

Premier and Cabinet 2021



THE ROLE OF THE AUDITOR-GENERAL

The roles and responsibilities of the Auditor-General, and hence the Audit Office, are set out in the *Government Sector Audit Act 1983* and the *Local Government Act 1993*.

We conduct financial or 'attest' audits of state public sector and local government entities' financial statements. We also audit the Consolidated State Financial Statements, a consolidation of all state public sector agencies' financial statements.

Financial audits are designed to add credibility to financial statements, enhancing their value to endusers. Also, the existence of such audits provides a constant stimulus to entities to ensure sound financial management.

Following a financial audit the Audit Office issues a variety of reports to entities and reports periodically to Parliament. In combination, these reports give opinions on the truth and fairness of financial statements, and comment on entity internal controls and governance, and compliance with certain laws, regulations and government directives. They may comment on financial prudence, probity and waste, and recommend operational improvements.

We also conduct performance audits. These examine whether an entity is carrying out its activities effectively and doing so economically and efficiently and in compliance with relevant laws. Audits may cover all or parts of an entity's operations, or consider particular issues across a number of entities.

As well as financial and performance audits, the Auditor-General carries out special reviews, compliance engagements and audits requested under section 27B(3) of the *Government Sector Audit Act 1983*, and section 421E of the *Local Government Act 1993*.

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In accordance with section 52B of the *Government Sector Audit Act 1983*, I present a report titled '**Premier and Cabinet 2021**'.



Margaret Crawford

Auditor-General for New South Wales 15 December 2021



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Auditor-General's foreword

This report analyses the results of our audits of the Premier and Cabinet cluster agencies for the year ended 30 June 2021.

Our preferred approach is to table the 'Report on State Finances' in Parliament before any other cluster report. This is because the 'Report on State Finances' focuses on the audit results and observations relating to the Total State Sector Accounts, in effect a consolidation of all government agencies. This year the 'Report on State Finances' has been delayed due to significant accounting issues being considered in the Total State Sector Accounts and which may impact the Treasury and Transport clusters.

As there are no outstanding matters relating to audits in the Premier and Cabinet cluster impacting the Total State Sector Accounts we have decided to break with normal practice and table this cluster report ahead of the 'Report on State Finances'.

Section one

Premier and Cabinet 2021

This report analyses the results of our audits of the Premier and Cabinet cluster agencies for the year ended 30 June 2021.

Report highlights

What the report is about

The results of the Premier and Cabinet cluster (the cluster) agencies' financial statement audits for the year ended 30 June 2021.

What we found

Unmodified audit opinions were issued for all Premier and Cabinet cluster agencies.

The number of monetary misstatements decreased from 49 in 2019–20 to 38 in 2020–21.

The Library Council of New South Wales corrected a prior period error of \$325 million. In 2017, the council split its collection assets into six asset classes, but not the related asset revaluation reserves. To correct this error, some revaluation decrements previously recognised in asset revaluation reserves were reclassified to accumulated funds.

Eight agencies did not complete all of the mandatory early close procedures.

What the key issues were

The Premier and Cabinet cluster was impacted by three Machinery of Government (MoG) changes during 2020–21.

The changes resulted in the transfer of activities and functions in and out of the cluster and the creation of a new entity - Investment NSW.

The transferor entities continued to provide services to Investment NSW subsequent to 30 June 2021. There were no formal service level agreements in place for the provision of these services.

The New South Wales Electoral Commission (the Commission) and Sydney Opera House Trust obtained letters of financial support from their relevant Minister and/or NSW Treasury in 2020–21. The postponement of local government elections impacted the Commission's operations due to increased planned expenditure to support a COVID-safe election. Sydney Opera House Trust's ability to

generate revenue was impacted due to the closure of the Concert Hall partly due to COVID-19 and planned renovations.

The number of repeated audit issues raised with management and those charged with governance increased from 22 in 2019–20 to 24 in 2020–21.

There were 47 moderate risk and 28 low risk findings identified. Of the total findings there were 24 repeat issues.

What we recommended

Investment NSW should ensure services received from other agencies are governed by service level agreements.

Fast facts

The Department of Premier and Cabinet supports the Premier and Cabinet to deliver the government's objectives, infrastructure, preparedness for disaster, incident recovery, arts and culture.

\$11.9b

of property, plant and equipment as at 30 June 2021

\$4.4b

total expenditure incurred in 2020–21

100%

unqualified audit opinions were issued on agencies' 30 June 2021 financial statements

47

moderate risk findings were identified

36

monetary misstatements were reported in 2020–21

32%

of reported issues were repeat issues



1. Introduction

This report provides Parliament and other users of the Premier and Cabinet's financial statements with the results of our audits, our observations, analysis, conclusions and recommendations in the following areas:

- financial reporting
- audit observations.

1.1 Snapshot of the cluster

Premier and Cabinet Cluster

Supports the Premier and the Cabinet deliver the government's objectives, infrastructure, preparedness for disaster and incident recovery, arts and culture.

State Outcomes



Effective and coordinated government

Supporting the Cluster's strategic direction, coordination, assurance and project delivery role across government.



Excellence in arts, culture and heritage

Maximising 'excellence in arts, culture and heritage' leverages New South Wales' capabilities, positioning the State as a world-class centre for performances, events, exhibitions and cultural visitation, and developing state cultural assets for future generations.



Empowering Aboriginal communities

Empowering Aboriginal communities leads to a transformed relationship between Aboriginal peoples and government, as well as supporting the delivery of policies and practices that support Aboriginal peoples' right to self-determination.



Accountable and responsible government

Supporting good government decision-making and upholding government integrity.

Lead Agency Other Key Agencies Department of Premier and Cabinet Art Gallery of NSW Infrastructure NSW Investment NSW Sydney Opera House Trust

Source: NSW Budget Papers 2021-22.

1.2 Changes to the cluster

Machinery of Government (MoG) changes

The Premier and Cabinet cluster was impacted by three Machinery of Government (MoG) changes during 2020–21. MoG refers to how the government organises the structures and functions of the public service. MoG changes are where the government reorganises structures and functions of the public service and they are given effect by Administrative Orders.

These changes were implemented through the following Administrative Changes Orders:

- Administrative Arrangements (Administrative Changes Miscellaneous) Order 2020, issued
 and effective 1 July 2020. This order transferred the Aboriginal Cultural Heritage Regulation
 Branch from Department of Planning Industry and Environment (DPIE) to the Department of
 Premier Cabinet (DPC).
- Administrative Arrangements (Administrative Changes- Transfer of Staff to Western City and Aerotropolis Authority Staff Agency) Order 2020, issued 14 October 2020 and effective 16 October 2020. This order transferred:
 - persons employed in the Western Sydney City Deal Delivery Office of the Greater Sydney Commission Staff Agency to the Western City and Aerotropolis Authority Staff Agency. The City Deal Delivery Office Western City Liveability Program was also transferred
 - persons employed in the Western Sydney Investment Attraction Office of the NSW
 Treasury to the Western City and Aerotropolis Authority Staff Agency.
- Administrative Arrangements (Administrative Changes Miscellaneous) Order 2021, issued 26 March 2021 and effective 29 March 2021. This order established Investment NSW, transferring functions and activities from the Department of Education, NSW Treasury, DPC and the Department of Planning, Industry and Environment to Investment NSW. The persons employed in the Destination NSW Staff Agency were transferred to Investment NSW, abolishing the staff agency. Persons employed in the Treasury Precincts team were transferred to the Greater Sydney Commission Staff Agency. Additionally, the following agencies were transferred from the Treasury cluster to Premier and Cabinet cluster:
 - Western Parkland City Authority (previously Western City and Aerotropolis Authority)
 and its staff agency
 - Jobs for NSW Fund.

Our performance audit report 'Machinery of Government changes' is expected to consider issues associated with MoG changes, including whether they achieved their effectiveness and efficiency goals and improved public sector administration. The report is scheduled to be published this month.

Changes to enabling legislation

On the 11 December 2020, Schedule 1 of *Statue Law (Miscellaneous Provisions) Act 2020* altered the name of Western City and Aerotropolis Authority and its staff agency to Western Parkland City Authority. It did not affect the Authority's structure or financial reporting requirements.

2. Financial reporting

Financial reporting is an important element of good governance. Confidence and transparency in public sector decision making are enhanced when financial reporting is accurate and timely.

This chapter outlines our audit observations related to the financial reporting of agencies in the Premier and Cabinet cluster (the cluster) for 2021.

Section highlights

- Unqualified audit opinions were issued on all completed cluster agencies' 2020–21 financial statements.
- Monetary misstatements decreased from 49 in 2019–20 to 38 in 2020–21.
- Thirteen agencies were exempt from financial reporting in 2020–21.

2.1 Cluster financial information 2021

Agency	Total assets \$m	Total liabilities \$m	Total income* \$m	Total expenses** \$m
	\$		\$	S
Principal department				
Department of Premier and Cabinet	1,374	335	2,620	2,459
Other cluster agencies listed in Appe	ndix A of Treas	ury Direction TD2	1-02	
Art Gallery of New South Wales Trust	2,414	31	209	54
Australian Museum Trust	1,116	12	71	55
Destination NSW	28	27	198	190
Greater Sydney Commission	3	5	21	22
Historic Houses Trust of New South Wales	355	7	32	28
Independent Commission Against Corruption	17	16	29	29
Infrastructure NSW	2,113	1,244	756	326
Investment NSW	91	78	63	57
Jobs for NSW Fund	70	5	21	8
Law Enforcement Conduct Commission	12	10	22	22
Library Council of New South Wales	1,955	12	110	96
New South Wales Electoral Commission	69	49	87	82

Agency	Total assets \$m	Total liabilities \$m	Total income* \$m	Total expenses** \$m
	\$		5	
Ombudsman's Office	13	13	26	27
Parliamentary Counsel's Office	4	4	12	11
Public Service Commission	12	8	40	39
Resilience NSW	492	323	637	576
State Archives and Records Authority of New South Wales	1,135	11	50	32
Sydney Opera House Trust	3,041	56	231	120
Trustees of the Museum of Applied Arts and Sciences	543	9	63	63
Western Parkland City Authority	47	4	93	53
Immaterial entities***	268	121	182	172

^{*} Include other gains.

Source: Agencies' audited 2020–21 financial statements.

2.2 Quality of financial reporting

Audit opinions

Unqualified audit opinions were issued on agencies' financial statements

Unqualified audit opinions were issued on all completed cluster agencies' 30 June 2021 financial statements. Sufficient and appropriate audit evidence was obtained to conclude the financial statements were free of material misstatement.

Audits are ongoing for:

- Corporation Sole 'Minister Administering the Heritage Act 1977'
- Jobs for NSW Fund.

The number of identified monetary misstatements decreased in 2020-21

The number of monetary misstatements identified during the audit of the financial statements for the cluster decreased from 49 in 2019–20 to 38 in 2020–21. A monetary misstatement is an error in amount recognised in the financial statements initially submitted for audit.

Reported corrected misstatements decreased from 36 in 2019–20 to 28 in 2020–21. Reported uncorrected misstatements decreased from 13 in 2019–20 to 10 in 2020–21.

^{**} Include other losses.

^{***} Immaterial agencies not included in TD 21-02 and part of the cluster includes Art Gallery of New South Wales Foundation, Corporation Sole 'Minister Administering the *Heritage Act 1977*', Foundation for the Historic Houses Trust of New South Wales, Library Council of New South Wales (Staff Agency), National Art School, State Library of New South Wales Foundation, The Australian Institute of Asian Culture and Visual Arts Limited (VisAsia) and The Brett Whiteley Foundation.

^{****} Audit Office of NSW listed in Appendix A of TD 21-02 is excluded as it is not audited by the Auditor-General.

The table below shows the number and quantum of monetary misstatements for the past two years.

Year ended 30 June		2021		2020
	©	•	②	•
Less than \$50,000	4	3	5	4
\$50,000 to \$249,999	12	1	10	4
\$250,000 to \$999,999	4	4	7	5
\$1 million to \$4,999,999	7	2	8	
\$5 million and greater	1		6	
Total number of misstatements	28	10	36	13
Key Corrected misstatements	Uncorrect	ed misstatement	ts	

Source: Engagement Closing Reports issued by the Audit Office of New South Wales.

Refer to Appendix one for details of corrected and uncorrected monetary misstatements by agency.

Of the 28 corrected misstatements, one had a gross value of greater than \$5.0 million and related to a prior period error. The Library Council of New South Wales corrected a prior period error of \$325 million. In 2017, the council split its collection assets into six asset classes, but not the related asset revaluation reserves. To correct this error, some revaluation decrements previously recognised in asset revaluation reserves were reclassified to accumulated funds.

New financial reporting provisions became effective from 1 July 2021

The financial reporting provisions in Division 7.2 of the *Government Sector Finance Act 2018* (GSF Act) commenced on 1 July 2021. Agencies prepared their annual GSF financial statements for the 2020–21 financial year under Division 7.2 of the GSF Act.

Thirteen agencies were exempted from financial reporting in 2020–21

Part 3A Division 2 of the Government Sector Finance Regulation 2018 (GSF Regulation) prescribes certain kinds of GSF agencies not to be a reporting GSF agency. For 2020–21, the following cluster agencies have assessed and determined they met the reporting exemption criteria under the GSF Regulation, and therefore were not required to prepare annual financial statements:

GSE Population

Exempted agencies	reference	Basis for reporting exemption
Special purpose staff agencies		
Art Gallery of New South Wales Trust (Staff Agency) Australian Museum Trust (Staff Agency) Destination New South Wales (Staff Agency) - The staff agency ceased its operations as at 28 March 2021 Greater Sydney Commission (Staff Agency) New South Wales Electoral Commission (Staff Agency) Office of the Law Enforcement Conduct Commission (Staff Agency) Sydney Opera House Trust (Staff Agency) Trustees of the Museum of Applied Arts and Sciences (Staff Agency)	Part 3A, Division 2, Section 9F of the GSF Regulation	GSF Regulation prescribes that a GSF agency that comprises solely of persons who are employed to enable another particular GSF agency to exercise its function not to be a reporting GSF agency. All nine staff agencies satisfy this requirement and therefore were exempt from preparing financial statements in 2020–21.

Exempted agencies	reference	Basis for reporting exemption
Western Parkland City Authority (Staff Agency) Infrastructure NSW (Staff Agency).		
Small agencies		
Aboriginal Languages Trust Office of the Inspector of Law Enforcement Conduct Commission Heritage Council of NSW	Part 3A, Division 2, Section 9D of the GSF Regulation	 GSF Regulation prescribes a GSF agency meeting all the following requirements not to be a reporting GSF agency: the assets, liabilities, income, expense, commitments and contingent liabilities of the agency are each less than \$5.0 million the total cash or cash equivalent held by the agency is less than \$2.5 million at least 95 per cent of the agency's income is derived from money paid out of the Consolidated Fund or money provided by other GSF agencies the agency does not administer legislation for a Minister by or under which members of the public are regulated.

GSF Regulation

In 2019–20, the above staff agencies were also exempt from financial reporting under Schedule 2 of the Public Finance and Audit Regulation 2015.

2.3 Timeliness of financial reporting

Early close procedures

Early close mandatory procedures were submitted on time for all cluster agencies

NSW Treasury prescribes certain mandatory early close procedures to improve the quality and timeliness of agency year-end financial statements. In March 2021, NSW Treasury reissued Treasurer's Direction TD19-02 'Mandatory Early Close as at 31 March each year' (TD19-02) and released TPP21-01 'Agency Direction for the 2020–21 Mandatory Early Close'. These pronouncements require the GSF agencies listed in Appendix A of TD19-02 to perform the mandatory early close procedures and provide the outcomes to the audit team by 26 April 2021.

The table below summarises the agencies' completion of the 16 mandatory early close procedures, noting that some procedures are not relevant to all agencies. The 16 procedures are listed at Appendix two.

Agency	Completed	Not completed	Not applicable*
Agency		•	
Principal department			
Department of Premier and Cabinet - cluster lead	12	2	2
Other cluster agencies listed in Appendix A of Trea	sury Direction ⁻	ΓD19-02	
Art Gallery of New South Wales Trust	13		3
Australian Museum Trust	9	4	3
Destination NSW 2021	10	2	4
Greater Sydney Commission	10	1	5
Historic Houses Trust of New South Wales	16		
Independent Commission Against Corruption	7		9
Infrastructure NSW	8	3	5
Investment NSW	**	**	**
Jobs for NSW Fund	***	***	***
Law Enforcement Conduct Commission	11		5
Library Council of New South Wales	13		3
New South Wales Electoral Commission	9	2	5
Ombudsman's Office	12		4
Parliamentary Counsel's Office	11		5
Public Service Commission	11		5
Resilience NSW	12		4
State Archives and Records Authority of New South Wales	16		
Sydney Opera House Trust	15		1
Trustees of the Museum of Applied Arts and Sciences	11	1	4
Western Parkland City Authority	8	2	6

^{*} Certain mandatory early close procedures are not applicable to agencies. For instance, if an agency did not have changes in accounting policy or a correction of material prior period error, those procedures would be considered as not applicable to the agency.

Source: Reports on early close procedures 2021 issued by the Audit Office of New South Wales.

^{**} Agency was created on 29 March and therefore exempt from early close procedures.

^{***} Special Deposit Account not required to perform early close procedures for the 30 June 2021 financial year.

Agencies can improve their completion of early close procedures

The following agencies did not perform all required procedures.

Cluster agencies

Description of incomplete early close procedures

Principal department

Department of Premier and Cabinet - cluster lead

Revaluation of property, plant and equipment

The results of comprehensive valuation undertaken by an external valuer of Department's land and buildings as at 31 March 2021 were not finalised in time for early close.

 Management did not finalise impairment assessment for leases managed by Property NSW by 31 March 2021.

Other agencies listed in Appendix A of TD19-02

Australian Museum Trust

Significant management judgements and assumptions Management did not:

- finalise accounting treatment for Collection Enhancement Project related costs
- document their assessment of the potential need to consolidate Australian Museum Foundation within the Australian Museum Trust's financial statements.

· Changes to legislation

Management did not formalise the process for assessing the impact of *Government Sector Finance Act 2018* (GSF Act).

Prior year Management Letter and Engagement Closing Report issues

A new process for additions to collection assets was established in 2020–21. However, the staff member responsible for the new process had left the organisation and there was uncertainty on whether the change was implemented.

Status of known accounting issues

Management did not consider the financial implications of the Collection Enhancement Project and it is unclear whether all project functions meet the definition of a capital asset, creating a risk of material overstatement of intangible assets.

Destination NSW 2021

Inter and intra (cluster) agency transactions and balances Management did not update financial statements at 31 March 2021 to reflect latest Administrative Arrangements Order 2021 as these were effective 29 March 2021.

· New and updated accounting standard

Management did not formalise the assessment of accounting standards issued but not yet effective in time for early close. The assessment of AASB 1059 'Service Concession Arrangements: Grantors' when completed, resulted in no impact to Destination NSW.

Greater Sydney Commission

Inter and intra (cluster) agency transactions and balances Management did not reflect Administrative Changes - Transfer of Staff to Western City and Aerotropolis Authority Staff Agency that commenced on 16 October 2020. The budget transfers were not confirmed by 31 March 2021.

Cluster agencies

Description of incomplete early close procedures

Infrastructure NSW

- Fair value assessment of property, plant and equipment
 Management did not finalise an annual assessment of fair value of
 property, plant and equipment by the due date.
- Significant management judgements and assumptions
 Management did not provide documentation by the due date to support significant judgements and assumptions used in the fair value assessment of property, plant and equipment, valuation of inventories and assets held for sale and discount rates and cash flows used in the receivable calculation for finance lease assets.
- Finalise right-of-use assets and lease liability balances
 Management did not review the lease calculation and assumptions used by Property NSW who manage Infrastructure NSW's lease by the due date.

New South Wales Electoral Commission

Changes to legislation

Changes to delegations for expenditure powers were not finalised by the due date.

Delegations

The Commission's Delegation Manual did not meet the requirements of the *Government Sector Finance Act 2018*.

Trustees of the Museum of Applied Arts and Sciences

Fair value assessment of property, plant and equipment
 Management did not perform an annual fair value assessment of
 collection assets and were granted an exemption on 3 March 2021
 by NSW Treasury.

Western Parkland City Authority

- Significant management judgements and assumptions
 Capitalisation Policy to support the judgements and assumptions applied when capitalising expenditure had not been formally approved by the Board.
- Prior year Management Letter and Engagement Closing Report issues

Management did not provide sufficient audit evidence for capitalising employee costs.

Source: Reports on early close procedures 2021 issued by the Audit Office of New South Wales.

The review of agencies' early close procedures found more work needs to be done to:

- appropriately document or perform a significant judgements and assumptions assessment
- perform and or document their assessment fair value assessment of property, plant and equipment
- finalise right of use assets/liabilities or perform an impairment assessment of right of use assets
- appropriately assess the impact of implementing new accounting standards.

Year-end financial reporting

NSW Treasury extended financial reporting deadlines

Due to the COVID-19 pandemic, NSW Treasury extended the year-end financial reporting deadline for agencies listed in Appendix A of Treasury Direction TD21-02 'Mandatory Annual Returns to Treasury' (TD21-02) to 2 August 2021.

During May and June 2021, NSW Treasury issued a suite of Treasurer's Directions, Treasury Circular and policy papers for 2020–21 financial reporting requirements and timetables:

- Treasurer's Direction TD21-02 and Treasury Policy Paper TPP21-04 'Agency Direction for the 2020–21 Mandatory Annual Returns to Treasury' require agencies listed in the Appendix A of TD21-02 to submit their 2020–21 financial statements to both NSW Treasury and the Audit Office by 26 July 2021.
- Treasury Circular TC21-04 '2020–21 Mandatory Annual Returns to Treasury for non-GSF agencies' requires NSW public sector agencies not listed in Appendix A of TD21-02 to submit their draft 2020–21 financial statements to NSW Treasury by 26 July 2021.
- Treasurer's Direction TD21-03 'Submission of Annual GSF Financial Statements to the Auditor-General' requires reporting GSF agencies that are not listed in Appendix A of TD21-02 to submit their annual financial statements within six weeks after the year end.

The following agencies obtained NSW Treasury's approval to further delay submission of their 30 June 2021 financial statements:

Cluster agencies	Revised deadline	Reason
Investment NSW	13 August 2021	Extension granted as newly created entity.
Jobs for NSW Fund	13 August 2021	Extension granted as affiliated with newly created entity.

Financial statements were submitted on time for all cluster agencies

Cluster agencies met the revised or approved reporting deadlines for submitting their 2020–21 financial statements.

On 1 July 2021, the *Public Finance and Audit Act 1983* (PF&A Act) was renamed the *Government Sector Audit Act 1983* (GSA Act). Whilst the PF&A Act required the Auditor-General to audit agencies' financial statements within ten weeks of their receipt, the GSA Act does not specify the statutory deadline for issuing the audit reports.

The table in Appendix three shows the timeliness of the year-end financial reporting for cluster agencies.

2.4 Key accounting issues

Financial sustainability

Two agencies received letters of financial support

The COVID-19 pandemic and its consequential impacts has affected the way in which some of the cluster agencies operate. The New South Wales Electoral Commission (the Commission) and Sydney Opera House Trust obtained letters of financial support from their relevant Minister and/ or NSW Treasury.

The Commission was impacted by the postponement of the local government elections to 4 December 2021. This deferral impacted the Commission's operations due to increased planned expenditure to support a COVID-safe election. The Sydney Opera House Trust's ability to generate revenue was impacted due to the closure of the Concert Hall, partly due to COVID-19 and planned renovations.

While not requiring a letter of financial support, Greater Sydney Commission continued to report negative equity of \$2.7 million in 2020–21 (\$1.6 million in 2019–20). The negative equity is primarily due to timing differences, as accrued expenditure in 2016–17 was not funded by grant revenue from DPC. Future financial support of \$25.5 million is provided to Greater Sydney Commission in the 2021–22 NSW Budget Papers.

Prior period errors corrected retrospectively

The Library Council of New South Wales and Infrastructure NSW corrected prior period errors

The Library Council of New South Wales (the Council) and Infrastructure NSW reported the retrospective correction of prior period errors.

In 2017, the Council split its collection assets into six asset classes, but not the related asset revaluation reserves. Until 2020–21, revaluation adjustments were made against the total collection asset reserve balance. When the reserves were split into classes, it was identified that two of the asset class reserves did not have sufficient surplus to offset the revaluation decrements posted since 2017. This resulted in a \$325 million prior period error.

Infrastructure NSW omitted the value of land under roads of \$15.0 million from their 2019–20 financial statements. This was self-identified and corrected in 2020–21 before financial statements were submitted for audit.

Both agencies corrected the misstatements retrospectively in accordance with AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors'.

2.5 Key financial statement risks

The table below details our specific audit coverage and response over key areas of financial statements risks that had the potential to impact the financial statements of cluster agencies.

Department of Premier and Cabinet

The Department of Premier and Cabinet (DPC) leads the NSW public sector to deliver on the NSW Government's commitments and priorities. DPC supports the NSW Premier and Ministers by coordinating the initiatives of Ministers and their agencies, managing the passage of government legislation, supporting the delivery of major projects and planning significant state events.

Grants and subsidies expenditure

Key financial statement risk

Grants and subsidies expenses for the year was \$2.1 billion (\$1.3 billion in 2019–20). Our audit risk rating is **higher** because:

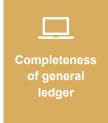
- the grants and subsidies are financially significant
- the grants program has a diverse number of recipients including NSW Government agencies, NSW local councils and non-government organisations.

Audit response

Our audit procedures tested for accuracy, validity, compliance with conditions and presentation and disclosure against the requirements of the Australian Accounting Standards and NSW Treasurer's Directions.

Investment NSW

Investment NSW is a new central agency created on 29 March 2021 by bringing together all of the NSW Government's economic development and attraction activities into the one place, allowing the entity to leverage the state's successful COVID-19 response to drive local and international investment and create jobs for NSW.



Key financial statement risk

Investment NSW was created on 29 March 2021 by transferring functions and activities from the Department of Education, NSW Treasury, DPC, DPIE and the persons employed in Destination NSW staff agency. The transferred functions and activities continued to operate within each 'transferor' agency's financial environment through to 30 June 2021. The entity is still transitioning to a mature stand-alone entity.

Our audit risk rating is **higher** because Investment NSW relied on financial records and information provided by the respective transferor entities.

Audit response

Our audit procedures reviewed management processes to help ensure transactions are complete and accurate including confirming balances with respective transferor entities.

Infrastructure NSW

Infrastructure New South Wales (INSW) provides independent advice to help the government identify, prioritise project delivery, and place management of critical public infrastructure across NSW.

Key infrastructure projects

Key financial statement risk

Key large infrastructure projects for INSW include the development of Barangaroo precinct, Sydney Football Stadium and the redevelopment of Sydney Fish Market.

Our audit risk rating is **higher** because the projects:

- are financially significant to INSW
- require strong project governance and carry high reputational risk for INSW and the state
- involve significant judgements and assumptions in their costing and lease accounting.

Audit response

Our audit procedures included meeting the project team to understand the project and financial implications, reviewing external accounting advice, testing costs capitalised during the year on projects and assessing the methodology and assumptions used in the valuation including ensuring disclosures are in accordance with the Australian Accounting Standards.

South Barangaroo

During 2020–21, INSW had a substantial lease modification in respect of the South Barangaroo finance lease. The modification had an impact of \$59.0 million which was recognised in the income statement. Our audit risk is higher because the accounting treatment for the lease modification was complex due to the significant underlying assumptions in the model.

Our audit procedures included assessing the accounting treatment of the lease modification, testing the assumptions, and reviewing the expert's advice on the matter.

Art Gallery of New South Wales Trust

The Art Gallery of NSW Trust (the Trust) is one of Australia's flagship art museums and the state's leading visual arts institution. The Art Gallery serves as a centre of excellence for the collection, preservation, documentation, interpretation and display of Australian and international art, and a forum of scholarship, art education and the exchange of ideas.



Key financial statement risk

The Sydney Modern Project is the Trust's \$344 million expansion project which expects to complete in 2022. Our audit risk rating is **higher** because:

- the financial and operational risks of this project are significant
- the funding is sourced from the NSW Government and philanthropic support. Fundraising is expected to exceed \$100 million.

Audit response

Our audit procedures included reviewing significant contracts related to the project, assessing accounting of project costs and funding, reviewing costs incurred and capitalised in the current year and ensuring the adequacy of financial statement disclosures are in accordance with the Australian Accounting Standards.



Valuation of property, plant and equipment

Key financial statement risk

The Trust's property, plant and equipment assets consist of land, buildings, plant and equipment and collection assets totalling \$2.2 billion. In 2020–21, the Trust conducted a comprehensive revaluation of its land (\$27.1 million) using an independent external valuer. Our audit risk rating is **higher** because:

- the assets are financially significant to the Trust
- significant management judgements underpinning key assumptions are involved often requiring the assistance of qualified external valuers for revaluation and specialists for fair value assessments.

Audit response

Our audit procedures included testing the completeness and accuracy of the asset register, assessing the competence and objectivity of management's valuation experts, reviewing the appropriateness of the valuation methodologies, key assumptions and judgements applied, and reviewing the disclosures on the fair value of the property, plant and equipment assets in the financial statements in accordance with Australian Accounting Standards.

Sydney Opera House Trust

Sydney Opera House operates as one of the State's cultural institutions within the Arts portfolio. It provides a broad range of cultural, tourism, community and commercial experiences to people from Sydney, NSW Australia and around the world.

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Fair value assessment of property, plant and equipment

Key financial statement risk

Sydney Opera House recorded \$2.9 billion in property, plant and equipment at fair value representing approximately 97 per cent of its non-current physical asset base.

Our audit risk rating is higher because:

- the assets are financially significant to the Sydney Opera House
- the valuation of non-current physical assets is highly complex, involves management judgement, relies on a valuation expert and various assumptions underpin the methodology to determine fair value
- there is a risk that the carrying values of assets may not reflect fair value as required by Australian Accounting Standards.

Audit response

Our audit procedures included testing the completeness and accuracy of the asset register, assessing the competence and objectivity of management's valuation experts, reviewing the appropriateness of the valuation methodologies, key assumptions and judgements applied, and reviewing the disclosures on the fair value of the property, plant and equipment assets in the financial statements in accordance with Australian Accounting Standards.

For assets not subject to a comprehensive revaluation, management's annual fair value assessment was reviewed.



Key financial statement risk

Sydney Opera House's capital and maintenance program is significant, with a forecast spend of approximately \$113.7 million in 2020–21. Of note is the ongoing Concert Hall redevelopment which commenced in February 2020. The reopening of the hall is expected in early 2022.

Our audit risk rating is higher because:

- the capital and maintenance program are significant
- capital works programs create heighted financial reporting risks such as not correctly classifying costs between capital and expenses, not recognising completed assets timely and not recognising any obligations arising from contractual disputes.

Audit response

Our audit procedures included assessing whether the capital expenditure was valid, how costs were classified between expenses and assets, recording of costs into separate identifiable assets in the asset register, timeliness of asset additions to the asset register, ensuring replaced assets were removed from the asset register, the process for capitalising work in progress and ensuring financial statements included all relevant disclosures in accordance with the Australian Accounting Standards.

Resilience NSW

Resilience NSW leads government disaster and emergency efforts from prevention to recovery by ensuring communities devastated by drought, bushfires, floods and COVID-19 get the help they need to rebuild and recover.



Key financial statement risk

Resilience NSW reimburses several NSW Government agencies for incurring eligible natural disaster expenditure. Grants and subsidies expenditure for 2020–21 was \$525.5 million. Our audit risk rating is higher because:

- the grants and subsidies are financially significant
- the extent of the 2019–20 Australian Bushfire Emergency means the volume of claims across the state will continue to be significantly higher than normal
- natural disaster payments have a diverse number of recipients.

Audit response

Our audit procedures included testing a sample of transactions to ensure they were approved per delegation and ensuring the financial statements included the required disclosures in accordance with the Australian Accounting Standards.

3. Audit observations

Appropriate financial controls help ensure the efficient and effective use of resources and administration of agency policies. They are essential for quality and timely decision making.

This chapter outlines our observations and insights from our financial statement audits of agencies in the Premier and Cabinet cluster.

Section highlights

- The 2020–21 audits identified 47 moderate risk issues across the cluster. Sixteen
 of the moderate risk issues were repeat issues. Many repeat issues related to
 governance and oversight and information technology.
- The number of moderate risk findings increased by 42 per cent in 2020–21.
- The moderate risk issues included information technology improvements, lack of service level agreements, risk management, contract and procurement and asset management improvements.

Findings reported to management

Thirty-two per cent of all issues were repeat issues

Breakdowns and weaknesses in internal controls increase the risk of fraud and error. Deficiencies in internal controls, matters of governance interest and unresolved issues were reported to management and those charged with governance of agencies. The Audit Office does this through management letters, which include observations, related implications, recommendations and risk ratings.

In 2020–21, there were 75 findings raised across the cluster (75 in 2019–20). Thirty-two per cent of all issues were repeat issues (29 per cent in 2019–20).

The most common repeat issues related to weaknesses in governance and oversight, excessive annual leave and information technology.

A delay in implementing audit recommendations increases the risk of intentional and accidental errors in processing information, producing management reports and generating financial statements. This can impair decision making, affect service delivery and expose agencies to fraud, financial loss and reputational damage. Poor controls may also mean agency staff are less likely to follow internal policies, inadvertently causing the agency not to comply with legislation, regulation and central agency policies.

The table below describes the common issues identified across the cluster by category and risk rating.

Risk rating

Issue

Information technology



Moderate: 8 new, 5 repeat



Low: 4 new, 2 repeat

The financial audits identified the need for agencies to improve information technology processes and controls that support the integrity of financial data used to prepare agencies' financial statements. Issues noted include:

- lack of formally defined Information technology governance policy and disaster recovery plan
- inefficient super user access and activity monitoring, including no privileged user access activity reviews of network, Sun, IPOS, Micropay and Aurion applications, and relevant Databases and Database Operating Systems
- inadequate reporting of emerging Information technology risks and issues to senior management.

Internal control deficiencies or improvements



Moderate: 9 new, 2 repeat

The financial audits identified internal control weaknesses across key business processes, including:



Low: 5 new, 2 repeat

- purchase orders approved after invoice date or goods and services received
- delegation limits in SAP do not reflect the limits in the approved 'Instrument of Delegation'
- · lack of formal review of changes made to the payroll and vendor's master
- outdated bank signatories for Westpac and ANZ bank accounts.

Financial reporting



Moderate: 12 new, 3 repeat



Low: 3 new, 2 repeat

The financial audits identified the need for agencies to strengthen financial reporting, including:

- robust fair value assessment for infrastructure, property, plant and equipment assets
- · insufficient guidance for the capitalisation of expenditure
- no formal documentation to support assessment of revenue recognition for AASB 15 or AASB 1059.

Governance and oversight



Moderate: 6 new, 6 repeat

The financial audits identified the need for agencies to improve governance and oversight processes, including:



Low: 4 new, 2 repeat

- · lack of service level agreement for service received from other agencies
- · outdated procurement policy
- lack of a collection assets policy
- · lack of purchase cards policy.



Moderate risk from the consequence and/or likelihood of an event that has had, or may have a negative impact on the entity.



Low risk from the consequence and/or likelihood of an event that has had, or may have a negative impact on the entity.

Note: Management letter findings are based either on final management letters issued to agencies, or draft letters where findings have been agreed with management.

The number of moderate risk findings increased from prior year

Forty-seven moderate risk findings were reported in 2020–21, representing a 42 per cent increase from 2019–20. Of these, 16 were repeat findings, and 31 were new issues.

Moderate risk findings related to:

- incomplete risk registers
- inadequate reporting of information technology risks to senior management
- lack of formalised information technology policies and procedures
- lack of privileged user activity reviews
- lack of service level agreements
- purchase orders being approved after receiving invoices
- system delegations not reflecting the limits outlined in the instrument of delegation resulting in personnel approving expenditure outside of their limit
- lack of a robust fair value assessment for assets
- fully amortised and or depreciated assets still in use
- · lack of periodic review of master files
- no encryption over payment files.

Matters of non-compliance Jobs for NSW Fund (Jobs Fund)

The Jobs Fund did not fully comply with the *Government Sector Finance Act 2018* and *Jobs for NSW Act 2015*

The Jobs for NSW Fund (Jobs Fund) was established as a Special Deposits Account under the *Jobs for NSW Act 2015* (the Act). The Jobs Fund, was previously administered by NSW Treasury during 2019–20. On 29 March 2021, the Administrative Arrangements (Administrative Changes – Miscellaneous) Order 2021, transferred the Jobs Fund to the Premier and Cabinet cluster.

The 2019–20 audit process was delayed due to the quality and timeliness of the financial reporting process. An unmodified audit opinion was issued on 18 August 2021. The following matters of non-compliance were noted during the 2019–20 audit process:

- section 5(2) of the Act requires the board to consist of seven members, the board consisted of only two members
- 5 payments from the Jobs Fund were authorised by an officer without the appropriate delegation from the Minister.

The 2020–21 Jobs Fund audit is ongoing, with draft financial statements provided on the 25 October 2021.

Machinery of Government changes - audit observations

Investment NSW arrangements not supported by service level agreements

The Premier and Cabinet cluster was subject to Machinery of Government (MoG) changes during 2020–21. These changes had an administrative impact on the cluster agencies. The changes resulted in transfer of activities and functions in and out of the cluster and the creation of a new entity (Investment NSW).

A number of activities and functions were transferred on 29 March 2021 from NSW Treasury, Department of Premier and Cabinet (DPC), Department of Planning, Industry and Environment (DPIE) and Department of Education to Investment NSW. On 29 March 2021, the Secretary of DPC confirmed in writing that DPC, DPIE and Treasury would initially provide corporate services to their former staff when they transferred into Investment NSW (and other impacted entities), and that an agreement would be developed by 30 June 2021 to formalise the arrangements. There were no formal service level agreements to 30 June 2021, which increased the risk of unclear responsibilities and accountabilities for deliverables.

As at the date of this report, a Memorandum of Understanding is in place from 1 July 2021 with DPC which in time will be the only agency that continues to provide services to Investment NSW. We understand the other transferor entities continue to provide services to Investment NSW subsequent to 30 June 2021.

Recommendation

Investment NSW should ensure services received from other agencies are governed by service level agreements.

Purchase and recognition of land

Aerotropolis Core Project - Western Parkland City Authority

On 6 September 2021 (after the 30 June 2021 balance date), Western Parkland City Authority (the Authority) purchased 114.9 hectares of land located at Bringelly from the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications for \$293 million. A portion of the land may require remediation from contamination.

The Authority plans to perform a comprehensive revaluation of this parcel of land during the 2021–22 financial year. In addition, the Authority plans to determine and quantify the cost of any remediation of contaminated land. These matters will be an area of audit focus in 2021–22.

Section two

Appendices

Appendix one – Misstatements in financial statements submitted for audit

2020–21	2019–20

	Uncorrected	Corrected	Total	Uncorrected	Corrected	Total
Department of Premier and Cabinet - cluster lead	3	3	7		4	4
Art Gallery of New South Wales Foundation					1	1
Art Gallery of New South Wales Trust		1	1		2	2
Australian Museum Trust				2		2
Corporation Sole 'Minister Administering the <i>Heritage Act 1977</i> '				1		1
Destination NSW 2021		1	1	3		3
Greater Sydney Commission	2	2	4		2	2
Independent Commission Against Corruption	1	2	3	2	7	9
Infrastructure NSW		1	1		2	2
Investment NSW	2	7	9			
Jobs for NSW Fund				1	9	10
Library Council of New South Wales		1	1			
National Art School				2		2
New South Wales Electoral Commission	2	2	4	1	3	4
Ombudsman's Office		3	3		1	1
Public Service Commission		1	1		1	1
Resilience NSW		1	1	1		1
State Archives and Records Authority of New South Wales		1	1		1	1
Western Parkland City Authority		2	2		3	3
Total misstatements	10	28	38	13	36	49

Source: Engagement Closing Reports issued to cluster agencies.

Appendix two – Early close procedures

No.	Procedure	Description
1	Proforma financial statements	Complete proforma financial statements and ensure management has endorsed the statements and reviewed the supporting working papers. Reconcile the March 2021 month-end Prime submission to the proforma financial statements and provide explanations for variances exceeding \$5.0 million.
2	Fair value assessment of property, plant and equipment	Perform and document an annual assessment of the fair value of property, plant and equipment (PPE), their useful lives and residual values., and the reasons why the carrying value was not materially different to the fair value. This assessment is performed between comprehensive revaluations.
3	Revaluation of property, plant and equipment	Complete the comprehensive revaluation of property, plant and equipment (PPE) by early close.
4	Inter and intra (cluster) agency transactions and balances	Agree and confirm all inter and intra (cluster) agency balances and transactions with the counterparty agency.
5	Significant management judgements and assumptions	Document all significant management judgements and assumptions made when estimating transactions and balances.
6	Reconciliation of key account balances	Reconcile all key account balances (including annual leave provisions) and clear reconciling items.
7	Changes in accounting policy	Review and agree changes in accounting policy with the Principal Cluster Agency.
8	Finalise right-of-use assets and lease liability balances	Ensure that all lease arrangements are accurate and complete.
9	Finalise assessment of all revenue contracts	Ensure revenue is accurate and complete and has been correctly accounted for under AASB 15 'Revenue from Contracts with Customers' or AASB 1058 'Income of Not-for-Profit Entities'.
10	Correction of material prior period errors	Confirm there are no changes to the 2019–20 closing balances except for adjustments for AASB 1059 'Service Concession Arrangements: Grantor' and TPP06-08 'Accounting for Privately Financed Projects'. Proposed changes are accompanied by journals, explanations and proposed disclosures.
11	Monthly management reports	Perform variance analysis with meaningful explanations for actuals versus budget, and year-to-date actuals for the previous year.
12	Changes to legislation	Identify and document changes to legislation affecting agency structures and/or financial reporting requirements.
13	Delegations	Ensure all material transactions are supported by appropriate delegations.
14	Prior year Management Letter and Engagement Closing Report issues	Agreed action plans are in place to address prior year Management Letter and Engagement Closing Report issues. Explanations are provided for any unresolved issues(s).

No.	Procedure	Description
15	Complete Commonwealth Funding Agreement – Revenue Assessment Form for Commonwealth Funding Agreements	Complete and return the 'Commonwealth Funding Agreement – Revenue Assessment Form for Commonwealth Funding Agreements' for all new and amended Commonwealth Funding Agreements entered or amended during the 2020–21 financial year.
16	New and updated accounting standards	Supporting workpapers evidencing how management has considered the requirements of new and updated accounting standards.

Appendix three – Timeliness of financial reporting

Cluster agencies	Financial statements submission	Date audit report was issued		
Department of Premier and Cabinet - cluster lead	©	22 October 2021		
Art Gallery of New South Wales Foundation		20 October 2021		
Art Gallery of New South Wales Trust	lacksquare	20 October 2021		
Australian Museum Trust	igoremsize	15 October 2021		
Corporation Sole 'Minister Administering the Heritage Act 1977'	②	*		
Destination NSW		27 October 2021		
Foundation for the Historic Houses Trust of New South Wales	②	21 October 2021		
Foundation for the Historic Houses Trust of New South Wales Limited	•	21 October 2021		
Greater Sydney Commission		25 October 2021		
Historic Houses Trust of New South Wales		21 October 2021		
Independent Commission Against Corruption		14 September 2021		
Infrastructure NSW		15 October 2021		
Investment NSW**		26 November 2021		
Jobs for NSW Fund**		*		
Law Enforcement Conduct Commission		1 October 2021		
Library Council of New South Wales		20 October 2021		
Library Council of New South Wales (Staff Agency)		20 October 2021		
National Art School	٨	٨		
New South Wales Electoral Commission	$igoreal{igoreal}$	21 October 2021		
Ombudsman's Office	lacktriangle	28 September 2021		
Parliamentary Counsel's Office		19 October 2021		
Public Service Commission		18 October 2021		
Resilience NSW		22 October 2021		
State Archives and Records Authority of New South Wales	②	22 October 2021		
State Library of New South Wales Foundation		20 October 2021		
Sydney Opera House Trust		28 September 2021		

Cluster agencies	Financial statements submission	Date audit report was issued
The Australian Institute of Asian Culture and Visual Arts Limited (VisAsia)	Ø	18 October 2021
The Brett Whiteley Foundation	$igoreal{igoreal}$	20 October 2021
Trustees of the Museum of Applied Arts and Sciences		12 October 2021
Western Parkland City Authority		8 October 2021

V.4	

Original reporting deadline, including Treasury's revised reporting deadline was met.



Treasury's approved extension timeframe was met.



Treasury's reporting deadline was not met.

Notes:

- ^ Agency has a 31 December year end.
- * Audit of this agency is still ongoing.
- ** Extension granted for submission of financial statements.

Appendix four – Financial data

	Total assets		Total liabilities		Total revenue*		Total expense**	
	2021 \$m	2020 \$m	2021 \$m	2020 \$m	2021 \$m	2020 \$m	2021 \$m	2020 \$m
Premier and Cabinet clu	uster							
Department of Premier and Cabinet - cluster lead	1,374	1,195	335	393	2,620	1,894	2,459	1,670
Art Gallery of New South Wales Foundation	68	61			10	2	3	7
Art Gallery of New South Wales Trust	2,414	2,243	31	16	209	143	54	63
Australian Museum Trust	1,116	1,095	12	32	71	78	55	44
Corporation Sole 'Minister Administering the <i>Heritage Act</i> 1977'^^	15	21	2	1	2	2	10	3
Destination NSW	28	24	27	31	198	137	190	132
Foundation for the Historic Houses Trust of New South Wales	2	3						
Foundation for the Historic Houses Trust of New South Wales Limited								
Greater Sydney Commission***	3	3	5	5	21	38	22	37
Historic Houses Trust of New South Wales	355	324	7	7	32	35	28	28
Independent Commission Against Corruption	17	18	16	17	29	28	29	28
Infrastructure NSW***	2,113	1,721	1,244	1,248	756	482	326	300
Investment NSW	91	, 	78		63		57	
Jobs for NSW Fund^^	70	79	5	27	21	57	8	16
Law Enforcement Conduct Commission***	12	14	10	11	22	24	22	24
Library Council of New South Wales	1955	2,003	12	12	110	104	96	98

	Total assets		Total liabilities		Total revenue*		Total expense**	
	2021	2020	2021	2020	2021	2020	2021	2020
	\$m	\$m	\$m	\$m	\$m	\$m	\$m	\$m
Library Council of New South Wales (Staff Agency)	6	6	6	6	37	38	37	38
National Art School [^]	26	25	21	19	16	13	16	15
New South Wales Electoral				-				
Commission***	69	64	49	50	87	92	82	92
Ombudsman's Office	13	17	13	16	26	26	27	27
Parliamentary Counsel's Office	4	10	4	10	12	11	11	13
Public Service Commission	12	13	8	10	40	44	39	43
Resilience NSW	492	352	323	244	637	518	576	451
State Archives and Records Authority of New South Wales	1135	1,117	11	14	50	53	32	33
State Library of New South Wales Foundation	20	21			4	5	5	3
Sydney Opera House Trust***	3041	2,922	56	44	231	174	120	141
The Australian Institute of Asian Culture and Visual Arts Limited (VisAsia)	2	1						
The Brett Whiteley Foundation	7	5			2	1		
Trustees of the Museum of Applied Arts and Sciences***	543	768	9	7	63	61	63	56
Western Parkland City Authority	47	7	4	5	93	22	53	19

^{*} Include other gains.

Source: Agencies audited 2020–21 financial statements.

^{**} Include other losses.

Only the parent entity is included. The associated staff agency was exempt from the preparation of financial statements in FY2020–21.

[^] Agency has a 31 December year-end. Financial data presented are for financial years ended 31 December 2019 and 31 December 2020.

^{^^} Financial statements unaudited as at the date of the report.

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