



New South Wales

Annual Reports (Statutory Bodies) Regulation 2015

under the

Annual Reports (Statutory Bodies) Act 1984

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Annual Reports (Statutory Bodies) Act 1984*.

GLADYS BEREJIKLIAN, MP
Treasurer

Explanatory note

The object of this Regulation is to repeal and remake (without substantial amendments) the *Annual Reports (Statutory Bodies) Regulation 2010*, which would otherwise be repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 statutory bodies and, in particular, the report of operations that forms part of those annual reports.

This Regulation is made under the *Annual Reports (Statutory Bodies) Act 1984*, including sections 3 (1) (paragraph (b) of the definition of *statutory body*), 7, 9, 12 and 17 (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 (Statutory Bodies) Regulation 2015

under the

Annual Reports (Statutory Bodies) Act 1984

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Annual Reports (Statutory Bodies) 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This Regulation repeals and replaces the *Annual Reports (Statutory Bodies) Regulation 2010*, which would otherwise be repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 statutory body means a report of its operations under section 8 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 officer employed in the Transport Senior Service under the *Transport Administration Act 1988*, or
- (c) a person who is concerned in, or takes part in, the management of a statutory State owned corporation or any of its subsidiaries (regardless of the person's designation and whether or not the person is a director of the corporation), or
- (d) a member of the executive staff of a university, or
- (e) 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 that Act 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).

the Act means the *Annual Reports (Statutory Bodies) Act 1984*.

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

4 Prescription of certain statutory bodies

The following are prescribed as statutory bodies under paragraph (b) of the definition of *statutory body* in section 3 (1) of the Act:

- (a) Dumaresq-Barwon Border Rivers Commission,
- (b) Heritage Council of New South Wales.

Part 2 Annual reports generally

5 Identification of audited financial reports

The start and finish of the audited financial report of a statutory body required under section 7 (1) (a) (i) of the Act is to be clearly indicated in the annual report of the statutory body.

6 Unaudited financial reports and information

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

7 Detailed budget

- (1) The detailed budget included in the annual report of a statutory body for a reporting year under section 7 (1) (a) (iii) of the Act must include, by means of notes to the detailed budget:
 - (a) in the case of the first budget approved (after consideration by the Government, if that consideration is required) by the body for that reporting year—particulars of any subsequent material adjustments to the detailed budget, or
 - (b) in the case of any subsequently approved budgets—particulars of any material adjustments made to the first budget to produce the detailed budget.
- (2) The detailed budget may be included with the audited financial report of the body required under section 7 (1) (a) (i) of the Act.

8 Additional matters to be included in annual reports

- (1) For the purposes of section 7 (1) (a) (v) of the Act, the annual report of a statutory body to which paragraph (a) of the definition of *statutory body* in section 3 (1) of the Act applies must include the following:
 - (a) particulars of any matter (arising after the end of the reporting year and before the report is submitted to the appropriate Minister under section 10 (1) of the Act) that could have a significant effect in the following reporting year on:
 - (i) the financial operations of the body, or
 - (ii) the other operations of the body, or
 - (iii) the customers or section of the community served by the body,
 - (b) a statement of the action taken by the body in complying with the requirements of the *Privacy and Personal Information Protection Act 1998*,
 - (c) statistical details of any review conducted by or on behalf of the body under Part 5 of the *Privacy and Personal Information Protection Act 1998*.
- (2) For the purposes of section 7 (1) (a) (v) and (b) of the Act, the annual report of a statutory body to which paragraph (a) or (b) of the definition of *statutory body* in section 3 (1) of the Act applies must include the following:
 - (a) a statement of the total external costs (such as fees for consultants and printing costs) incurred in producing the report,
 - (b) the website at which the report may be accessed (or the statutory body's website).

9 Additional matters to be included in annual reports of prescribed statutory bodies

- (1) For the purposes of section 7 (1) (b) of the Act, the annual report of the Heritage Council of New South Wales must also include:
 - (a) a report of the operations of the Heritage Council prepared in accordance with the Act and this Regulation, and
 - (b) a copy of the audited financial report for the Heritage Conservation Fund for the year for which the annual report is prepared.
- (2) For the purposes of section 7 (1) (b) of the Act, the annual report of the Dumaresq-Barwon Border Rivers Commission must also include the financial report of the Dumaresq-Barwon Border Rivers Commission that has been audited by the Auditor-General of New South Wales or Queensland (as the case may be).

Part 3 Report of operations

10 Report of operations to include comparison of investment performance

- (1) The report of the operations of a statutory body is to include, in the form of a comparison, details of the investment performance of the body in respect of its surplus funds and of the investment performance of the appropriate Treasury Corporation investment facilities.
- (2) The appropriate Treasury Corporation investment facility is (in respect of any particular surplus funds) the one chosen by the statutory body from among the investment facilities made available under the description “Hour-Glass Investment Facilities” by the Treasury Corporation to public authorities for investment of their surplus funds.
- (3) The statutory body’s choice of investment facility is to be made on the basis of the nature and term of the underlying liability to which the particular surplus funds relate, as determined in accordance with guidelines issued by the Treasurer.
- (4) The statutory body is to notify the Treasurer of its choice of investment facilities for the purposes of the comparison, giving reasons for its choice, within 1 month after the beginning of the reporting year.
- (5) The Treasurer can disallow a statutory body’s choice of investment facility and substitute the Treasurer’s own choice (advising the statutory body accordingly), in which case the comparison is to be based on the Treasurer’s choice of investment facility.
- (6) The following provisions apply to a comparison required by this clause:
 - (a) investment performance is to be stated as an annual compound percentage rate of return,
 - (b) the investment performance of an investment facility made available by the Treasury Corporation is as advised to statutory bodies by the Treasurer from time to time,
 - (c) the comparison is to relate to investment performance during the reporting year.
- (7) For the purposes of the comparison, the following matters are to be determined in accordance with guidelines issued to statutory bodies by the Treasurer from time to time:
 - (a) which cash assets of a statutory body are to be considered to be its surplus funds,
 - (b) the method of calculating investment return, including the method of calculating an annual return from an actual period of investment of less than a year,
 - (c) the method of calculating and comparing investment return if there is a difference between the period of actual investment of funds and the period over which the return of the relevant Treasury Corporation investment facility is measured.

11 Report of operations to include comparison of liability management performance

- (1) This clause applies to a statutory body that has a level of debt of or above the level determined by the Treasurer from time to time and notified to statutory bodies.
- (2) The report of the operations of a statutory body to which this clause applies is to include, in the form of a comparison, details of the performance of the body’s liability portfolio and the performance of the body’s benchmark portfolio.

- (3) A statutory body's benchmark portfolio is a notional portfolio maintained by the body and constructed in accordance with guidelines issued by the Treasurer so as to be risk neutral.
- (4) The comparison required by this clause:
 - (a) is to be in terms of the measure or measures advised in guidelines issued by the Treasurer, and
 - (b) is to relate to liability portfolio performance during the reporting year.

12 Numbers and remuneration of senior executives

- (1) The report of the operations of a statutory body is to include the following particulars about the staff of the statutory body:
 - (a) the number of senior executives employed in the statutory body 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 statutory body 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 statutory body 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 statutory body 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 statutory body 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 statutory body 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.

13 Information and particulars in report of operations

For the purposes of section 9 (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

14 Form of annual reports—generally

- (1) The annual report of a statutory body 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 statutory body must contain an index and a table of contents that assist in identifying the reporting requirements of the Act complied with in the report.

15 Form of annual reports—presentation to Parliament

- (1) The copies of an annual report of a statutory body 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 11 (2) of the Act, must provide a sufficient number of copies for distribution to the members of Parliament.

16 Public availability of annual reports

- (1) A statutory body must keep, at the office of the body, sufficient copies of its annual report to meet normal public demand.
- (2) A statutory body must, as soon as practicable after its annual report has been presented to Parliament, ensure that a copy of the annual report:
 - (a) is made publicly available on the statutory body'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 statutory body must, if required by the Treasurer to do so, give copies of its annual report to a person or persons specified by the Treasurer.

17 Exemptions

- (1) The Treasurer may, on application by a statutory body 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 body 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 statutory body to which 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.

18 Exemption for small statutory bodies

- (1) This clause applies in relation to any statutory body that the Secretary of the Treasury determines to be a small statutory body for the purposes of this clause. In making a

determination, the Secretary may take into consideration the number of members of staff of the statutory body.

- (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 statutory body's annual report once every 3 years only (although a statutory body 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 statutory body'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 statutory body.
- (4) The reporting of particulars in relation to a matter set out in subclause (2) (a)–(d) in a statutory body'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.

19 Repeal and savings

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

Schedule 1 Report of operations

(Clause 13)

| Column 1 | Column 2 |
|---|---|
| Charter | A statement of the manner in which and the purpose for which the statutory body was established and a statement of the legislation under which the body operates. |
| Aims and objectives | Information as to what the statutory body sets out to do, the range of services provided by the body and the customers or section of the community served by the body. |
| Access | The address and telephone number of the principal office or offices of the statutory body and the business and service hours of the body. |
| Management and structure | <p>The names of the members of the statutory body, particulars of any appropriate qualifications of those members, the method and term of appointment of those members, the frequency of meetings of the body, the attendance at those meetings, the titles of the senior offices within the staff establishment of the body, the names of the occupants of those offices and any appropriate qualifications of those occupants.</p> <p>An organisation chart indicating functional responsibilities within the body.</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 body.</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 by the Treasurer from time to time.</p> |
| Social programs | Details, as determined by the Secretary of the Treasury from time to time, relating to any Social programs provided by the body. |
| Legal change | Changes in Acts and subordinate legislation and significant judicial decisions affecting the statutory body or the users of the services provided by the body. |
| Economic or other factors | Factors that have affected the achievement of the operational objectives of the statutory body during the reporting year. |

| Column 1 | Column 2 |
|---------------------------|--|
| 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 statutory body 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 statutory body, adversely affect the business or commercial operations of the body.</p> |
| Human resources | <p>The number of 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 statutory body (other than the NSW Trustee or the Senate, Board of Governors or Council of a university) that cost \$50,000 or more, the following details:</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 a consultant by or on behalf of the statutory body (other than the NSW Trustee or the Senate, Board of Governors or Council of a university) that cost less than \$50,000, the following details:</p> <ul style="list-style-type: none">(a) the total number of engagements costing less than \$50,000,(b) the total cost of all those engagements. <p>If no consultants were engaged by or on behalf of the statutory body during the reporting year, a statement of that fact.</p> |
| Workforce diversity | <p>A statement setting out the workforce diversity achievements of the statutory body during the reporting year and the key workforce diversity strategies proposed by the statutory body for the following year.</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> |

| Column 1 | Column 2 |
|---|---|
| Disability inclusion action plans | If the statutory body 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 | <p>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.</p> <p>Details of any family connection or business association between a person who acquired any property 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 <i>Government Information (Public Access) Act 2009</i>.</p> |
| 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. |
| 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 statutory body for goods or services supplied to the statutory body, 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 statutory body. |
| Controlled entities | A detailed statement of the name, objectives, operations, activities, performance targets and actual performance measures of each entity controlled by the statutory body that is an entity of the kind referred to in section 39 (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 statutory body for the following year and the progress in implementing the statutory body's multicultural policies and services plan and information as to the multicultural policies and services plans of any body reporting to the statutory body. |
| Agreements with Multicultural NSW | A statement describing any agreement entered into between the statutory body and Multicultural NSW under the <i>Multicultural NSW Act 2000</i> and a statement setting out the statutory body's progress in implementing the agreement. |

Column 1

Column 2

Work health and safety

A statement setting out the statutory body's work health and safety performance during the reporting year (including details of work-related injuries, work-related illnesses and prosecutions under the *Work Health and Safety Act 2011*).

Statistical information for the reporting year of the kind, and set out in the form, determined by the Secretary of the Treasury.
