

Legal and Constitutional Affairs Committee Question Taken on Notice

Date: 28 April 2026

From: Mr Kerle

Agency: Attorney-General's Department

Subject: Review of Historical Regulations

Question

Under *Public Sector Employment and Management Act 1993* the agency CEO must report annually to the Legislative Assembly on any legislation administered by the Assembly. How do you find this works in practice? Does it assist with the structured review of subordinate legislation?

Answer

Section 28 of the *Public Sector Employment and Management Act 1993* requires a Chief Executive Officer of an Agency to present an annual report to the appropriate minister on the operations of the Agency within three months of the end of the financial year. The report is required to include certain information about the Agency. This includes legislation administered by the Agency. After receiving the report it must be tabled by the appropriate minister in the Legislative Assembly.

The legislation administered by the Agency is allocated through the Administrative Arrangements Order, which also operates to allocate administration of Acts and Agencies, and areas and activities of government under responsibility, to Ministers (that is the Ministerial portfolios and relevant Agencies responsible for administration of Acts allocated to the Ministerial portfolio).

In relation to the Attorney-General's Department, the requirement in section 28 is satisfied through reference to the legislation administered by the Agency. Please refer to page 109 of the Attorney-General's Department 2024-2025 report :

https://agd.nt.gov.au/data/assets/pdf_file/0003/1567092/agd-annual-report-2024-25-print-version.pdf. The annual report reflects the allocation in the Administrative Arrangements Order in effect at the time of the annual report.

The annual report mechanism does not provide a trigger for structured review of legislation administered by the Agency, noting the primary purpose is to report to the Attorney-General on the Agency performance against approved budget outputs and performance measures in respect of the areas and activities of government, and relevant administration of Acts, within the Agency responsibility.