

NORFOLK



ISLAND

Annual Reports Act 2004

No. 22, 2004

Compilation No. 2

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(No. 2, 2015)

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NORFOLK



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ANNUAL REPORTS ACT 2004

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Annual Reports Act 2004

An Act to make provision with respect to the preparation and presentation of annual reports by the Administration and public sector agencies and for related purposes.

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Part 1 — Preliminary

Short title

1. This Act may be cited as the *Annual Reports Act 2004*.

Commencement

2. This Act commences on the day on which notification of its assent is published in the Gazette.

Dictionary

3. The dictionary at the end of this Act is part of this Act.

Note: The dictionary at the end of this Act defines terms used in this Act, and includes references (signpost definitions) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘Chief Executive Officer’s annual report—see section 5.’ means that the term ‘Chief Executive Officer’s annual report’ is defined in that section.

Note: A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears.

Notes

4. A note included in this Act is explanatory and is not part of this Act.

Part 2 — Annual reports

Annual report of Chief Executive Officer

5. (1) The Chief Executive Officer must, for each financial year, prepare and give to the Commonwealth Minister a report (a Chief Executive Officer’s annual report) about the operations of the public service during the year.

- (2) The report must comply with any applicable annual report direction.

Annual report of public sector agency

6. (1) A public sector agency must, for each financial year, prepare and give to the Commonwealth Minister a report (a public sector agency annual report) about the operations of the agency during the year.

- (2) The report must comply with any applicable annual report direction.

(3) In this section —
financial year includes —

- (a) for a public sector agency for which a direction under paragraph 8(3)(d) (annual report direction) is in effect — the period stated in the direction; and
- (b) for a public sector agency that begins operation during a financial year and for which no direction under paragraph 9(3)(d) is in effect — the part of the financial year during which the public authority operates.

Note: Public sector agency is defined in the dictionary.

Annual report direction

8. (1) The Commonwealth Minister must, in writing, issue a direction (an annual report direction) about annual reports.

(3) An annual report direction may —

- (a) provide general guidelines that may include requirement that an annual report be in a stated form or include stated information; or
- (b) for a Chief Executive Officer's annual report—require the report to include (as an attachment or otherwise) a public sector agency annual report; or
- (c) for a public sector agency annual report—require the report to be given to the Chief Executive Officer for inclusion (as an attachment or otherwise) in the Chief Executive Officer's annual report; or
- (d) for a public sector agency annual report—require the authority to prepare the report for a stated period other than a financial year; or
- (e) require an annual report to be given by a stated person or stated public sector agency to the Commonwealth Minister by a stated day; or
- (f) require a Chief Executive Officer's annual report to include stated matters if a public sector agency fails to comply with section 6 (Annual report of public authority) or an annual report direction.

Part 5 — Miscellaneous

Declaration of public authority

14. (1) The Commonwealth Minister may, in writing, declare that a statutory office-holder is a public sector agency for the dictionary, definition of public sector agency.

(2) The Commonwealth Minister may, in writing, declare that an authority, tribunal, commission, council, board, institute, committee, organisation or other entity established under an Act is a public authority for the dictionary definition of public sector agency.

Combined reports

15. (1) This section applies if —

- (a) a person is required to prepare more than 1 report under this Act in relation to the same financial year; and
- (b) the person considers that the reports can appropriately be combined into a single report that complies with this Act.

Note: A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see *Interpretation Act 1979*, section 7).

(2) The preparation of a combined report complies with the requirements of this Act about the preparation of the reports that have been combined.

Relationship to other laws

16. (1) This Act is in addition to the requirements of any other enactment of Norfolk Island

(2) If a public sector agency is required under any other law to prepare a report on the operation of the authority, the authority may prepare a report that complies with both this Act and the other law.

Dictionary

18. Note: The *Interpretation Act 1979* and the *Norfolk Island Act 1979* contain definitions and other provisions relevant to this Act.

annual report means—

- (a) a statement in accordance with sections 8A and 36C of the *Public Moneys Act 1979*; or
- (b) a Chief Executive Officer's annual report; or
- (c) a public sector agency annual report.

annual report direction—see section 8.

Chief Executive Officer's annual report—see section 5.

financial year means a period from 1 July in a year to the following 30 June.

Note: See also subsection 6(3).

public sector agency annual report—see section 6.

public sector agency means—

- (a) a territory instrumentality; or

- (b) a statutory office-holder declared under subsection 14(1) to be a public sector agency; or
- (c) an entity declared under subsection 14(2) to be a public sector agency.

territory instrumentality—means a body corporate that is established by or under an enactment (including the *Companies Act 1985*) and —

- (a) is comprised of persons, or has a governing body comprised of persons, a majority of whom are or were appointed by or on behalf of the Crown, the Administration or the Legislative Assembly; or
- (b) is subject to direction or control by the Commonwealth Minister; or
- (c) is declared by regulation to be a territory instrumentality for the purposes of this definition,

but does not include —

- (d) the public service; or
- (e) a body declared by regulation not to be a territory instrumentality for the purposes of this definition.

NOTES

The *Annual Reports Act 2004* as shown in this consolidation comprises Act No. 22 of 2004 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Annual Reports Act 2004</i>	22, 2004	1.10.04	
<i>Interpretation (Amendment) Act 2012</i> [to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]	14, 2012	28.12.12	
<i>[Previously consolidated as at 28 October 2013]</i>			

Ordinance	Registration	Commencement	Application, saving and transitional provision
Norfolk Island Continued Laws Amendment Ordinance 2015 (No. 2, 2015) (now cited as Norfolk Island Continued Laws Ordinance 2015 (see F2015L01491))	17 June 2015 (F2015L00835)	Sch 1 (items 3–22, 344–346): 18 June 2015 (s 2(1) item 1)	Sch 1 (items 344, 345, 346)
as amended by			
Norfolk Island Continued Laws Amendment (2016 Measures No. 2) Ordinance 2016 (No. 5, 2016)	10 May 2016 (F2016L00751)	Sch 4 (item 9): 1 July 2016 (s 2(1) item 4)	—

Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

Provisions affected	How affected
5	am Ord No 2, 2015 (as am by Ord No 5, 2016)
6	am Ord No 2, 2015
7	am 14, 2012
	rep Ord No 2, 2015
8	am 14, 2012; Ord No 2, 2015
9	am 14, 2012
	rep Ord No 2, 2015
10	am 14, 2012
	rep Ord No 2, 2015
11	am 14, 2012
	rep Ord No 2, 2015

ad = added or inserted

am = amended

rep = repealed

rs = repealed and substituted

Provisions affected	How affected	
12	am	14, 2012
	rep	Ord No 2, 2015
13	rep	Ord No 2, 2015
14	am	14, 2012; Ord No 2, 2015
15	am	Ord No 2, 2015
17	rep	Ord No 2, 2015
18	am	14, 2012; Ord No 2, 2015