



Changes to annual reporting requirements

New requirements:

NSW TC 11/21 *Annual Reporting on Payment of Accounts*

This Circular was issued in conjunction with the new policy on payment of accounts to small businesses established in NSW TC 11/12 *Payment of Accounts*.

The payment performance indicators disclosed by agencies in tabular form have been updated from previous requirements in superseded NSW TC 06/26 *Annual Reports Legislation – Reporting on Payment of Accounts* to require separate disclosure for small business suppliers and other suppliers, consistent with the new policy. The disclosures on penalty interest have also been extended. Page 5 of NSW TC 11/21 includes a sample disclosure that satisfies the new requirements.

In addition to the revised table in the annual report, agencies must now provide separate disclosures for small business suppliers and other suppliers, as follows:

- Discussion of problems affecting prompt processing of payments during the year and on initiatives implemented to improve payment performance.
- Where penalty interest has been incurred, a summary of the reasons for the delay in making the payments that led to the payment of interest (including an explanation of the small business supplier transitional provisions, which require the payment of interest from 1 January 2012).

Legislative changes

Public Interest Disclosures Act 1994

Section 31 of the *Public Disclosures Act 1994* states that each public authority¹ must, within 4 months after the end of each reporting year, prepare an annual report on the public authority's obligations under the Act for submission to the Minister responsible for the public authority. A copy of the report is to be provided to the Ombudsman.

The annual report must be tabled in each House of Parliament by the relevant Minister as soon as practicable after it is prepared unless it is included in an annual report prepared for the purposes of the *Annual Reports (Departments) Act 1985* or the *Annual Reports (Statutory Bodies) Act 1984*.

Clause 4(2) of the *Public Interest Disclosures Regulation 2011* prescribes the information to be included in annual reports:

¹ 'Public authority' is defined as including (without limitation) a Division of the Government Service, a State owned corporation and any subsidiary of a State owned corporation, a local government authority, the NSW Police Force, PIC and PIC Inspector, the Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council.

- The number of public officials who have made a public interest disclosure to the public authority
- The number of public interest disclosures received in total and the number of public interest disclosures received relating to each of the following:
 - Corrupt conduct
 - Maladministration
 - Serious and substantial waste of public money or local government money (as appropriate)
 - Government information contraventions
 - Local government pecuniary interest contraventions
- The number of public interest disclosures finalised
- Whether the public authority has a public interest disclosures policy in place
- What actions the head of the public authority has taken to ensure staff awareness responsibilities have been met

The Public Interest Disclosures Unit of the NSW Ombudsman will provide a suggested reporting format for the information in the near future on its website:

<http://www.ombo.nsw.gov.au/aboutus/PublicInterestDisclosures.html>