
Equal employment opportunity	<p>A statement setting out the equal employment opportunity achievements of the Department during the reporting year and the key equal employment opportunity strategies proposed by the Department for the following year</p> <p>Statistical information for the reporting year of such kind, and set out in such form, as is determined by the Secretary of the Treasury</p>
Land disposal	<p>The total number and the total value of properties disposed of during the reporting year</p>

	<p>A list of such of those properties as were disposed of by means other than public auction or tender and which had a value of more than \$5,000,000, including in each case the name of the person who acquired the property and the proceeds from the disposal of the property</p> <p>Details of any family connection or business association between a person who acquired any property disposed of during the reporting year and the person responsible for approving the disposal of the property</p> <p>A short statement giving the reasons for the disposal of properties during the reporting year</p> <p>The purpose or purposes for which the proceeds from the disposal of properties during the reporting year were used</p> <p>A statement that an application for access to documents concerning details of properties disposed of during the reporting year may be made in accordance with the Freedom of Information Act 1989</p>
Promotion	<p>A statement setting out the types of publications and other information available to the public dealing with the functions and activities of the Department and indicating those which were published by the Department during the reporting year</p> <p>Overseas visits undertaken by officers and employees with the main purposes highlighted</p>
Consumer response	<p>The extent and main features of consumer complaints, indicating any services improved or changed as a result of complaints or consumer suggestions made</p>
Guarantee of service	<p>If appropriate, the standard for providing services, together with comment on any variance from the standard or changes made to the standard</p>
Time for payment of accounts	<p>All instances where interest has been paid under clause 18 of the Public Finance and Audit (General) Regulation 1995 and the reason for the delay in making the payment which led to the payment of the interest</p>
Risk management and insurance activities	<p>A report on the risk management and insurance arrangements and activities affecting the Department</p>

Controlled entities	A detailed statement of the name, objectives, operations, activities, performance targets and actual performance measures of each entity controlled by the Department that is an entity of the kind referred to in section 45A (1A) of the Public Finance and Audit Act 1983
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SCHEDULE 1—REPORT OF OPERATIONS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor changes of substance, the provisions of the Annual Reports (Departments) Regulation 1986. The new Regulation deals with the following matters:

- (a) annual reports by Departments generally (Part 2);
- (b) the report of operations that forms part of the annual report prepared by a Department (Part 3 and Schedule 1);
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

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This Regulation is made under the Annual Reports (Departments) Act 1985, including section 20 (the general regulation making power) and sections 9, 10 and 11.

This Regulation relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
