

**ANNUAL REPORTS (STATUTORY BODIES)  
ACT, 1984, No. 87**

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NEW SOUTH WALES



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**ANNUAL REPORTS (STATUTORY BODIES)  
ACT, 1984, No. 87**

**New South Wales**



ANNO TRICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 87, 1984.**

An Act to make provision with respect to the annual reports of certain  
statutory bodies. [Assented to, 28th June, 1984.]

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See also Public Finance and Audit (Amendment) Act, 1984.

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.****PRELIMINARY.****Short title.**

1. This Act may be cited as the "Annual Reports (Statutory Bodies) Act, 1984".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Interpretation.**

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"appropriate Minister", in relation to a statutory body, means the Minister for the time being administering the Act by or under which the statutory body is appointed, constituted or regulated;

"financial year", in relation to a statutory body, means the financial year of the statutory body determined in accordance with section 4 of the Public Finance and Audit Act, 1983;

"Public Accdunts Committee" means the Public Accounts Committee for the time being constituted under Part IV of the Public Finance and Audit Act, 1983;

"regulations" means the regulations made under this Act;

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“statutory body” means—

- (a) a person, group of persons or body to which Division 3 of Part III of the Public Finance and Audit Act, 1983, applies, not being a corporation, partnership, joint venture or other association referred to in section 39 (1) (c) or (d) of that Act; or
- (b) a person, group of persons or body who or which is prescribed to be a statutory body for the purposes of this Act.

(2) In this Act, except in so far as the context or subject-matter otherwise indicates or requires, words importing the neuter gender include the masculine gender and the feminine gender.

**Auditor.**

4. For the purposes of this Act and the regulations, the auditor of a statutory body is—

- (a) except as provided by paragraph (b)—the Auditor-General; or
- (b) where, in relation to the statutory body, an Act authorises or enables the appointment by the statutory body of an auditor other than the Auditor-General to be the sole auditor in respect of the statutory body—the auditor so appointed.

**Relationship with other Acts, etc.**

5. The provisions of this Act and the regulations are in addition to any other statutory provisions relating to the preparation by a statutory body of an annual report but, in the event of any inconsistency between the provisions of this Act and the regulations and any other such statutory provisions, the provisions of this Act and the regulations shall, to the extent of the inconsistency, prevail.

**Act binds Crown.**

6. This Act binds the Crown not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

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**PART II.****ANNUAL REPORTS.****Annual reports.**

7. (1) The annual report of a statutory body shall comprise—
- (a) in the case of a statutory body to which paragraph (a) of the definition of “statutory body” in section 3 (1) applies—
    - (i) financial statements prepared in accordance with Division 3 of Part III of the Public Finance and Audit Act, 1983;
    - (ii) the certificate given in accordance with that Division of the auditor as to those statements;
    - (iii) a detailed budget for the financial year to which those statements relate and, except as provided by subsection (2), an outline budget for the next following financial year;
    - (iv) a report of the operations of the statutory body prepared in accordance with this Act and the regulations; and
    - (v) such other matters as may be prescribed; or
  - (b) in the case of a statutory body to which paragraph (b) of the definition of “statutory body” in section 3 (1) applies—such financial statements, certificates, budgets, reports and other matters as may be prescribed.

(2) A statutory body may, with the approval of the Treasurer, dispense with the inclusion in the annual report of the statutory body of an outline budget for the financial year next following the financial year to which the annual report relates.

**Preparation of report of operations.**

8. A statutory body shall, within the period of 4 months after the end of each financial year of the statutory body, prepare a report of its operations for the financial year then ended and, in the case of a statutory body being the Senate or Council of a university, a report of the operations of the university for the financial year then ended.

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**Nature of report of operations.**

**9. (1)** The report of the operations referred to in section 8 of a statutory body shall include (whether in the following order or otherwise) particulars in relation to the following matters:—

- (a) charter;
- (b) aims and objectives;
- (c) access;
- (d) management and structure;
- (e) summary review of operations;
- (f) legal change.

**(2)** The report of the operations referred to in section 8 of a statutory body shall, in addition to the matters referred to in subsection (1), include such particulars, if any, as may be prescribed in relation to such matters, if any, as may be prescribed.

**(3)** The report of the operations referred to in section 8 of a statutory body shall be prepared in such manner, if any, and such form, if any, as may be prescribed.

**Submission of annual report to appropriate Minister.**

**10. (1)** A statutory body shall, not later than 4 months after the end of the financial year of the statutory body, submit its annual report in relation to that financial year to the appropriate Minister.

**(2)** A statutory body shall, at the time it submits its annual report to the appropriate Minister, where the appropriate Minister is not the Treasurer, submit a copy of its annual report to the Treasurer.

**Presentation of annual report to Parliament.**

**11. (1)** The appropriate Minister shall, within the period of 1 month after the receipt by that Minister of the annual report of a statutory body, lay the report or cause it to be laid before both Houses of Parliament.

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(2) If, within or on the expiration of the period referred to in subsection (1), the Legislative Assembly is not sitting, the appropriate Minister shall transmit copies of the annual report to the Clerk of the Parliaments and the Clerk of the Legislative Assembly.

(3) Where the appropriate Minister has, in accordance with subsection (2), transmitted copies of an annual report to the Clerk of the Parliaments and the Clerk of the Legislative Assembly, the report shall be deemed to have been laid before both Houses of Parliament and to be a document published under the authority of both Houses of Parliament.

**Public availability of annual reports.**

12. A statutory body shall, as soon as practicable after its annual report has been laid before both Houses of Parliament in accordance with section 11 (1) or copies of its annual report have been transmitted to the Clerk of the Parliaments and the Clerk of the Legislative Assembly in accordance with section 11 (2), make copies of the report available for public sale or distribution in such manner or at such place or places as may be prescribed.

**Application for extension of time.**

13. (1) A statutory body may, at any time within the period of 6 weeks after the end of the financial year of the statutory body, apply to the Treasurer for an extension of the period within which it is required to comply with section 8 or 10.

(2) An application under subsection (1) shall include detailed reasons and other relevant information in support of the application.

(3) The Treasurer may extend a period within which a statutory body is required to comply with section 8 or 10 or any requirement of those sections.

(4) Where, in relation to a statutory body, the Treasurer extends a period within which a statutory body is required to comply with section 8 or 10 or any requirement of those sections, the statutory body shall comply with section 8 or 10 or the requirement, as the case may require, within the extended period.



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**(5)** Where, in relation to a statutory body, the Treasurer—

- (a) under section 42 of the Public Finance and Audit Act, 1983, extends a period within which a statutory body is required to comply with section 41A or 41C of that Act or any requirement of those sections, as the case may be; or
- (b) under this section, extends a period within which a statutory body is required to comply with section 8 or 10 or any requirement of those sections, as the case may be,

the statutory body shall include in the annual report in respect of which the extension is granted particulars of the extension.

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**PART III.**

MISCELLANEOUS.

**Land register.**

**14. (1)** A statutory body shall, within such time or times as may be specified by the Secretary of the Premier's Department and in accordance with such directions as may be given by the Secretary, furnish to the Secretary details of—

- (a) all land owned or occupied by the statutory body;
- (b) the current use of that land;
- (c) all land which is, at the time at which the details are furnished, considered by the statutory body to be essential to its operations;
- (d) all land which is, at the time at which the details are furnished, considered by the statutory body not to be essential to its operations;
- (e) in relation to land to which paragraph (d) applies—
  - (i) a valuation of the current market value of that land; and
  - (ii) the date and source of that valuation; and
- (f) such other matters relating to the land owned or occupied by the statutory body as the Secretary may determine.

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(2) Without limiting the generality of subsection (1) (f), the Secretary of the Premier's Department may require a statutory body to give detailed reasons and other relevant information to indicate why land to which subsection (1) (c) applies is considered by the statutory body to be essential to its operations.

(3) A statutory body shall, at intervals of not more than 3 years, review a valuation of the current market value of land to which subsection (1) (d) applies.

(4) The Secretary of the Premier's Department shall cause to be kept a register which includes the details furnished to the Secretary under this section.

(5) Where the Valuer-General is of the opinion that—

(a) any matter furnished to the Secretary of the Premier's Department under this section; or

(b) any matter included in the register kept under subsection (4),

is incorrect, inadequate or inappropriate, the Valuer-General shall make a report to the Secretary accordingly.

**Additional information.**

15. (1) The Treasurer or the appropriate Minister may, at any time, direct a statutory body to provide, within such time, if any, as is specified in the direction, as part of its annual report or by means of a separate report, such information relating to the accounts or operations, or both, of the statutory body as is so specified.

(2) A statutory body shall comply with a direction given to it under subsection (1).

(3) Except in so far as the Treasurer or the appropriate Minister, as the case may require, may otherwise determine, having regard to—

(a) the confidential nature of any information provided by a statutory body in accordance with this section;

(b) the effect of the dissemination of that information on the business or commercial operations of the statutory body; or

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(c) the circumstances of the case and the public interest,

section 11 applies to and in respect of a separate report, provided under subsection (1), of a statutory body in the same way as it applies to and in respect of the annual report of a statutory body.

**Reference of matters to Public Accounts Committee.**

**16. (1)** The Treasurer may refer any matter relating to the annual reports of statutory bodies to the Public Accounts Committee for examination and report.

**(2)** The Treasurer shall refer to the Public Accounts Committee for examination and report any proposal to amend this Act or make a regulation, other than a proposal made by the Public Accounts Committee.

**(3)** Nothing in subsection (2) requires the Treasurer to refer a proposal to the Public Accounts Committee if, at the time the Treasurer formulates or receives the proposal—

- (a) no members have been appointed to the Committee; or
- (b) the members of the Committee have ceased to hold office.

**Making of regulations.**

**17. (1)** The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**(2)** Without limiting the generality of subsection (1), the regulations may make provision for or with respect to—

- (a) the information and particulars to be included in the report of the operations of a statutory body;
- (b) the form of the report of the operations of a statutory body;
- (c) the manner of preparation of the report of the operations of a statutory body;

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- (d) the distribution to the public of the annual report of a statutory body;
- (e) the cost of distribution to the public of the annual report of a statutory body; and
- (f) the granting of exemptions from provisions of the regulations.

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person, group of persons or body,

or may do any combination of those things.

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