



New South Wales

Annual Reports (Departments) Regulation 2015

under the

Annual Reports (Departments) Act 1985

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Annual Reports (Departments) Act 1985*.

GLADYS BEREJIKLIAN, MP
Treasurer

Explanatory note

The object of this Regulation is to repeal and remake (without substantial amendments) the *Annual Reports (Departments) Regulation 2010*, which would otherwise be repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision for the content and form of the annual reports of government departments and, in particular, the report of operations that forms part of those annual reports.

This Regulation is made under the *Annual Reports (Departments) Act 1985*, including sections 9, 11, 14 and 20 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Annual Reports (Departments) Act 1985

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Annual Reports (Departments) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note. This Regulation repeals and replaces the *Annual Reports (Departments) Regulation 2010*, which would otherwise be repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

report of the operations of a Department means a report of its operations under section 10 of the Act.

reporting year means the financial year to which the annual report for that year relates.

senior executive means:

- (a) a Public Service senior executive under the *Government Sector Employment Act 2013*, or
- (b) an executive employed in the NSW Police Force Senior Executive Service, or
- (c) a member of the executive staff of a body who is employed by that body and is not employed in the Public Service.

senior executive band means:

- (a) in the case of a Public Service senior executive—the senior executive band in which the executive is employed under the *Government Sector Employment Act 2013*, or
- (b) in the case of any other senior executive—the senior executive band under the *Government Sector Employment Act 2013* that includes the remuneration package to which the executive is entitled (or that includes the closest remuneration package to the remuneration package to which the executive is entitled).

In the case of an executive employed in the NSW Police Force Senior Executive Service:

- (a) a SES 1–3 executive is taken to be employed in Band 1, and
- (b) a SES 4 or 5 executive is taken to be employed in Band 2, and

(c) a SES 6 or 7 executive is taken to be employed in Band 3, and

(d) a SES 8 executive is taken to be employed in Band 4.

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

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Annual reports generally

4 Identification of audited financial reports

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

5 Unaudited financial reports and information

If an unaudited financial report or unaudited financial information is included in the annual report of a Department, the fact that the financial report or financial information has not been audited is to be clearly indicated.

6 Additional matters to be included in annual reports

For the purposes of section 9 (1) (d) of the Act, the annual report of a Department must include the following:

- (a) a statement of the action taken by the Department in complying with the requirements of the *Privacy and Personal Information Protection Act 1998*,
- (b) statistical details of any review conducted by or on behalf of the Department under Part 5 of the *Privacy and Personal Information Protection Act 1998*,
- (c) 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) that could have a significant effect in the following reporting year on:
 - (i) the financial operations of the Department, or
 - (ii) the other operations of the Department, or
 - (iii) the customers or section of the community served by the Department,
- (d) a statement of the total external costs (such as fees for consultants and printing costs) incurred in producing the report,
- (e) the website at which the report may be accessed (or the Department's website).

Part 3 Report of operations

7 Numbers and remuneration of senior executives

- (1) The report of the operations of a Department is to include the following particulars about the staff of the Department:
 - (a) the number of senior executives employed in the Department at the end of the reporting year (including the number employed in each senior executive band and the number of each gender employed in each senior executive band), compared with the numbers at the end of the previous reporting year,
 - (b) the average total remuneration package of senior executives employed in each senior executive band in the Department at the end of the reporting year, compared with the average total remuneration package at the end of the previous reporting year,
 - (c) the percentage of total employee-related expenditure of the Department in the reporting year that relates to senior executives, compared with the percentage at the end of the previous reporting year.
- (2) For the purposes of this clause:
 - (a) an employee of a Department is taken to be a senior executive if the employee is acting in, or is seconded or temporarily assigned to, the role of a senior executive in the Department at the end of the reporting year, and
 - (b) a senior executive who is acting in, or is seconded or temporarily assigned to, a higher band in a Department at the end of the reporting period is taken to be employed in that higher band, and
 - (c) a transitional former senior executive under Schedule 4 to the *Government Sector Employment Act 2013* is taken to be a senior executive.

8 Information and particulars in report of operations

For the purposes of section 11 (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.

9 Annual report of Department of Education to include workforce diversity matters relating to Teaching Service

The report of the operations of the Department of Education is to include a statement setting out the workforce diversity achievements of the Teaching Service during the reporting year and the key workforce diversity strategies proposed by the Secretary of that Department for the following year in respect of the Teaching Service.

Part 4 Miscellaneous

10 Form of annual reports—generally

- (1) The annual report of a Department must be effectively presented and arranged with attention given to the following:
 - (a) material information reported,
 - (b) logical sequence of information,
 - (c) appropriate layout of information,
 - (d) clear, readable text,
 - (e) appropriately captioned charts, diagrams or photographs.
- (2) The annual report of a Department must contain an index and a table of contents that assist in identifying the reporting requirements of the Act complied with in the report.

11 Form of annual reports—presentation to Parliament

- (1) The copies of an annual report of a Department that are laid before Parliament or distributed to members of Parliament are to be A4 size.
- (2) The appropriate Minister, when giving copies of an annual report to the Clerk of a House of Parliament under section 13 (2) of the Act, must provide a sufficient number of copies for distribution to the members of Parliament.

12 Public availability of annual reports

- (1) A Department Head must keep, at the office of the Department, sufficient copies of its annual report to meet normal public demand.
- (2) A Department Head must, as soon as practicable after the annual report of the Department has been presented to Parliament, ensure that a copy of the annual report:
 - (a) is made publicly available on the Department's website (or other relevant website), and
 - (b) is made available to Parliament (for publication on Parliament's website) in an electronic form determined by the Secretary of the Treasury.
- (3) A Department Head must, if required by the Treasurer to do so, give copies of its annual report to a person or persons specified by the Treasurer.

13 Exemptions

- (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 (this clause excepted), in relation to the annual report of the Department for a particular reporting year.
- (2) An exemption may be granted subject to conditions as determined by the Treasurer.
- (3) An exemption ceases to apply if the Treasurer, by notice in writing, 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.

14 Exemption for small Departments

- (1) This clause applies in relation to any Department that the Secretary of the Treasury determines to be a small Department for the purposes of this clause. In making a determination, the Secretary may take into consideration the number of staff that are employed in the Department.

- (2) The particulars set out in Column 2 of Schedule 1 in relation to the following matters (as described in Column 1 of that Schedule) are required to be included in a Department's annual report once every 3 years only (although a Department may choose to include the particulars in its annual report more frequently):
 - (a) workforce diversity,
 - (b) disability inclusion action plans,
 - (c) multicultural policies and services program,
 - (d) work health and safety.
- (3) The reporting of particulars in relation to a matter set out in subclause (2) (a)–(d) in a Department's annual report must relate to:
 - (a) the reporting year for which the report is prepared (and the following reporting year, if required by Schedule 1), and
 - (b) any of the 2 previous reporting years in relation to which those particulars have not yet been reported in an annual report of the Department.
- (4) The reporting of particulars in relation to a matter set out in subclause (2) (a)–(d) in a Department's annual report need not relate to either of the 2 previous reporting years if those particulars have already been reported in a previous annual report.

15 Repeal and savings

- (1) The *Annual Reports (Departments) Regulation 2010* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Annual Reports (Departments) Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Report of operations

(Clause 8)

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 customers 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	The names of the principal officers of the Department, the offices they occupy and particulars of any appropriate qualifications of those officers. An organisation chart indicating functional responsibilities within the Department.
Summary review of operations	A narrative summary of the significant operations for the reporting year. Selected financial and other quantitative information associated with the administration of programs or the operations of the Department.
Funds granted to non-government community organisations	The name of the organisation receiving the grant of funds. The amount of funds granted. The program area, as defined in the relevant Budget paper for the reporting year. The program, as defined in the relevant Budget paper for the reporting year. Further details in accordance with guidelines issued by the Treasurer from time to time.
Legal change	Changes in Acts and subordinate legislation and significant judicial decisions affecting the Department or the users of the services provided by the Department.
Economic or other factors	Factors that have affected the achievement of the operational objectives of the Department during the reporting year.
Management and activities	A description of the nature and range of activities undertaken. If practicable, qualitative and quantitative measures and indicators of performance showing the level of efficiency and effectiveness. The nature and extent of performance review practices and of improvements in organisational achievements as assessed by both internal and external performance reviews. Benefits achieved as a result of management and strategy reviews. A description of management improvement plans adopted by the Department and achievements in reaching previous targets. A description of the major problems and issues that have arisen. 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. The reasons for any significant delays to, or amendment, deferment or cancellation of, major works or programs.

Column 1	Column 2
Research and development	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.
Human resources	The number of officers and employees, by category, with comparison to each of not less than 3 years before the reporting year. Any exceptional movement in wages, salaries or allowances. Personnel policies and practices. Industrial relations policies and practices.
Consultants	In respect of the engagement during the reporting year of a consultant by or on behalf of the Department that cost \$50,000 or more, the following details: <ol 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. In respect of the engagement during the reporting year of a consultant by or on behalf of the Department that cost less than \$50,000, the following details: <ol style="list-style-type: none"> (a) the total number of engagements costing less than \$50,000, (b) the total cost of all those engagements. If no consultants were engaged by or on behalf of the Department during the reporting year, a statement of that fact.
Workforce diversity	A statement setting out the workforce diversity achievements of the Department during the reporting year and the key workforce diversity strategies proposed by the Department for the following year. Statistical information for the reporting year of the kind, and set out in the form, determined by the Secretary of the Treasury.
Disability inclusion action plans	If the Department is required to have a disability inclusion action plan under the <i>Disability Inclusion Act 2014</i> , a statement setting out the progress during the reporting year in implementing that plan.
Land disposal	A list of properties disposed of during the reporting year by means other than public auction or tender and that 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. 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. A short statement giving the reasons for the disposal of properties during the reporting year. The purpose or purposes for which the proceeds from the disposal of properties during the reporting year were used. 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 <i>Government Information (Public Access) Act 2009</i> .
Promotion	Overseas visits undertaken by officers and employees with the main purposes highlighted.
Consumer response	The extent and main features of consumer complaints, indicating any services improved or changed as a result of complaints or consumer suggestions made.

Column 1	Column 2
Payment of accounts	Details of performance in paying accounts (assessed in accordance with indicators determined by the Treasurer from time to time) during the reporting year, including details, where appropriate, of action taken to improve performance in paying accounts.
Time for payment of accounts	All instances where interest has become payable as a result of late payment by the Department for goods or services supplied to the Department, and the reason for the delay in making the payment that led to the payment of the interest.
Risk management and insurance activities	A report on the risk management and insurance arrangements and activities affecting the Department.
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 <i>Public Finance and Audit Act 1983</i> .
Multicultural policies and services program	A statement setting out the key multicultural strategies proposed by the Department for the following year and the progress in implementing the Department's multicultural policies and services plan and information as to the multicultural policies and services plans of any body reporting to the Department.
Agreements with Multicultural NSW	A statement describing any agreement entered into between the Department and Multicultural NSW under the <i>Multicultural NSW Act 2000</i> and a statement setting out the Department's progress in implementing the agreement.
Work health and safety	<p>A statement setting out the Department's work health and safety performance during the reporting year (including details of work-related injuries, work-related illnesses and prosecutions under the <i>Work Health and Safety Act 2011</i>).</p> <p>Statistical information for the reporting year of the kind, and set out in the form, determined by the Secretary of the Treasury.</p>
