

**ANNUAL REPORTS LEGISLATION (AMENDMENT)
ACT 1992 No. 24**

NEW SOUTH WALES



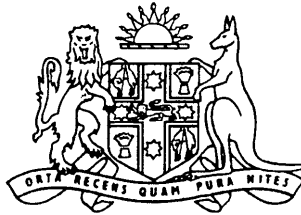
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SCHEDULE 1—AMENDMENT OF ANNUAL REPORTS (DEPARTMENTS) ACT
1985
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**ANNUAL REPORTS LEGISLATION (AMENDMENT)
ACT 1992 No. 24**

NEW SOUTH WALES



Act No. 24, 1992

An Act to amend the Annual Reports (Departments) Act 1985 and the Annual Reports (Statutory Bodies) Act 1984 with respect to controlled entities, Treasurer's delegations and the submission or tabling of reports.
[Assented to 14 May 1992]

Annual Reports Legislation (Amendment) 1992 No. 24

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Annual Reports Legislation (Amendment) Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Annual Reports (Departments) Act 1985 No. 156

3. The Annual Reports (Departments) Act 1985 is amended as set out in Schedule 1.

Amendment of Annual Reports (Statutory Bodies) Act 1984 No. 87

4. The Annual Reports (Statutory Bodies) Act 1984 is amended as set out in Schedule 2.

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

(Sec. 3)

(1) Section 9 (**Annual reports**):

- (a) From section 9 (1) (a), omit “or 5”;
- (b) From section 9 (1) (a), omit “, as the case requires,”;
- (c) Omit section 9 (1) (b), insert instead:
 - (b) the opinion of the auditor given in accordance with that Division as to those statements;

(2) Section 11A:

After section 11, insert:

Letter of submission

11A. The report of the operations referred to in section 10 of a Department is to include a letter of submission to the appropriate Minister:

- (a) stating that the report is being submitted to the Minister for presentation to Parliament; and

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

- (b) specifying the provisions under which the report has been prepared; and
 - (c) if the report is being submitted late—stating the length of and reasons for any extension of time under section 16; and
 - (d) if the report is being submitted late and no application has been made under section 16 to cover that lateness—stating the reasons for the lateness and for the failure to make the application; and
 - (e) signed by the Department Head who prepared the report.
- (3) Section 13 (**Presentation of annual report to Parliament**):
- (a) After section 13 (1), insert:
 - (1A) If a report is late in being laid before a House of Parliament, the appropriate Minister is to make or table a statement (or to cause a statement to be tabled) in that House as to the extent of, and the reasons for, that lateness.
 - (b) After “subsection (1)” in section 13 (2), insert “or (1A)”.
 - (c) After “annual report” wherever occurring in section 13 (2) and (3), insert “or statement”.
- (4) Section 19A:
- After section 19, insert:
- Delegation of Treasurer’s functions**
- 19A. (1) The Treasurer may delegate to an authorised person any of the functions of the Treasurer under this Act, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the Treasurer under this section if the delegate is authorised in writing to do so by the Treasurer.
- (3) In this section, “**authorised person**” means a member of the staff of the Treasury, or a person of a class prescribed by the regulations or approved by the Treasurer.

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

(Sec. 4)

(1) Section 3 (**Definitions**):

From paragraph (a) of the definition of “statutory body” in section 3 (1), omit “a corporation, partnership, joint venture, trust or other association referred to in section 39 (1) (c), (d), (e) or (f)”, insert instead “an entity referred to in section 39 (1A)”.

(2) Section 7 (**Annual Reports**):

Omit section 7 (1) (a) (ii), insert instead:

- (ia) the financial statements so prepared of each entity referred to in section 39 (1A) of the Public Finance and Audit Act 1983 which is controlled by the statutory body;
- (ii) the opinions of the auditor given in accordance with Division 3 of Part 3 of that Act as to the statements referred to in paragraphs (i) and (ia);

(3) Section 9A:

After section 9, insert:

Letter of submission

9A. The report of the operations referred to in section 8 of a statutory body is to include a letter of submission to the appropriate Minister:

- (a) stating that the report is being submitted to the Minister for presentation to Parliament; and
- (b) specifying the provisions under which the report has been prepared; and
- (c) if the report is being submitted late—stating the length of and reasons for any extension of time under section 13; and
- (d) if the report is being submitted late and no application has been made under section 13 to cover that lateness—stating the reasons for the lateness and for the failure to make the application; and
- (e) signed by 2 members of the statutory body which prepared the report (or, if the statutory body is a corporation sole, by the person who constitutes it, or, if

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

it is a statutory body without members, by its chief executive officer).

- (4) Section 11 (**Presentation of annual report to Parliament**):
- (a) After section 11 (1), insert:
- (1A) If a report is late in being laid before a House of Parliament, the appropriate Minister is to make or table a statement (or to cause a statement to be tabled) in that House as to the extent of, and the reasons for, that lateness.
- (b) After “subsection (1)” in section 11 (2), insert “or (1A)”.
- (c) After “annual report” wherever occurring in section 11 (2) and (3), insert “or statement”.
- (5) Section 16A:
- After section 16, insert:
- Delegation of Treasurer’s functions**
- 16A. (1) The Treasurer may delegate to an authorised person any of the functions of the Treasurer under this Act, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the Treasurer under this section if the delegate is authorised in writing to do so by the Treasurer.
- (3) In this section, “authorised person” means a member of the staff of the Treasury, or a person of a class prescribed by the regulations or approved by the Treasurer.
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*[Minister’s second reading speech made in—
Legislative Assembly on 26 March 1992
Legislative Council on 5 May 1992]*