



New South Wales

Annual Reports (Departments) Regulation 2005

under the

Annual Reports (Departments) Act 1985

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

MICHAEL COSTA, M.L.C.,
Minister for Finance

Explanatory note

This Regulation replaces, without any changes in substance, the *Annual Reports (Departments) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation deals generally with the annual reports to be prepared by Departments and, in particular, with the report of operations that forms part of any such annual report.

This Regulation is made under the *Annual Reports (Departments) Act 1985*, including section 20 (the general power to make regulations) and sections 9–14.

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

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
Part 2 Annual reports generally	
4 Identification of audited financial statements	5
5 Additional matters for inclusion in annual reports	5
6 Inclusion of unaudited financial statements	5
7 Performance of executive officers	6
Part 3 Report of operations	
8 Numbers of executive officers	7
9 Information and particulars in report of operations	7
Part 4 Miscellaneous	
10 Form of annual reports—generally	8
11 Form of annual reports—presentation to Parliament	8
12 Public availability of annual reports	8
13 Exemptions	8
14 Savings provision	9
Schedule 1 Report of operations	10

Annual Reports (Departments) Regulation 2005

under the

Annual Reports (Departments) Act 1985

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Annual Reports (Departments) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Annual Reports (Departments) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) 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 Chapter 3 of the *Public Sector Employment and Management Act 2002*, or
- (b) a position in the Senior Executive Service under Chapter 3 of the *Public Sector Employment and Management Act 2002* or in the NSW Police 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.

remuneration package of an executive officer, in relation to a reporting year, means the total amount of the monetary remuneration for the executive officer, and the cost of employment benefits (within the meaning of section 73 of the *Public Sector Employment and Management Act 2002*) provided for the executive officer, under the officer's contract of employment for that year, but does not include any performance-related incentive payments.

2005 No 518

Clause 3 Annual Reports (Departments) Regulation 2005

Part 1 Preliminary

reporting year means:

- (a) in relation to a Department, other than the Department of Education and Training—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 and Training—the period from 1 January to the next following 31 December.

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

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

Part 2 Annual reports generally

4 Identification of audited financial statements

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.

5 Additional matters for inclusion in annual reports

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 total external costs (such as fees for consultants and printing costs) incurred in the production of the report, and
- (f) whether the report is available in non-printed formats (such as on the Internet or on CD-ROM), and
- (g) if the report is available on the Internet, the Internet address at which the report may be accessed (disclosure of the Department's homepage address is sufficient compliance with this paragraph).

6 Inclusion of unaudited financial statements

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.

2005 No 518

Clause 7 Annual Reports (Departments) Regulation 2005

Part 2 Annual reports generally

7 Performance of executive officers

- (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, if any performance-related incentive payments were paid or payable in respect of the officer, is to include the details set out in subclause (3), and
 - (c) is to be prepared in accordance with guidelines issued to Departments by the Treasurer from time to time.
- (3) The details of the performance-related incentive payments paid or payable to the officer to be included are as follows:
 - (a) if the performance-related incentive payments are accounted for on an accrual basis, the total amount of such payments for the reporting year that were paid or due and payable to the officer,
 - (b) if performance-related incentive payments are accounted for on a cash basis, the total amount of such payments that were paid during the reporting year to the officer, and the periods to which the payments relate,
 - (c) a summary of the criteria for determining the total performance-related incentive payments to the officer as referred to in paragraph (a) or (b).
- (4) This clause also applies to any statutory officer who is the chief executive officer of a Department but does not hold an executive position and, in any such case, applies as provided in guidelines issued to Departments by the Treasurer from time to time.

Part 3 Report of operations

8 Numbers of executive officers

- (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 and remuneration package 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 and, in any such case, applies as provided in guidelines issued to Departments by the Treasurer from time to time.

9 Information and particulars in report of operations

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.

2005 No 518

Clause 10 Annual Reports (Departments) Regulation 2005

Part 4 Miscellaneous

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 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.

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 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.

12 Public availability of annual reports

- (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.

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 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.

14 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Annual Reports (Departments) Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.

2005 No 518

Annual Reports (Departments) Regulation 2005

Schedule 1 Report of operations

Schedule 1 Report of operations

(Clause 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>

Column 1	Column 2
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	<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	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	<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>

2005 No 518

Annual Reports (Departments) Regulation 2005

Schedule 1 Report of operations

Column 1	Column 2
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 is equal to or more than \$30,000, 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>
Disability plans	<p>A statement setting out the progress during the reporting year in implementing the Department's disability plan required under the <i>Disability Services Act 1993</i></p>

Column 1	Column 2
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 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 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 <i>Freedom of Information Act 1989</i></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 that 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>
Payment of accounts	<p>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</p>
Time for payment of accounts	<p>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</p>
Risk management and insurance activities	<p>A report on the risk management and insurance arrangements and activities affecting the Department</p>

2005 No 518

Annual Reports (Departments) Regulation 2005

Schedule 1 Report of operations

Column 1	Column 2
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>
Ethnic affairs priorities statement and any agreement	<p>A statement setting out the progress in implementing the Department's ethnic affairs priorities statement, the key ethnic affairs strategies proposed by the Department for the following year and information as to the ethnic affairs priorities statements of any bodies reporting to the Department</p> <p>A statement describing any agreement entered into between the Department and the Community Relations Commission under the <i>Community Relations Commission and Principles of Multiculturalism Act 2000</i> and a statement setting out the Department's progress in implementing any such agreement</p>
NSW Government Action Plan for Women	<p>A statement setting out the following:</p> <ul style="list-style-type: none">(a) a brief description of the Government's philosophy in relation to women and the whole of Government approach to addressing women's issues and concerns,(b) Government policy orientations in relation to women's interests in the specific areas in which the Department operates,(c) the key objectives, as stated in the Action Plan for Women, under which the Department took action during the reporting year,(d) the specific goals and strategies, as stated in the Action Plan for Women, that the Department has committed to and the actual outcome for women achieved during the reporting year through the implementation of those strategies,(e) reference to sources of further information in relation to the Department's strategies regarding women
Occupational health and safety	<p>A statement setting out the Department's occupational health and safety performance during the reporting year (including details of work-related injuries, work-related illnesses and prosecutions under the <i>Occupational Health and Safety Act 2000</i>)</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>

Column 1	Column 2
Waste	<p>A statement on the implementation of the Government's Waste Reduction and Purchasing Policy, including information on measures taken and progress on the following:</p> <ul style="list-style-type: none">(a) reducing the generation of waste,(b) resource recovery,(c) the use of recycled material.
