

Audit Amendment Act 1979

No. 8 of 1979

An Act to amend the *Audit Act* 1901.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,
&c.

1. (1) This Act may be cited as the *Audit Amendment Act* 1979.¹
- (2) The *Audit Act* 1901² is in this Act referred to as the Principal Act.

Commence-
ment

2. (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.¹
- (2) Sections 18, 19, 28, 39 and 51 and sub-sections 24 (2), (3) and (4) shall come into operation on such date as is, or such respective dates as are, fixed by Proclamation.
- (3) Sub-section 36 (2) and sections 37 and 57 shall come into operation on a date to be fixed by Proclamation.
- (4) Sub-section 4 (1) shall be deemed to have come into operation on 1 July 1978.
- (5) The amendment of section 36A of the Principal Act specified in the Schedule shall be deemed to have come into operation on 1 July 1978.

Interpret-
ation

3. Section 2 of the Principal Act is amended—
 - (a) by inserting after the definition of “accounting officer” the following definition:

“ ‘Auditor-General’s Office’ means the branch of the Australian Public Service under the direct control of the Auditor-General;”;
 - (b) by omitting the definitions of “Department” and “public moneys” and substituting the following definitions:

“ ‘Department’ means—
 - (a) a Department of State; or
 - (b) a Department of the Parliament,and includes a prescribed authority;

‘enactment’ means—
 - (a) an Act;
 - (b) an Ordinance of the Australian Capital Territory;or

- (c) an instrument (including rules, regulations or by-laws) made under an Act or under such an Ordinance;

‘information storage device’ means—

- (a) a computer;
- (b) papers or other materials on which there are marks, symbols, perforations or other indicators having a meaning for persons qualified to interpret them;
- (c) a disc, tape or other device on which information may be stored; or
- (d) a device, whether electronic or otherwise, capable of storing information;

‘officer’ means—

- (a) a person who is employed by the Commonwealth;
- (b) a person who—
 - (i) constitutes, or is acting as a person constituting, a prescribed authority;
 - (ii) is, or is acting as, a member of a prescribed authority or is a deputy of such a member; or
 - (iii) is employed by a prescribed authority;
- (c) a member of the Defence Force;
- (d) a Commonwealth Police Officer;
- (e) a member of the Police Force of the Australian Capital Territory; or
- (f) a person employed by the Commonwealth (other than a person referred to in a preceding paragraph of this definition) who is included in a class of persons employed by the Commonwealth declared by the regulations to be a class of persons to whom this paragraph applies;

‘Ordinance’, in relation to the Australian Capital Territory, includes a law of a State that applies, or the provisions of a law of a State that apply, in the Territory by virtue of an enactment;

‘prescribed authority’ means a body corporate, or an unincorporated body, established for a public purpose by or under an enactment, being a body—

- (a) that is declared by the regulations to be a prescribed authority for the purposes of this Act; or

- (b) that is included in a class of bodies so established declared by the regulations to be a class of prescribed authorities for the purposes of this Act; ‘public moneys’ means revenue, loan, trust and other moneys received or held by any person for or on behalf of the Commonwealth or a prescribed authority, and includes all moneys forming part of the Consolidated Revenue Fund, the Loan Fund or the Trust Fund;”;
- (c) by adding “or a prescribed authority” at the end of the definition of “stores”;
- (d) by omitting the definition of “the Commonwealth Public Account”; and
- (e) by adding at the end thereof the following sub-sections:
- “(2) A reference in this Act to an Appropriation Act for a financial year shall be read as a reference to an Act (whether cited as an Appropriation Act or otherwise) for the appropriation of moneys out of the Consolidated Revenue Fund for the service of that financial year or for specified expenditure in respect of that financial year.
- “(3) For the purposes of this Act, where a person collects, receives or holds a cheque or other instrument ordering or authorizing the payment of moneys, being an instrument of a kind that may be lodged with a bank for the purpose of enabling the bank to collect the moneys so payable and credit those moneys to an account with the bank, the person—
- (a) shall be deemed to have collected or received, or to hold, as the case may be, an amount of moneys equal to the sum so payable; and
- (b) if the moneys so payable would, if they had been collected, received or held by him as moneys, be public moneys, shall be deemed to have collected or received, or to hold, as the case may be, an amount of public moneys equal to the sum so payable.
- “(4) In this Act, unless the contrary intention appears, a reference to an efficiency audit of operations of a body or person shall be read as a reference to—
- (a) an examination of the functions performed by, and the operations carried on by, the body or person for the purpose of forming an opinion concerning the extent to which those operations are being carried on in an economical and efficient manner; and
- (b) an examination of the procedures that are followed by the body or person for reviewing operations carried on by the body or person, and an evaluation of the adequacy of those procedures to enable the body or person

to assess the extent to which those operations are being carried on in an economical and efficient manner.

“(5) In sub-section (4), a reference to a body shall be read as including a reference to a Department of State and a Department of the Parliament.

“(6) For the purposes of this Act—

- (a) a provision of this Act authorizing the Auditor-General or another person to have free access to, or to search, accounts or records shall be taken to authorize the Auditor-General or other person, in a case where accounts or records are kept by means of an information storage device, to have free access to, or to search, as the case may be, the information contained in the accounts or records, or in such extracts from the accounts or records as the Auditor-General or other person requests—
 - (i) in a form directed by the Auditor-General or other person; or
 - (ii) if the Auditor-General or other person has not given a direction for the purposes of sub-paragraph (i)—in a form that can be understood by sight;
- (b) a person who is entitled, by or under this Act, to take a copy of, or extracts from, accounts or records is entitled, in a case where accounts or records are kept by means of an information storage device, to take a copy of, or extract from, the information contained in the accounts or records—
 - (i) in a form directed by the person; or
 - (ii) if the person has not given a direction for the purposes of sub-paragraph (i)—in a form that can be understood by sight;
- (c) a requirement under this Act to produce accounts or records to the Auditor-General or to another person shall be taken to include a requirement to produce, in a case where the accounts or records are kept by means of an information storage device, the information contained in the accounts or records, or in such extracts from the accounts or records as the Auditor-General or other person requests—
 - (i) in a form directed by the Auditor-General or other person; or
 - (ii) if the Auditor-General or other person has not given a direction for the purposes of sub-paragraph (i)—in a form that can be understood by sight; and

- (d) a provision of this Act authorizing or requiring the Auditor-General to inspect, examine or audit accounts or records shall, in a case where the accounts or records are kept by means of an information storage device, be taken to include a requirement authorizing or requiring the Auditor-General to be provided with the information contained in the accounts or records, or in such extracts from the accounts or records as the Auditor-General requests—
- (i) in a form directed by the Auditor-General; or
 - (ii) if the Auditor-General has not given a direction for the purposes of sub-paragraph (i)—in a form that can be understood by sight.

“(7) Without limiting the powers of the Auditor-General, or of a person authorized by the Auditor-General, under any other provision of this Act, where the Auditor-General, or a person authorized by the Auditor-General, is entitled, under another provision of this Act, to inspect, examine or audit any accounts or records and those accounts or records are kept by means of an information storage device, the Auditor-General or person so authorized is entitled to be provided with such reasonable facilities for access to that information storage device as he deems necessary for the performance of his functions under this Act.”.

Application
of Act

4. (1) Section 2A of the Principal Act is amended—
- (a) by inserting in sub-section (1) “the Northern Territory or” before “an external Territory”; and
 - (b) by omitting from sub-section (1) “any such Territory” and substituting “the Northern Territory or an external Territory”.

(2) Section 2A of the Principal Act is further amended by omitting sub-section (2) and substituting the following sub-section:

“(2) Subject to any modifications and exceptions specified in regulations made in pursuance of section 63 or 63A, this Act applies outside Australia and the Territories to and in relation to every person who is or has been an officer, whether or not he is an Australian citizen, and the functions, powers, duties and responsibilities conferred or imposed by this Act on the Minister, the Auditor-General and other specified persons and authorities in relation to persons who are or have been officers, and in relation to public moneys and other matters, are exercisable or shall be performed accordingly.”.

5. After section 2A of the Principal Act the following section is inserted in Part I:

Responsi-
bilities of
Permanent
Heads

“2AB. (1) The Permanent Head of a Department is responsible for making appropriate arrangements for implementing the provisions of

this Act, the regulations and any directions given under this Act or under the regulations in relation to the Department.

“(2) In sub-section (1)—

‘Department’ means—

- (a) a Department of State;
- (b) a Department of the Parliament; or
- (c) a branch or part of the Australian Public Service in relation to which a person has, under an Act, the powers of, or exercisable by, the Permanent Head of a Department of the Australian Public Service;

‘Permanent Head’ means—

- (a) in relation to a Department of State or a Department of the Parliament—the person who, under the *Public Service Act 1922*, holds, or is performing the duties of, the office of Permanent Head of that Department; or
- (b) in relation to a branch or part of the Australian Public Service referred to in paragraph (c) of the definition of ‘Department’ in this sub-section—the person who has the powers of, or exercisable by, the Permanent Head of a Department of the Australian Public Service so far as those powers relate to that branch or part of that Service.”.

6. Section 4 of the Principal Act is repealed and the following section substituted:

“4. (1) The Auditor-General shall be paid such remuneration as is determined by the Remuneration Tribunal. Remuneration of Auditor-General

“(2) The Auditor-General shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

“(4) Remuneration and allowances payable to the Auditor-General under this section shall be a charge upon, and paid out of, the Consolidated Revenue Fund, which, to the necessary extent, is hereby appropriated accordingly.”.

7. (1) Section 9A of the Principal Act is amended by omitting the words “of salary provided in section four of this Act as the salary payable to the Auditor-General and an allowance at the rate of the allowance payable to the Auditor-General under that section, and that remuneration and allowance” and substituting the words “at which salary is payable under section 4 to the Auditor-General and of allowances at the respective rates at which allowances are payable under that section to the Auditor-General, and that remuneration”.

Remuneration of Acting Auditor-General

(2) Salary and allowances paid before the commencement of this section to a person acting as the Auditor-General by reference to the respective rates at which salary and allowances were payable to the Auditor-General under the *Remuneration and Allowances Act 1973*, or under a determination in force under the *Remuneration Tribunal Act 1973* or that Act as subsequently amended, shall be deemed to have been lawfully paid.

8. (1) Section 11 of the Principal Act is repealed and the following section substituted:

Auditor-General may appoint persons to inspect and audit accounts, and to carry out efficiency audits

“11. (1) The Auditor-General may, by instrument under his hand—

- (a) appoint a person to inspect, examine and audit any accounts, records or stores which are required by this Act, or by any other Act, to be inspected, examined or audited by the Auditor-General, and to report the results of an inspection, examination or audit carried out by him under the appointment to the Auditor-General; or
- (b) appoint a person to inspect, examine and audit the accounts, records or stores specified in the instrument (being accounts, records or stores that are required by this Act, or by any other Act, to be inspected, examined or audited by the Auditor-General) and to report the results of the inspection, examination or audit to the Auditor-General,

and a person so appointed has, by virtue of his appointment, power to inspect any accounts, records or stores that are required to be so inspected, examined or audited by the Auditor-General or to inspect the accounts, records or stores specified in the instrument, as the case may be.

“(2) The Auditor-General may, by instrument under his hand, appoint a person—

- (a) to carry out any efficiency audits of operations of relevant bodies that the Auditor-General is required by this Act, or by any other Act, to carry out, and to report the results of an efficiency audit carried out under the appointment to the Auditor-General;
- (b) to carry out an efficiency audit of the operations, or specified operations, of a specified relevant body, and to report the results of the audit to the Auditor-General;
- (c) to examine the operations or procedures of any relevant body for the purposes of an efficiency audit of the operations of the body that is being, or is to be, carried out by the Auditor-General, and to report the results of the examination to the Auditor-General; or

- (d) to examine, for the purposes of an efficiency audit of the operations of a specified relevant body that is being, or is to be, carried out by the Auditor-General, specified operations or procedures of the body, and to report the results of the examination to the Auditor-General.

“(3) In sub-section (2), ‘relevant body’ has the same meaning as it has in Division 2 of Part VI.”

(2) A person holding an appointment under section 11 of the Principal Act immediately before the commencement of this section continues to hold that appointment upon the commencement of this section as if it had been made under sub-section 11(1) of the Principal Act as amended by this Act.

9. Section 12 of the Principal Act is repealed and the following section substituted:

“12. (1) The Auditor-General shall draw to the attention of the Minister such matters arising out of the exercise of his powers and the performance of his functions under this Act or the Regulations (other than his powers and functions under Division 2 of Part VI) as are, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

Reports by
Auditor-
General to
Minister

“(2) Where the Auditor-General is of the opinion that a matter arising out of the exercise of his powers or the performance of his functions under Division 2 of Part VI is of sufficient importance to justify his doing so, the Auditor-General shall—

- (a) if the matter arises in connexion with the carrying out of an efficiency audit of operations of a Department of State—
 - (i) draw the matter to the attention of the Prime Minister, the Minister administering this Act and the Public Service Board; and
 - (ii) if neither of those Ministers is the Minister administering that Department of State—also draw the matter to the attention of the Minister administering that Department of State;
- (b) if the matter arises in connexion with the carrying out of an efficiency audit of operations of a Department of the Parliament—draw the matter to the attention of the person who is the relevant person, or the persons who are the relevant persons, in respect of that Department under sub-section (3); or
- (c) if the matter arises in connexion with the carrying out of an efficiency audit of operations of another relevant body—
 - (i) draw the matter to the attention of the Prime Minister, the Minister administering this Act and the Public Service Board; and

- (ii) if neither of those Ministers is the Minister administering the Department of State responsible for dealing with matters that relate to that body—also draw the matter to the attention of the Minister administering that Department of State.

“(3) For the purposes of paragraph (2) (b)—

- (a) in respect of the Department of the Senate—the relevant person is the President of the Senate;
- (b) in respect of the Department of the House of Representatives—the relevant person is the Speaker of the House of Representatives; or
- (c) in respect of the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department—the relevant persons are the President of the Senate and the Speaker of the House of Representatives.

“(4) In paragraph (2) (c)—

- (a) ‘relevant body’ has the same meaning as it has in Division 2 of Part VI; and
- (b) a reference to the Minister administering a Department of State shall be read as including a reference to another Minister acting for and on behalf of the Minister administering the Department of State.”.

Auditor-
General may
call for
persons and
records

10. Section 13 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “accounts books vouchers documents and papers” and substituting “accounts and records”; and
- (b) by omitting from sub-section (2) “book document or record” and substituting “records”.

11. (1) Section 14B of the Principal Act is repealed and the following section substituted;

Auditor-
General to
have access
to accounts
and records

“14B. (1) Without prejudice to the powers conferred by any other provision of this Act, the Auditor-General or an authorized officer is entitled to have full and free access, at all reasonable times, to all accounts and records in the possession of, or under the control of—

- (a) any authority established or appointed under an enactment;
- (b) any officer or employee under the control of any such authority;
or
- (c) any other person,

being accounts or records which deal with, form the basis of, or are relevant directly or indirectly to, the receipt or expenditure of any public moneys, the receipt, custody or disposal of stores or an approval for the expenditure of any such moneys, and may make copies of, or take extracts from, any such accounts or records.

“(2) Such an authority, officer, employee or person shall, upon request at any reasonable time by the Auditor-General or by an authorized officer produce to him all such accounts or records as are specified or described in the request or are relevant to any matter so specified or described.

“(3) In this section, ‘authorized officer’ means an officer authorized by the Auditor-General to act under this section.”.

(2) A person authorized to act under section 14B of the Principal Act immediately before the date of commencement of this section shall be deemed to be authorized, on that date, to act under section 14B of the Principal Act as amended by this Act, but his authorization may be revoked by the Auditor-General.

12. Section 14C of the Principal Act is amended—

Secrecy

- (a) by omitting from sub-section (1) “sections thirteen, fourteen, fourteen A and fourteen B of this Act” and substituting “sections 13, 14, 14A, 14B, 41 and 48E”;
- (b) by omitting from sub-section (2) “section thirteen, fourteen or fourteen B of this Act” and substituting “section 11, 13, 14, 14B, 41 or 48E”;
- (c) by omitting from sub-section (3) “section thirteen, fourteen or fourteen B of this Act” and substituting “section 11, 13, 14, 14B, 41 or 48E”;
- (d) by omitting from sub-section (3) “accounts, books, documents or papers” and substituting “accounts or records”; and
- (e) by omitting from sub-section (4) “section thirteen, fourteen or fourteen B of this Act” and substituting “section 11, 13, 14, 14B, 41 or 48E”.

13. Section 16 of the Principal Act is amended by omitting “books” and substituting “records”.

Persons subject to Act

14. (1) Sections 17, 18 and 19 of the Principal Act are repealed and the following section is substituted:

“18. An overdraft on a public or official account at a bank shall not be arranged without the authority of the Minister.”.

Overdrafts not to be arranged without authority

(2) An overdraft maintained on a public or official account at a bank immediately before the date of commencement of this section shall, on and after that date, be deemed to be an overdraft arranged with the authority of the Minister for Finance under section 18 of the Principal Act as amended by this Act.

15. The heading immediately preceding section 20 of the Principal Act is repealed and the following heading substituted:

Heading to Part IV

“PART IV—COLLECTION OF MONEYS AND SECURITIES”.

Minister may agree with any bank for conducting business

16. (1) Section 20 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(3) An account for the receipt, custody, payment or transmission of public moneys shall not be opened otherwise than in accordance with an agreement under this section.”.

(2) An account maintained with a bank immediately before the commencement of this section for the purposes of a provision of this Act, the regulations or any directions given under this Act or the regulations, being an account that was opened by, or by authority of, the Treasurer or the Minister for Finance, shall, in a case where the account was not opened in accordance with an agreement that was expressed to have been made under section 20 of the *Audit Act* 1901, be deemed, for the purposes of the Principal Act as amended by this Act, to be an account that was opened in accordance with an agreement under that section.

17. (1) Section 21 of the Principal Act is repealed and the following section substituted:

Commonwealth Public Account

“21. (1) The Minister—

- (a) shall, in accordance with section 20, open and maintain, with such banks as he determines, such accounts, each bearing the designation ‘Commonwealth Public Account’, as he deems fit; and
- (b) may, in accordance with section 20, open and maintain, with such banks as he determines, such other accounts, each bearing a designation that includes the words ‘Commonwealth Public Account’ and describes the purpose or purposes of the account, as he deems fit.

“(2) All moneys paid into a bank to the credit of an account maintained in accordance with sub-section (1) shall be deemed to be public moneys and the property of the Commonwealth, and to be moneys lent by the Commonwealth to the bank.

“(3) A reference to the Commonwealth Public Account in this Act, in the regulations or in an instrument (including directions) under this Act or under the regulations is, unless the contrary intention appears, a reference to the accounts for the time being maintained in accordance with sub-section (1).”.

(2) Where an account maintained with a bank immediately before the commencement of this section, bore the designation “Commonwealth Public Account” or a designation that included the words “Commonwealth Public Account” and described the purpose or purposes of the account, the account shall be treated, for the purpose of section 21 of the Principal Act as amended by this Act, as if it had been opened by the

Minister, in accordance with section 20 of the Principal Act as so amended, on the date of commencement of this section.

18. (1) Sections 22 and 23 of the Principal Act are repealed and the following sections substituted:

“22. Except as otherwise provided in this Act, every accounting officer shall, in accordance with directions of the Minister, transmit or pay, daily or at such other intervals as the Minister directs, all public moneys collected or received by him—

Accounting officers to pay money, &c., to Minister or bank, &c.

- (a) to the Minister;
- (b) into the Commonwealth Public Account;
- (c) to such person as the Minister directs; or
- (d) to the credit of another account with a bank as directed by the Minister.

“23. The Minister shall daily pay into the Commonwealth Public Account all public moneys received by him.”

Minister to pay money daily into bank

(2) A direction in force under section 22 of the Principal Act immediately before the date of commencement of this section has effect, on and after that date, as if it had been given by the Minister for Finance under section 22 of the Principal Act as amended by this Act.

19. Sections 25 to 30 (inclusive) of the Principal Act are repealed and the following sections substituted:

“25. (1) Where—

- (a) moneys are, in pursuance of an enactment, to be paid to the Minister administering this Act, another Minister or an officer, into the Treasury or to the credit of the Trust Fund;
- (b) a Minister or officer who is, by virtue of his office, the trustee, or one of the trustees, of a trust receives moneys as the trustee, or as a trustee, of the trust; or
- (c) moneys are otherwise received by a Minister or officer in the course of performing the duties of his office,

Private moneys collected by officers, &c.

and the moneys are to be held otherwise than on account of, or for the use or benefit of, the Commonwealth, the moneys are moneys to which this section applies.

“(2) Subject to this section, moneys to which this section applies form part of the Trust Fund.

“(3) Where the Minister is of the opinion that, having regard to the terms on which any moneys to which this section applies are required to be held, it would not be appropriate for those moneys to form part of the Trust Fund, the Minister may direct, in writing, that the moneys shall not form part of the Trust Fund and may, from time to time while such a direction is in force, give further directions, in writing, as to the manner in which those moneys are to be dealt with.

“(4) Where, by virtue of a direction given by the Minister under sub-section (3), moneys to which this section applies do not form part of the Trust Fund, a person shall not fail to comply with a direction given by the Minister under that sub-section as to the manner in which those moneys are to be dealt with.

Penalty: \$100.

“(5) Where, by virtue of sub-section (2), moneys have become part of the Trust Fund and—

- (a) those moneys have, for a continuous period of not less than 6 years, stood to the credit of the Trust Fund without—
 - (i) any portion of those moneys having been expended for the purpose for which those moneys are held; or
 - (ii) any claim having been made by a person entitled to those moneys; or
- (b) the purpose for which those moneys are held is no longer capable of being fulfilled,

those moneys may be paid to the Consolidated Revenue Fund and, where interest on those moneys has been paid to the Trust Fund in accordance with a direction of the Minister given under sub-section 62B (3), an amount equal to that interest shall also be paid to the Consolidated Revenue Fund.

“(6) Where the Minister is satisfied that a person is entitled to any moneys paid to the Consolidated Revenue Fund in pursuance of sub-section (5), those moneys shall be paid to that person, and the Consolidated Revenue Fund is appropriated accordingly.

“(7) Sub-sections (2) to (6) (inclusive) apply to and in relation to moneys to which this section applies, being moneys of a kind referred to in paragraph (a) or (b) of sub-section (1), to the extent only to which those provisions are not inconsistent with the provisions of the enactment or the terms of the trust, as the case may be, applicable to those moneys.

Securities to
be dealt with
as directed

“26. Each accounting officer shall, daily or at such other intervals as the Minister directs, transmit all bonds, debentures or other securities collected or received by him in the course of carrying on the duties of his office to the Minister or to such person as the Minister directs in such manner as the Minister directs.”.

20. (1) Section 32 of the Principal Act is repealed and the following section substituted:

Governor-
General's
warrant

“32. (1) Where it appears to the Minister that an amount, being an amount not exceeding the amount available for expenditure in respect of any services or purposes in accordance with an appropriation of the Consolidated Revenue Fund or Loan Fund (including a contingent or conditional appropriation), is required, or is likely to be required, to be withdrawn from the Commonwealth Public Account for expenditure in

respect of those services or purposes, he may notify the Auditor-General accordingly, by instrument under his hand, in accordance with Form 1 in Schedule 2.

“(2) Upon receipt of an instrument under sub-section (1), the Auditor-General shall—

- (a) if he is satisfied that the amount specified in the instrument does not exceed the amount available for expenditure in respect of the services or purposes in accordance with the appropriation—
 - (i) give a certificate in relation to the amount by writing under his hand in accordance with Form 2 in Schedule 2; and
 - (ii) return the instrument and certificate to the Minister; or
- (b) if he is not so satisfied—
 - (i) refuse to give such a certificate;
 - (ii) state in writing his reasons for refusing to give the certificate; and
 - (iii) return the instrument and statement to the Minister.

“(3) Where the Auditor-General has given a certificate under this section in relation to an amount specified, in relation to an appropriation, in an instrument prepared by the Minister under this section, the Governor-General may issue to the Minister a warrant under his hand in accordance with Form 3 in Schedule 2 authorizing the drawing of that amount from the Commonwealth Public Account for expenditure in accordance with that appropriation in respect of the services or purposes referred to in the instrument.

“(4) The Governor-General may issue a warrant to the Minister under sub-section (3) without obtaining the advice of the Federal Executive Council.

“(5) Strict compliance with a form referred to in this section is not required and substantial compliance is sufficient.

“(6) A reference in this section to the Auditor-General shall be read as including a reference to a person appointed by the Auditor-General by instrument under his hand to act on his behalf for the purposes of this section.

“(7) A reference in this section, or in an instrument, certificate or warrant under this section, to the amount available for expenditure in respect of services or purposes in accordance with an appropriation shall, in the case of a contingent or conditional appropriation, be read as a reference to the amount that is, subject to the occurrence of the contingency or the fulfilment of the condition, available for expenditure in respect of the services or purposes in accordance with the appropriation.

“(8) Nothing in this section authorizes the payment of moneys out of a bank account comprised in the Commonwealth Public Account otherwise than in accordance with section 34.”.

(2) A warrant in force immediately before the date of commencement of this section under section 32 of the Principal Act has effect on and after that date as if it had been issued under section 32 of the Principal Act as amended by this Act.

Minister may
make
payments on
receipt of
warrant

21. Section 33 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “any bank account in which the Commonwealth Public Account is kept” and substituting “the Commonwealth Public Account”;
- (b) by omitting from sub-section (3) “section thirty-six C of this Act” and substituting “section 36C or 58A”; and
- (c) by omitting from sub-section (4) “in which the Commonwealth Public Account is kept” and substituting “comprised in the Commonwealth Public Account”.

22. Section 33A of the Principal Act is repealed and the following section substituted:

Warrant
procedure to
apply to
transfers
between
accounts

“33A. (1) Subject to sub-section (2)—

- (a) the making of a payment by means of a cheque drawn on a bank account comprised in the Commonwealth Public Account shall, for the purposes of sections 31 and 32, be deemed to be the making of a withdrawal from the Commonwealth Public Account notwithstanding that the amount of the cheque is credited to another such bank account; and
- (b) the making of an entry (otherwise than in pursuance of the drawing or paying of a cheque) in the accounts kept for the purpose of recording transactions in relation to the Commonwealth Public Account debiting an account shall be deemed, for the purposes of sections 31 and 32, to be the withdrawal of the amount so debited from the Commonwealth Public Account notwithstanding that a corresponding entry is made crediting another account with that amount.

“(2) Sub-section (1) does not apply in relation to the making of a payment, or of an entry, of a kind referred to in that sub-section if the making of the payment or entry does not have the effect of reducing the amount available for expenditure by virtue of an appropriation.”.

Warrants not
required for
certain
expenditure

23. Section 33B of the Principal Act is amended by omitting “The last three preceding sections do not apply in relation to moneys” and substituting “Sections 32 and 33 do not apply in relation to moneys standing to the credit of an account comprised”.

24. (1) Section 34 of the Principal Act is amended by omitting sub-section (4). Duties of
paying
officers, &c.

(2) Section 34 of the Principal Act is repealed and the following section substituted:

“34. (1) An accounting officer shall not cause or permit an amount to be paid out of— Duties of
paying,
authorizing
and
certifying
officers

(a) a bank account comprised in the Commonwealth Public Account; or

(b) any other bank account opened under section 20 that is designated as a drawing account,

except by way of, or for the purpose of, a payment that has been authorized by a person appointed by the Minister for the purposes of this sub-section (in this section referred to as an ‘authorizing officer’).

“(2) An authorizing officer shall not authorize the payment of an amount under sub-section (1) unless—

(a) after making such checks as are prescribed or specified in directions given by the Minister under the regulations, he is satisfied that moneys are lawfully available for the payment of that amount;

(b) a person (who may be the same person as the authorizing officer) appointed by the Minister for the purpose (in this section referred to as a ‘certifying officer’) has certified that the payment may properly be made; and

(c) such other requirements relating to the authorization of the payment of the amount as are prescribed, or specified in directions given by the Minister under the regulations, have been complied with.

“(3) For the purposes of sub-section (2), moneys are not lawfully available for a payment unless—

(a) in the case of a payment from the Consolidated Revenue Fund or the Loan Fund—moneys sufficient for the payment are available from a relevant appropriation of that Fund, after allowing for payments previously made or authorized to be made in respect of that appropriation, or are available in accordance with section 36A; or

(b) in the case of a payment from the Trust Fund—moneys sufficient for the payment stand to the credit of a relevant Trust Account or head of the Trust Fund, after allowing for any payments previously authorized to be made that are to be, but have not yet been, debited to that Trust Account or head of the Trust Fund.

“(4) Subject to sub-section (5), a certifying officer shall not give a certificate under sub-section (2) in relation to the payment of an amount unless, after any relevant provisions of the regulations and of directions

given by the Minister under the regulations have been complied with, he is satisfied that the payment may properly be made.

“(5) The regulations may provide that, in respect of payments included in a particular class of payments, a certifying officer may give a certificate under sub-section (2) if, after requirements prescribed by the regulations in respect of payments of that class, and any relevant directions given by the Minister under the regulations, have been complied with, he has no reason to believe that the payment may not properly be made.

“(6) In addition to compliance with the regulations and directions given by the Minister under the regulations, a certifying officer may carry out such investigations as he thinks necessary before deciding whether to give a certificate under sub-section (2).”

(3) Upon the commencement of this sub-section—

- (a) a person who, immediately before the commencement of this section, held an appointment by the Minister under sub-section 34 (1) of the Principal Act for the purpose of authorizing the payment of accounts shall be deemed to have been appointed by the Minister under sub-section 34 (1) of the Principal Act as amended by this Act for the purposes of that sub-section; and
- (b) a person who, immediately before the commencement of this section, held an appointment by the Minister under sub-section 34 (1) of the Principal Act for the purpose of certifying as to the correctness of accounts shall be deemed to have been appointed by the Minister under sub-section 34 (2) of the Principal Act as amended by this Act for the purposes of that sub-section.

(4) The Minister may, at any time, revoke the appointment of a person referred to in sub-section (3).

25. After section 34 of the Principal Act the following section is inserted:

Act of grace
payments

“34A. (1) Subject to sub-section (2), where an authorized person is satisfied that, by reason of special circumstances, it is reasonable to do so, he may direct—

- (a) that an amount proposed to be paid to a person by the Commonwealth; or
- (b) that amounts proposed to be paid to a person by the Commonwealth by way of periodical payments,

be treated as properly payable notwithstanding that the amount is, or the amounts are, not payable in pursuance of the law or under a legal liability, but this sub-section does not authorize a payment or payments otherwise than out of moneys that are lawfully available for the purpose.

“(2) An authorized person shall not give a direction under sub-section (1) in respect of an amount exceeding \$25,000 proposed to be

paid to a person as a single amount, or in respect of amounts aggregating more than \$5,000 per year proposed to be paid to a person by way of periodical payments, unless he has considered a report concerning the proposed payment, or proposed periodical payments, furnished to him by a Committee consisting of the Secretary to the Department of Finance, the Secretary to the Department of Administrative Services and the Comptroller-General of Customs.

“(3) The Minister may appoint a person to be a deputy of the person for the time being holding, or performing the duties of, an office specified in sub-section (2).

“(4) Where the person for the time being holding, or performing the duties of, an office specified in sub-section (2) is, at any time, unable to act as a member of the Committee referred to in that sub-section, a deputy of that person may act as a member of that Committee on his behalf and shall, while so acting, be deemed to be a member of that Committee in place of that person.

“(5) The regulations may make provisions for and in relation to the conduct of the business of, and the convening and conduct of meetings of, the Committee referred to in sub-section (2).

“(6) In this section, ‘authorized person’ means the Minister or an officer appointed by the Minister to be an authorized person for the purposes of this section.”

26. Section 35 of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section: Certain amounts deemed appropriated

“(4) Without limiting the generality of sub-sections (1), (2) and (3), where an amount that is, or the total of amounts that are, specified in an item, subdivision or division in a Schedule to an Appropriation Act for a financial year is expressed to be—

- (a) for payment to the credit of a Trust Account (in this sub-section referred to as the ‘replacement Trust Account’); and
- (b) less an amount that is described as the unrequired balance, or the unrequired part of the balance, of another Trust Account (in this sub-section referred to as the ‘superseded Trust Account’),

then—

- (c) an amount equal to the amount referred to in paragraph (b) shall be deemed to have been appropriated for the purposes of the replacement Trust Account;
- (d) the Minister is authorized to issue and apply the amount referred to in paragraph (c) accordingly; and
- (e) amounts—
 - (i) received from the sale of articles purchased or produced, or for work paid for, with amounts paid out of the superseded Trust Account for a purpose included in the

purposes of that account and in the purposes of the replacement Trust Account; or

- (ii) paid by any person for a purpose included in the purposes of the superseded Trust Account and in the purposes of the replacement Trust Account,

shall, notwithstanding any other provision of this Act, be paid to the credit of the replacement Trust Account.”

27. After section 35 of the Principal Act the following section is inserted:

Transfer of
functions
between
Departments

“35A. (1) Where the Minister is satisfied that it is necessary to do so in consequence of a function of a Department (in this sub-section referred to as the ‘Original Department’) having become, by virtue of an enactment or of an order made by the Governor-General, a function of another Department, whether upon the abolition of the original Department or otherwise, the Minister may, by writing under his hand, direct that all or any of the moneys appropriated by an Appropriation Act that could, if the change of function had not taken place, lawfully have been issued and applied for a particular purpose (in this sub-section referred to as the ‘original purpose’), being a purpose related to the performance by the original Department of that function, may be issued and applied for the corresponding purpose related to the performance by the other Department of that function and, where such a direction is given, the Appropriation Act has effect, in relation to the issue and application of moneys in accordance with the direction, as if it had appropriated those moneys for that corresponding purpose.

“(2) Sub-section (1) does not affect the operation of an Appropriation Act in accordance with an order made by the Governor-General under section 19B or 19BA of the *Acts Interpretation Act* 1901 except to the extent to which that operation would be inconsistent with a direction given under that sub-section, whether before or after the making of the order.

“(3) An appropriation contained in an Appropriation Act under a heading referring to a Department, being an appropriation for a purpose that is so expressed as to be capable of being given effect to by another Department, continues to be available for that purpose, subject to any direction given under sub-section (1), notwithstanding the abolition of that Department or the transfer to another Department of a function of that first-mentioned Department to which that purpose is related.

“(4) Where—

- (a) a function of a Department (in this sub-section referred to as the ‘original Department’) becomes, by virtue of an enactment or of an order made by the Governor-General, a function of another Department, whether upon the abolition of the original Department or otherwise; and

- (b) immediately before the date on which that function becomes a function of that other Department, a power or function under this Act or under the regulations could, under an appointment made under this Act or under the regulations, have been exercised or performed with respect to the original Department by the person for the time being holding, or performing the duties of, an office in the original Department,

that power or function may, by virtue of this sub-section, be exercised or performed by that person, on and after that date, with respect to the other Department, and, if the original Department continues in existence but his office is abolished in consequence of the change in the functions of the original Department, also with respect to the original Department, until his authority to do so is terminated under sub-section (5).

“(5) Where a person would, but for this sub-section, be authorized by sub-section (4) to exercise a power or perform a function under this Act or the regulations with respect to a Department, the person having power to appoint an officer in that Department to exercise that power or perform that function may, by writing under his hand delivered to the first-mentioned person, terminate the authority conferred on the first-mentioned person by sub-section (4).

“(6) Where the Minister gives a direction under sub-section (1)—

- (a) he shall furnish a copy of the direction to the Auditor-General; and
- (b) he shall include particulars of the direction in the statement prepared in accordance with sub-section 50 (1) for the year in relation to which the direction is given.”

28. Section 36 of the Principal Act is amended—

- (a) by omitting “Every appropriation” and substituting “Subject to sub-section (2), every appropriation”; and
- (b) by omitting the proviso and substituting the following sub-section:

“(2) Where moneys appropriated out of the Consolidated Revenue Fund for the service of a financial year have been advanced to an accounting officer for the purpose of making payments for purposes of a kind declared by the regulations to be purposes to which this sub-section applies, the moneys so advanced shall be, and shall be deemed to have been, available for making those payments notwithstanding that the financial year closed before the payments were completed, and, for that purpose, the appropriation, whether the financial year closed before or after the commencement of this sub-section, shall be deemed not to have lapsed.”

Payments
made after
close of
financial
year

- Refunds from Consolidated Revenue
 Heading to Part VI
- 29.** Section 37A of the Principal Act is amended by omitting from paragraph (a) “received by the Commonwealth and”.
- 30.** After the heading to Part VI of the Principal Act the following heading is inserted:
“Division 1—Audit and Inspection of Accounts”.
- Banker to forward bank statements and certificates to Minister and Auditor-General
- 31.** Section 38 of the Principal Act is amended by omitting “moneys forming part of the Commonwealth Public Account” and substituting “public moneys”.
- Accounts and records
- 32.** Sections 39 and 40 of the Principal Act are repealed and the following section is substituted:
 “40. The Minister shall cause to be kept proper accounts and records of receipts of, and payments out of, public moneys complying with the provisions of this Act and of the regulations concerning the manner in which those accounts and records are to be kept.”
- Audit
- 33.** Section 41 of the Principal Act is amended—
 (a) by omitting “returns, cash sheet statements, accountable receipts, accounts and receipts sent or made available to him” and substituting “accounts and records kept in accordance with section 40”; and
 (b) by adding at the end thereof the following sub-section:
 “(2) The Minister shall cause to be made available to the Auditor-General such records as the Auditor-General requires for the purpose of carrying out an audit under sub-section (1).”
- Auditor-General to examine accounts of revenue
- 34.** Section 41A of the Principal Act is amended by adding at the end thereof “or a prescribed authority”.
- Special operations of Departments
- 35.** Section 41D of the Principal Act is amended by omitting from sub-section (2) “books, vouchers and papers” and substituting “records”.
- Auditor-General to question matters
- 36.** (1) Section 42 of the Principal Act is amended by omitting from sub-section (1) “and call for such accounts vouchers statements documents and explanations as he may think necessary” and substituting “, and call for such accounts, records, information and explanations as he may think necessary for the purpose of exercising his powers or performing his functions under this Act”.
- (2) Section 42 of the Principal Act is amended by omitting sub-sections (2), (3) and (4).

37. Sections 43 and 44 of the Principal Act are repealed.

Repeal of
sections 43
and 44

38. Section 45 of the Principal Act is amended by omitting from sub-section (1) “books and accounts” and substituting “accounts and records”.

Inspection
and audit of
books and
accounts

39. Sections 46, 47 and 48 of the Principal Act are repealed.

Repeal of
sections 46,
47 and 48

40. Before section 49 of the Principal Act the following sections and headings are inserted in Part VI:

“Division 2—Efficiency Audits

“48A. (1) In this Division, unless the contrary intention appears—
‘Commonwealth organization’ means—

Interpretation

- (a) the Defence Force;
- (b) the Commonwealth Teaching Service;
- (c) the Australian Security Intelligence Organization;
- (d) the Commonwealth Police Force; or
- (e) the Police Force of the Australian Capital Territory;

‘eligible incorporated company’ means an incorporated company over which the Commonwealth is in a position to exercise control;

‘public authority of the Commonwealth’ means an authority or other body that, or a person holding, or performing the duties of, an office or appointment who, is a public authority of the Commonwealth for the purposes of this Division by virtue of section 48B;

‘relevant body’ means—

- (a) a Department;
- (b) a public authority of the Commonwealth;
- (c) a Commonwealth organization;
- (d) an eligible incorporated company with which an arrangement has been made under sub-section 48C (2);
- (e) a body referred to in sub-section 48C (4);
- (f) a body responsible for the administration of a fund referred to in sub-section 48C (6);
- (g) a body referred to in sub-section 48C (7); or
- (h) a person or persons (not being a person who constitutes, or persons who constitute, a public authority of the Commonwealth)—
 - (i) responsible for the administration of a fund referred to in sub-section 48C (6); or
 - (ii) referred to in sub-section 48C (7).

“(2) For the purposes of this Division—

- (a) operations carried on by persons employed under the *Naval Defence Act* 1910 by virtue of their employment (other than operations carried on by persons employed in offices or appointments in, or as members of, the Australian Navy by virtue of their employment) shall be deemed to be carried on by the Department of Defence;
- (b) operations carried on by persons employed under section 10 of the *Supply and Development Act* 1939 by virtue of their employment shall be deemed to be carried on by the Department of Productivity;
- (c) operations carried on by Trade Commissioners and Assistant Trade Commissioners of the Commonwealth by virtue of their appointments shall be deemed to be carried on by the Department of Trade and Resources; and
- (d) the Auditor-General’s Office shall be deemed not to form part of a Department.

Public
authorities of
the
Common-
wealth

“48B. (1) Subject to this section, where—

- (a) the accounts and records of financial transactions of an authority or other body established for a public purpose by, or in accordance with the provisions of, an enactment are audited by the Auditor-General, whether in pursuance of an enactment or otherwise; or
- (b) the staff required for the purposes of an authority or other body so established are persons employed under the *Public Service Act* 1922,

the authority or other body is a public authority of the Commonwealth for the purposes of this Division.

“(2) Sub-section (1) does not apply to an unincorporated body, being a Board, Council, Committee, Sub-Committee or other body established for the purpose of assisting, or performing functions connected with, a Department or public authority of the Commonwealth, but the operations of the Board, Council, Committee, Sub-Committee or other body shall, for the purposes of this Division, be deemed to be the operations of that Department or public authority of the Commonwealth.

“(3) Subject to this section, a person—

- (a) holding, or performing the duties of, an office or appointment established by an enactment (not being an office in the Australian Public Service); or
- (b) holding, or performing the duties of, an appointment, being an appointment made by the Governor-General, or by a Minister, otherwise than under an enactment,

is a public authority of the Commonwealth for the purposes of this Division.

“(4) Sub-section (3) does not apply to—

- (a) a person who holds an office of—
 - (i) Minister of State of the Commonwealth;
 - (ii) Justice or Judge of a Court created by the Parliament;
 - (iii) President, Deputy President or Commissioner of the Commonwealth Conciliation and Arbitration Commission;
 - (iv) Public Service Arbitrator or Deputy Public Service Arbitrator;
 - (v) President, Deputy President or other member of the Administrative Appeals Tribunal;
 - (vi) magistrate or coroner of the Australian Capital Territory; or
 - (vii) member of the Australian Capital Territory Legislative Assembly or member of the Legislative Assembly for the Northern Territory;
- (b) a person who holds, or is performing the duties of, an office of Commonwealth Ombudsman or Deputy Commonwealth Ombudsman; or
- (c) a person required or authorized by the Governor-General, by Commission, to inquire into and report upon any matter.

“(5) Sub-section (3) does not apply to—

- (a) an office of member of an authority or other body (including a Commonwealth organization); or
- (b) an office established by an enactment for the purposes of a public authority of the Commonwealth or of a Commonwealth organization,

but any operation carried on by or on behalf of the holder of the office, being an operation included within the functions of the office, shall, for the purposes of this Division, be deemed to have been carried on by that authority or other body or by that Commonwealth organization, as the case may be.

“(6) Where a person who holds an office or appointment referred to in sub-section (3) also holds an office in a Department and performs the functions of the first-mentioned office, or of the appointment, in association with his functions as the holder of that office in that Department, sub-section (3) does not apply to him, but any operations carried on by him within the functions of the first-mentioned office, or of the appointment, shall, for the purposes of this Division, be deemed to have been carried on by that Department.

Auditor-
General to
carry out
efficiency
audits

“48C. (1) The Auditor-General may carry out, at such intervals as he thinks fit, an efficiency audit of all or any of the operations—

- (a) of a Department;
- (b) of a public authority of the Commonwealth; or
- (c) of a Commonwealth organization.

“(2) A Minister may by writing under his hand, or the Parliament may by resolution of both Houses of the Parliament, request the Auditor-General to carry out efficiency audits of all the operations, or of specified operations, of an eligible incorporated company, and, where the Minister or the Parliament does so, the Auditor-General—

- (a) may make arrangements with the company for the carrying out by him of efficiency audits of all the operations of the company, or of the operations of the company so specified, as the case requires; and
- (b) may, in accordance with arrangements so made, carry out, at such intervals as he thinks fit, an efficiency audit of all or any of the operations of the company to which the arrangement relates.

“(3) An arrangement made by the Auditor-General with an eligible incorporated company—

- (a) may include provision for the payment of fees by the company to the Commonwealth in respect of the carrying out of efficiency audits of operations of the company to which the arrangement relates; and
- (b) may be varied or revoked by the Auditor-General or the company—
 - (i) in the case of an arrangement made at the request of a Minister—with the approval of a Minister; or
 - (ii) in the case of an arrangement made at the request of the Parliament—with the approval of the Parliament given by resolution of both Houses of the Parliament.

“(4) A Minister may, subject to sub-section (5), by instrument in writing, request the Auditor-General to carry out efficiency audits of the operations of a body (not being a public authority of the Commonwealth) established by, or in accordance with the provisions of, an agreement between the Commonwealth and a State, or between the Commonwealth and 2 or more States, and the Auditor-General may then carry out, while the instrument is in force and at such intervals as he thinks fit, an efficiency audit of all or any of the operations of the body.

“(5) A Minister shall not request the Auditor-General to carry out efficiency audits of the operations of a body referred to in sub-section (4) unless the State concerned has consented, or the States concerned have consented, to the Auditor-General carrying out those audits.

“(6) Where the Auditor-General audits the accounts and records of a fund established by or under an enactment, not being a fund administered by, or established for the purposes of, a public authority of the Commonwealth—

- (a) if the Auditor-General is required to audit those accounts and records by an enactment—the Auditor-General may carry out, at such intervals as he thinks fit, an efficiency audit of all or any of the operations of the body or persons responsible for the administration of the fund, being operations related to the administration of the fund; or
- (b) in any other case—a Minister may, by instrument in writing, request the Auditor-General to carry out efficiency audits of the operations of the body or persons responsible for the administration of the fund, being operations related to the administration of the fund, and the Auditor-General may then carry out, while the instrument is in force and at such intervals as he thinks fit, an efficiency audit of all or any of those operations.

“(7) Where the Commonwealth, or a public authority of the Commonwealth, pays moneys to a body (not being a State, a public authority of the Commonwealth or an authority of a State) or to a person, by way of financial assistance to the body or person, a Minister may, with the consent of the body or person, request the Auditor-General, by instrument in writing, to carry out efficiency audits of the operations of the body or person in the carrying out of which those moneys have been, are being or are to be applied, and the Auditor-General may then carry out, while the instrument is in force and at such intervals as he thinks fit, an efficiency audit of all or any of those operations.

“(8) For the purposes of sub-section (7), where a body or person accepts any moneys paid to it or him by the Commonwealth, or by a public authority of the Commonwealth, by way of financial assistance, on condition that the body or person will permit the Auditor-General to carry out efficiency audits of the operations of the body or person in the carrying out of which those moneys have been, are being or are to be applied, the body or person shall be deemed to have given its or his consent to the carrying out by the Auditor-General of efficiency audits of all or any of those operations.

“48D. Where moneys are paid in accordance with the provisions of an enactment—

- (a) by the Commonwealth to a State, by way of financial assistance, on condition that—
 - (i) the State will apply the moneys for a purpose specified in the enactment; or

Efficiency
audit extends
to examin-
ation of
certain
procedures

- (ii) the State will pay the moneys to another body for application by that body for a purpose specified in the enactment; or
- (b) by the Commonwealth to a body other than a State or a public authority of the Commonwealth, by way of financial assistance, on condition that the body will apply the moneys for a purpose specified in the enactment,

an efficiency audit of the operations of the Department or public authority of the Commonwealth responsible for the administration of the grant of that financial assistance may include an examination of the procedures that are being followed by that Department or authority for the purpose of assessing the extent to which the operations in the carrying on of which the moneys are required to be applied are being carried on in an economical and efficient manner.

Investigations and access to premises and records

“48E. (1) An efficiency audit of operations of a relevant body shall be conducted by the Auditor-General, subject to this Act, in such manner as the Auditor-General thinks fit.

“(2) Without limiting the generality of sub-section (1)—

- (a) an efficiency audit of operations of a relevant body may be carried out in conjunction with, and as part of, an inspection and audit of the accounts of the body that is being carried out by the Auditor-General under this Act or under another Act; and
- (b) any information obtained by the Auditor-General, in the course of carrying out an inspection and audit of the accounts of a relevant body, whether as a result of inspecting the accounts or records of the body or otherwise, may, whether or not the Auditor-General was at the same time carrying out an efficiency audit of operations of that body, be treated as having been obtained for the purposes of carrying out such an audit.

“(3) Without prejudice to the powers conferred on the Auditor-General by any other provision of this Act, the Auditor-General or an authorized person shall, at all reasonable times, have full and free access to all records in the possession of—

- (a) a relevant body;
- (b) a person employed by, or under the control of, a relevant body;
- (c) a person employed as a member of a Commonwealth organization; or
- (d) any other person,

being records relating, directly or indirectly, to operations that have been, or are being, carried on by a relevant body or to procedures that have been, or that are being, followed by a relevant body for reviewing any such operations, and may make a copy of, or take extracts from, any such records.

“(4) For the purposes of an efficiency audit of operations of a relevant body that is being carried out under this Act—

- (a) the Auditor-General, or an authorized person, may, at any reasonable time, enter any place occupied by the body and carry out an examination of the operations of the body at the place; and
- (b) the Auditor-General, or an authorized person, is entitled to inspect, at a reasonable time arranged with the principal officer of the body, any records relating to the operations of the body that are kept at premises entered by him under this section, and to take copies of, or extracts from, any such records.

“(5) Nothing in this section shall be taken to restrict the operation of any other section of this Act in relation to efficiency audits of operations of a relevant body.

“48F. (1) Where the Auditor-General carries out an efficiency audit of operations of a relevant body under this Act, he shall prepare and sign a report of the results of the audit.

Reports concerning efficiency audits

“(2) A report of the results of an efficiency audit of operations of a relevant body carried out by the Auditor-General—

- (a) may include such information as he thinks desirable in relation to matters referred to in the report;
- (b) shall set out his reasons for opinions expressed in the report; and
- (c) may include any recommendations arising out of the audit that he thinks fit to make.

“(3) Where the Auditor-General prepares a report that he proposes to make with respect to the results of an efficiency audit of operations of a relevant body carried out by him under this Act, the Auditor-General shall, before signing the proposed report, furnish a copy of the proposed report to the body in order that the body may furnish to the Auditor-General any comments on the proposed report that it desires to make.

“(4) Where a copy of a proposed report of the results of an efficiency audit of operations of a relevant body has been furnished to the body under sub-section (3) and—

- (a) the Auditor-General has received comments from the body on the proposed report and has considered those comments; or
- (b) a period of not less than 28 days has elapsed from the date on which the copy of the proposed report was furnished to the body and the Auditor-General has not received any comments from the body,

the proposed report, or that report amended in such manner as the Auditor-General thinks fit having regard to any comments furnished to him by the body, may be signed by the Auditor-General as his report of the results of that efficiency audit.

“(5) The Attorney-General may issue to the Auditor-General a certificate certifying that the disclosure of information concerning a specified matter, or the disclosure of the contents of a specified document, would be contrary to the public interest—

- (a) by reason that the disclosure would prejudice the security, defence or international relations of the Commonwealth;
- (b) by reason that the disclosure would involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet;
- (c) by reason that the disclosure would prejudice relations between the Commonwealth and a State;
- (d) by reason that the disclosure would divulge any information or matter communicated in confidence—
 - (i) by or on behalf of the Government of the Commonwealth to the Government of a State or to a person receiving the communication on behalf of the Government of a State; or
 - (ii) by or on behalf of the Government of a State to the Government of the Commonwealth or to a person receiving the communication on behalf of the Government of the Commonwealth;
- (e) by reason that the disclosure would be prejudicial to the commercial interests of a public authority of the Commonwealth or other body; or
- (f) for any other reason specified in the certificate that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the information or the contents of the document should not be disclosed.

“(6) Where information, or the contents of a document, to which a certificate under sub-section (5) applies is disclosed to the Auditor-General in the course of the carrying out of an efficiency audit of operations of a relevant body, the Auditor-General may include any of the information, or any of the contents of the document, in a restricted report of the results of the audit prepared by him, and, if he does so, he shall also prepare and sign a separate report of the results of the audit that does not include any of the information or any of the contents of the document.

“(7) Where the Auditor-General prepares a restricted report of the results of an efficiency audit of operations of a relevant body, he shall forward copies of the report to the Prime Minister, to the Minister and to the Public Service Board and, if the relevant person in respect of the body is not the Prime Minister or the Minister, he shall also forward a copy of the report to the relevant person in respect of the body.

“(8) Subject to sub-section (9), where the Auditor-General prepares a report (other than a restricted report) of the results of an efficiency audit of operations of a relevant body—

- (a) he may include the report in the next report made by him under section 51 that includes his report with respect to the accounts, or financial statements, of that body;
- (b) he may include the report in a report made by him, otherwise than under section 51, with respect to the financial statements of the body, being a report a copy of which is required by an enactment to be laid before each House of the Parliament; or
- (c) he may treat the report as a special report and transmit signed copies of the report to each House of the Parliament.

“(9) Sub-section (8) does not apply to a relevant body (not being a Department of State or a Department of the Parliament)—

- (a) that is specified in the regulations as a relevant body to which sub-section (8) does not apply; or
- (b) that is included in a class of relevant bodies specified in the regulations as a class of relevant bodies to which sub-section (8) does not apply.

“(10) Where the Auditor-General prepares a report (other than a restricted report) of the results of an efficiency audit of operations of a relevant body carried out by him, being a relevant body to which, by virtue of regulations in force under sub-section (9), sub-section (8) does not apply, the Auditor-General shall furnish copies of the report to the body and to the relevant person in respect of the body and to the Public Service Board.

“(11) In this section—

- (a) a reference to a restricted report of the results of an efficiency audit of operations of a relevant body carried out by the Auditor-General shall be read as a reference to a report of the results of such an audit that includes any information, or any of the contents of a document, to which a certificate under sub-section (5) applies; and
- (b) a reference to the relevant person in respect of a relevant body shall be read as a reference—
 - (i) in the case of a Department of State—to the Minister administering that Department or another Minister acting for and on behalf of that Minister;
 - (ii) in the case of the Department of the Senate—to the President of the Senate;
 - (iii) in the case of the Department of the House of Representatives—to the Speaker of the House of Representatives;

- (iv) in the case of the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department—to the President of the Senate and the Speaker of the House of Representatives; and
- (v) in the case of any other relevant body—
 - (A) to the Minister declared by regulations to be the relevant person in respect of that body; or
 - (B) if no Minister has been so declared to be the relevant person in respect of the body, to the Minister administering the Department of State responsible for dealing with matters relating to the body, or another Minister acting for and on behalf of that Minister.

Annual
report
concerning
efficiency
audits

“48G. (1) The Auditor-General shall, as soon as practicable after 30 June in each year, prepare a general report concerning the efficiency audits of operations of relevant bodies carried out by him during the year ended on that date, together with particulars of the costs incurred by him in the carrying out of those audits and the benefits that have, in his opinion, been derived from the carrying out of those audits.

“(2) Where the Auditor-General prepares a report in pursuance of sub-section (1) in respect of a year, the Auditor-General—

- (a) may include the report in a report made by him under section 51 in respect of that year; or
- (b) may sign copies of the report and transmit them to each House of the Parliament.

“(3) The first report to be prepared by the Auditor-General under this section shall be a report relating to efficiency audits of operations of relevant bodies carried out during the period commencing on the date of commencement of this section and ending on 30 June 1979.

Audit fees

“48H. (1) Where the Auditor-General carries out an efficiency audit of operations of a relevant body (not being a Department of State or a Department of the Parliament)—

- (a) determined by the Minister to be a relevant body to which this section applies; or
- (b) included in a class of relevant bodies determined by the Minister to be a class of relevant bodies to which this section applies,

there are payable by that relevant body to the Commonwealth, in respect of the audit, fees and charges in accordance with a scale of fees and charges determined by the Auditor-General in a manner approved by the Minister, being a scale applicable to that relevant body.

“(2) The Minister may exempt a relevant body included in a class of relevant bodies referred to in paragraph (1) (b) from the payment of fees and charges under sub-section (1).

“Division 3—Audits of Auditor-General’s Office

“48J. In this Division, unless the contrary intention appears, Interpretation ‘independent auditor’ means the person required, in accordance with arrangements made under sub-section 48K (1), to carry out audits in relation to the Auditor-General’s Office.

“48K. (1) The Minister may, on behalf of the Commonwealth, Audits of Auditor-General’s Office make arrangements, from time to time, with a suitable person for the person to exercise the powers and perform the functions of the independent auditor under this Division.

“(2) For the purposes of this Division, the functions of the independent auditor are—

- (a) to carry out audits of the accounts and records kept, in accordance with section 40, in relation to the Auditor-General’s Office;
- (b) to examine such parts of the statements transmitted to the Auditor-General under section 50 as relate to the Auditor-General’s Office;
- (c) to examine the accounts of the stores of the Auditor-General’s Office;
- (d) to carry out efficiency audits of the operations of the Auditor-General’s Office; and
- (e) to furnish, in accordance with this Division, reports of the results of audits and examinations so carried out by him.

“(3) Notwithstanding any other provisions of this Act, audits and examinations referred to in sub-section (2) shall be carried out by the independent auditor.

“(4) Arrangements with a person under sub-section (1) may provide for the payment of such fees and allowances to the person as are determined by the Minister with the approval of the Public Service Board.

“(5) Arrangements made with a person under sub-section (1) have no force or effect unless the arrangements were made with the approval of, or have been approved by, the Governor-General.

“(6) Fees and allowances payable to a person in accordance with an arrangement made under sub-section (1) shall be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

“48L. (1) Sections 13, 14 and 14A apply to and in relation to the independent auditor as if references in those sections to the Auditor-General were references to the independent auditor. Powers of independent auditor

“(2) The independent auditor may obtain an opinion from the Attorney-General on any question concerning the exercise of his powers or the performance of his functions under this Division.

“(3) Where a statement is transmitted to the Auditor-General under sub-section 50 (1), the Auditor-General shall cause a copy of such part of the statement as relates to the Auditor-General’s Office to be furnished to the independent auditor.

“(4) Sections 11, 41, 41A, 41B, 41C, 42, 45 and 45B, and section 52 other than paragraph (a) of sub-section (1), apply to and in relation to the carrying out by the independent auditor of an audit of the accounts and records kept in relation to the Auditor-General’s Office as if—

- (a) references in those sections to the Auditor-General were references to the independent auditor;
- (b) references in those sections to all Departments were references to the Auditor-General’s Office;
- (c) the reference in section 41 to accounts and records kept in accordance with section 40 was a reference to the accounts and records kept, in accordance with section 40, in relation to the Auditor-General’s Office; and
- (d) the reference in section 45 to an accounting officer was a reference to an accounting officer performing duty in the Auditor-General’s Office.

“(5) For the purposes of any section of this Act applied by this section to and in relation to the independent auditor, examinations, inspections and audits carried out by the independent auditor by virtue of the functions conferred on him by section 48K shall be deemed to be examinations, inspections and audits authorized or required by this Act to be carried out by the independent auditor.

“(6) The independent auditor, or a person authorized by him, shall, at all reasonable times, have full and free access to all accounts and records in the possession of—

- (a) the Auditor-General;
 - (b) an officer or employee performing duty in the Auditor-General’s Office; or
 - (c) any other person,
- being—
- (d) accounts or records which deal with, form a basis of, or relate directly or indirectly to—
 - (i) the receipt, custody or expenditure of any public moneys;
 - (ii) the receipt, custody or disposal of stores; or
 - (iii) any approval for the expenditure of any such moneys, in relation to the Auditor-General’s Office; or

- (e) records which relate, directly or indirectly, to operations that have been, or are being, carried on by the Auditor-General's Office, or to procedures that have been, or that are being, followed by that Office for reviewing any such operations,

and may, subject to the directions of the Minister, make copies of, or take extracts from, any such accounts or records.

“(7) For the purposes of an efficiency audit of operations of the Auditor-General's Office—

- (a) the independent auditor, or a person authorized by him, may, at any reasonable time, enter any place occupied by the Auditor-General's Office and carry out an examination of the operations of that Office at the place; and
- (b) the independent auditor, or a person authorized by him, is entitled to inspect, at a reasonable time arranged with the Auditor-General, any records relating to the operations of that Office that are kept at premises entered by him under this section, and to take copies of, or extracts from, any such records.

“(8) Nothing in sub-section (6) or (7) shall be taken to restrict the operation of any other provisions of this Act that apply to and in relation to the independent auditor by virtue of this section.

“(9) An efficiency audit of operations of the Auditor-General's Office shall be conducted by the independent auditor, subject to this section, in such manner as the independent auditor thinks fit.

“(10) Without limiting the generality of sub-section (9)—

- (a) an efficiency audit of operations of the Auditor-General's Office may be carried out in conjunction with, and as part of, an inspection and audit of the accounts of the Auditor-General's Office that is being carried out by the independent auditor under this Act; and
- (b) any information obtained by the independent auditor, in the course of carrying out an inspection and audit of the accounts of the Auditor-General's Office, whether as a result of inspecting the accounts or records of that Office or otherwise, may, whether or not the independent auditor was at the same time carrying out an efficiency audit of operations of that Office, be treated as having been obtained for the purpose of carrying out such an audit.

“48M. (1) The operation of sections 13, 14 and 14A, in their application in relation to the independent auditor by virtue of sub-section 48L (1), and the operation of sub-sections 48L (6), (7) and (9), are not limited by any provision (including a provision relating to secrecy) contained in any other law (whether made before or after the commencement of this section), except to the extent to which any such other law expressly excludes the operation of any of those sections or sub-sections. Secrecy

“(2) Notwithstanding anything contained in any other law, and notwithstanding the making of an oath or declaration of secrecy, a person is not guilty of an offence by reason of anything done by him for the purposes of section 13, 14 or 14A in its application in relation to the independent auditor by virtue of sub-section 48L (1), or for the purposes of sub-section 48L (6), (7) or (9).

“(3) A person to whom this sub-section applies shall not divulge or communicate, except in the course of duty to another person to whom this sub-section applies, any information which has come to his knowledge by reason, directly or indirectly, of section 13, 14 or 14A, or of sub-section 48L (6), (7) or (9), in any case in which the person from whom the information was obtained, or from whose custody the records from which the information was obtained were produced, could not, but for the provisions of this section, lawfully have divulged the information to the first-mentioned person.

“(4) Sub-section (3) does not prevent the making, divulging or communicating, in any report of the independent auditor, of conclusions, observations or recommendations which are based on information obtained in pursuance of section 13, 14 or 14A or of sub-section 48L (6), (7) or (9).

“(5) The persons to whom sub-section (3) applies are—

- (a) the independent auditor;
- (b) persons authorized by the independent auditor under sub-section 48L (6) or (7); and
- (c) other persons employed by the independent auditor in connexion with the performance of his functions under this Division.

Reports of
independent
auditor
concerning
financial
audits

“48N. (1) As soon as practicable after the Auditor-General furnishes to the independent auditor a copy of the part of the statement transmitted to the Auditor-General under section 50 that relates to the Auditor-General’s Office, the independent auditor shall examine that part of the statement and prepare and sign a report, in respect of that part of the statement, that complies with sub-section 51 (1) and section 51A.

“(2) For the purposes of sub-section (1), sub-section 51 (1) and section 51A shall be read as if—

- (a) references to the Auditor-General were references to the independent auditor; and
- (b) references to the statement transmitted to the Auditor-General under section 50 were references to the part of that statement that relates to the Auditor-General’s Office.

“(3) The independent auditor shall forward a report prepared by him, in pursuance of sub-section (1), with respect to a part of a statement

prepared under section 50 to the Auditor-General, who shall cause it to be included in, or annexed to, a report prepared by the Auditor-General under section 51 with respect to that statement.

“(4) In addition to furnishing reports in accordance with sub-section (1), the independent auditor shall draw the attention of the Minister to such matters arising out of the exercise of his powers and the performance of his functions under this Division (other than his powers and functions in respect of the carrying out of efficiency audits of the operations of the Auditor-General’s Office) as are, in the opinion of the independent auditor, of sufficient importance to justify his so doing.

“48P. (1) Where the independent auditor carries out an efficiency audit of operations of the Auditor-General’s Office under this Division, he shall prepare and sign a report of the results of the audit.

Reports of
independent
auditor
concerning
efficiency
audits

“(2) A report of the results of an efficiency audit of operations of the Auditor-General’s Office carried out by the independent auditor—

- (a) may include such information as he thinks desirable in relation to matters referred to in the report;
- (b) shall set out his reasons for matters expressed in the report; and
- (c) may include any recommendations arising from the audit that he thinks fit to make.

“(3) The Attorney-General may issue to the independent auditor a certificate certifying that the disclosure of information concerning a specified matter, or the disclosure of a specified document, would be contrary to the public interest for a reason specified in sub-section 48F (5).

“(4) Where information, or the contents of a document, to which a certificate under sub-section (3) applies is disclosed to the independent auditor in the course of the carrying out of an efficiency audit of operations of the Auditor-General’s Office, the independent auditor may include any of the information, or any of the contents of the document, in a restricted report of the results of the audit prepared by him, and, if he does so, he may also prepare and sign a separate report of the results of the audit that does not include any of the information or any of the contents of the document.

“(5) Where the independent auditor prepares a restricted report of the results of an efficiency audit of operations of the Auditor-General’s Office, he shall forward copies of the report to the Prime Minister, to the Minister and to the Public Service Board.

“(6) Where the independent auditor prepares a report (other than a restricted report) of the results of an efficiency audit of operations of the Auditor-General’s Office—

- (a) he may include the report in the next report made by him under sub-section 48N (1); or

- (b) he may treat the report as a special report and transmit signed copies of the report to each House of the Parliament.

“(7) In this section, a reference to a restricted report of the results of an efficiency audit of operations of the Auditor-General’s Office shall be read as a reference to a report of the results of such an audit that includes any information, or any of the contents of a document, to which a certificate issued to the independent auditor under sub-section (3) applies.

“(8) Where an independent auditor is of the opinion that a matter arising out of the carrying out by him of an efficiency audit of operations of the Auditor-General’s Office is of sufficient importance as to justify his doing so, he shall draw the attention of the Prime Minister, the Minister and the Public Service Board to the matter.”.

41. Section 49 of the Principal Act is repealed and the following section substituted:

Minister’s
monthly
Statement of
Financial
Transactions

“49. (1) The Minister shall, as soon as practicable after the expiration of each month of each financial year, publish a Statement of Financial Transactions, in accordance with, or substantially in accordance with, Form 4 in the Schedule, or that form as varied under sub-section (2), containing financial information with respect to—

- (a) outlays and receipts of the Commonwealth for that month, and during that year up to the end of that month; and
- (b) financing transactions showing, among other things, the manner in which—
 - (i) the surplus for that month was applied or the deficit for that month was financed; and
 - (ii) the surplus for that year up to the end of that month was applied or the deficit for the year up to the end of that month was financed.

“(2) Particulars in Form 4 in the Schedule may be varied with the prior approval of both Houses of the Parliament.”.

42. Section 50 of the Principal Act is repealed and the following section substituted:

Annual
financial
statements

“50. (1) As soon as practicable after the end of a financial year, the Minister shall prepare a statement of the receipts and expenditure of the Consolidated Revenue Fund, the Loan Fund and the Trust Fund during that year in respect of each Department.

“(2) The statement in respect of a financial year prepared, in pursuance of sub-section (1), in respect of a Department shall set out, for each purpose or service specified in a Division or Subdivision of an Appropriation Act for the year that applies to the Department, the total of the amounts expended during that year on behalf of the Department for that purpose or service.

“(3) As soon as practicable after the end of a financial year, the Permanent Head of a Department shall furnish to the Secretary to the Department of Finance the following information:

- (a) the total number of payments made during that financial year, in accordance with directions given under sub-section 34A (1), out of moneys appropriated for the purposes of the Department, and the aggregate of those payments;
- (b) the total number of payments waived during that financial year under sub-section 70C (2), being payments of amounts that the Department would, but for the waiver, have been entitled to receive on behalf of the Commonwealth, and the aggregate of those payments;
- (c) particulars, in summary form, of amounts written off during that year in respect of—
 - (i) losses or deficiencies of public moneys;
 - (ii) irrecoverable amounts of revenue;
 - (iii) irrecoverable debts and overpayments; and
 - (iv) lost, deficient, condemned, unserviceable or obsolete stores,in relation to the Department;
- (d) particulars, in summary form, of cases of loss of, or deficiency in, public moneys, or of loss or destruction of, or damage to, other property, under the control of the Department in respect of which action was taken under Part XIIA during that year; and
- (e) such other information relating to, and explanations of, the receipts and expenditure of the Consolidated Revenue Fund, the Loan Fund and the Trust Fund during that year in respect of the Department as he thinks desirable.

“(4) The Minister shall transmit to the Auditor-General, as soon as practicable after the end of a financial year, financial statements in respect of that financial year containing—

- (a) the statements prepared by him in pursuance of sub-section (1);
- (b) summaries of those statements;
- (c) the information furnished by Permanent Heads in relation to that year under sub-section (3);
- (d) such other information relating to, and such explanations of, those statements and summaries as he thinks desirable; and
- (e) such further information relating to the financial affairs of the Commonwealth as he thinks desirable.

“(5) For the purposes of this section, the statement of an amount to the next lower, or to the next higher, dollar shall be deemed to be a sufficient statement of that amount.

“(6) In this section, ‘Permanent Head’ and ‘Department’ have the same respective meanings as they have in section 2AB.”

Auditor-General to audit and report

43. Section 51 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) The Auditor-General shall forthwith examine the statements in respect of a financial year that are transmitted to him under sub-section 50 (4), and shall prepare and sign a report concerning the statements—

- (a) stating whether, in his opinion, the statements agree with, or differ from, the accounts and records kept in accordance with section 40;
- (b) setting out particulars of every case in which, in his opinion, the provisions of the Constitution, or of this or any other Act, have not been carried out; and
- (c) containing such information relating to, such explanations of and such comments on the statements as he thinks desirable.”

Certain orders and legal opinions to be annexed to Auditor-General’s report

44. Section 52 of the Principal Act is amended—

- (a) by omitting “The Auditor-General” and substituting “Subject to sub-section (2), the Auditor-General”; and
- (b) by adding at the end thereof the following sub-section:

“(2) Where a case or statement of facts laid by the Auditor-General before the Attorney-General for his opinion relates to an efficiency audit, the Auditor-General may, instead of annexing or appending the case or statement, together with a copy of the opinion given thereon, to a report under section 51, annex or append the report to a report prepared by him in accordance with Division 2 of Part VI.”

Auditor-General’s reports to be transmitted to Parliament

45. Section 53 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:

“(3) A copy of a report transmitted to a House of the Parliament or to the Minister under this section shall be accompanied by—

- (a) a copy of the statements transmitted to the Auditor-General under sub-section 50 (4), except in the case of a supplementary report; and
- (b) any copies referred to in section 52 that are relevant to the report.”

Separate account to be kept of Loan Fund

46. Section 55 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) A separate account shall be kept of all moneys raised by way of loan upon the public credit of the Commonwealth, other than moneys raised by way of advances made by banks in pursuance of agreements under section 20.”

47. Section 58A of the Principal Act is repealed and the following section substituted:

“58A. The Minister may take in reduction of expenditure charged to the Loan Fund the following receipts:

Receipts taken in reduction of expenditure charged to Loan Fund

- (a) moneys received from the sale of property, or for work, in respect of which moneys standing to the credit of the Loan Fund have been expended, but not exceeding the sum of the moneys so expended;
- (b) moneys received in repayment of moneys paid out of the Loan Fund by way of deposits, advances or loans;
- (c) moneys received in reimbursement of any other expenditure for which payments have been made out of the Loan Fund.”.

48. Section 62A of the Principal Act is amended by omitting from paragraph (a) of sub-section (7) “received by the Commonwealth and”.

Trust accounts

49. Section 62B of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:

Investment of moneys standing to credit of Trust Fund

“(3) Interest received from the investment of any moneys standing to the credit of the Trust Fund shall be dealt with—

- (a) in accordance with any Act making provision with respect to that interest; or
- (b) if paragraph (a) is not applicable—
 - (i) in a case where the Minister has directed the manner in which that interest is to be dealt with—in accordance with that direction; or
 - (ii) in any other case—by payment to the Consolidated Revenue Fund.”.

50. The heading immediately preceding section 63 of the Principal Act is repealed and the following heading substituted:

Heading to Part X

“PART X—MONEYS OUTSIDE AUSTRALIA AND NAVAL EXPENDITURE”.

51. Section 63 of the Principal Act is repealed and the following section substituted:

“63. (1) The regulations may make provision for and in relation to—

Moneys, &c., outside Australia

- (a) the collection, receipt, custody, expenditure, care and management, outside Australia, of public moneys and the due accounting for those moneys;
- (b) the keeping of accounts and records, and the provision of statements, returns and vouchers, in respect of the matters referred to in paragraph (a);
- (c) the execution of works and the supply of services outside Australia for or by the Commonwealth;

- (d) the purchase outside Australia of chattels and other property for or by the Commonwealth;
- (e) the custody, issue, sale or other disposal and writing off of stores and other property of the Commonwealth outside Australia, and the proper accounting for, and stocktaking of, those stores and that property; and
- (f) the inspection and examination by a person other than the Auditor-General, and the departmental checking, of accounts and records prepared or kept outside Australia in respect of public moneys, stores and other property of the Commonwealth.

“(2) In this section, ‘Australia’ includes the external Territories.

“(3) Notwithstanding section 71, regulations made in accordance with this section may contain provisions inconsistent with the provisions of this Act and, to the extent to which they are inconsistent with any such provision, have effect notwithstanding that provision.”

Heading

52. The heading immediately preceding section 63A of the Principal Act is repealed.

53. (1) Section 63A of the Principal Act is repealed and the following section substituted:

Australian
Navy

“63A. (1) The regulations may make provision for or in relation to—

- (a) the collection, receipt, custody, expenditure, care and management of public moneys, and the due accounting for those moneys, by members of the Australian Navy;
- (b) the keeping of accounts and records, and the provision of statements, returns and vouchers, in respect of the matters referred to in paragraph (a) by members of the Australian Navy;
- (c) the execution of works and the supply of services for or by the Commonwealth for the purposes of the Australian Navy;
- (d) the purchase of chattels and other property for or by the Commonwealth for the purposes of the Australian Navy;
- (e) the custody, issue, sale or other disposal and writing off of stores and other property of the Commonwealth connected with the operation of the Australian Navy, and the proper accounting for, and stocktaking of, those stores and that property;
- (f) the inspection and examination by a person other than the Auditor-General, and the checking within the Australian Navy, of accounts and records prepared or kept in respect of public moneys, stores and other property of the Commonwealth connected with the operation of the Australian Navy; and
- (g) the custody, aboard ships of the Australian Navy and at other naval establishments, of moneys other than public moneys and the carrying on, aboard such a ship, of banking business.

“(2) Notwithstanding section 71, regulations made in accordance with this section may contain provisions inconsistent with the provisions of this Act and, to the extent to which they are inconsistent with any such provision, have effect notwithstanding that provision.”.

(2) The regulations, being the Naval Account Regulations, in force at the commencement of this section for the purposes of section 63A of the Principal Act continue in force as if made under the Principal Act as amended by this Act for the purposes of section 63A of the Principal Act as so amended.

54. After section 63A of the Principal Act the following Part is inserted:

**“PART XI—FINANCIAL PROVISIONS RELATING TO
PUBLIC AUTHORITIES AND CERTAIN OTHER BODIES**

“Division 1—General

“63B. (1) In this Part, unless the contrary intention appears, ‘appropriate Minister’ means— Interpretation

- (a) in relation to a body corporate that is incorporated by an Act or by regulations made under an Act—the Minister administering the provisions of that Act that establishes, or provides for the establishment of, the body; or
- (b) in relation to a body corporate that is incorporated by a law of the Australian Capital Territory—the Minister administering the Act authorizing the making of Ordinances for that Territory or such other Minister as is prescribed for the purposes of this Part in relation to that authority in place of the first-mentioned Minister,

or another Minister for the time being acting for or on behalf of that Minister.

“(2) A reference in a Division of this Part to an authority shall be read as a reference to a body corporate declared by an Act, or by regulations made under this Act, to be a public authority to which that Division applies.

“63C. (1) Where an Act declares a body corporate incorporated for a public purpose by the Act to be a public authority to which a Division of this Part (being Division 2 or 3) applies, the provisions of that Division apply to and in relation to the body corporate subject to such modifications (if any) as are made to those provisions by the Act. Application

“(2) Regulations made under this Act may declare a specified body corporate incorporated for a public purpose by regulations made under another Act, or by an Ordinance of the Australian Capital Territory or regulations made under such an Ordinance, to be a public authority to

which a Division of this Part (being Division 2 or 3) applies, and the provisions of that Division apply to and in relation to a body corporate so declared subject to such modifications (if any) as are made to those provisions by regulations made under this Act.

“Division 2—Public authorities required to keep accounts in accordance with commercial practice

Bank
accounts

“63D. (1) The authority may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

“(2) The authority shall pay all moneys received by it into an account referred to in this section.

“(3) In this section, ‘approved bank’ means a trading bank as defined in sub-section 5 (1) of the *Banking Act* 1959 or another bank approved by the Treasurer or a person authorized by the Treasurer to give approvals under this section.

Investment
of moneys

“63E. (1) Moneys of the authority not immediately required for the purposes of the authority may be invested—

- (a) on deposit with an approved bank;
- (b) in Commonwealth securities; or
- (c) in any other manner approved by the Treasurer.

“(2) In sub-section (1), ‘approved bank’ means a trading bank as defined in sub-section 5 (1) of the *Banking Act* 1959 or another bank approved by the Treasurer or a person authorized by the Treasurer to give approvals under this section.

Proper
accounts to
be kept

“63F. The authority shall cause to be kept proper accounts and records of the transactions and affairs of the authority in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the authority and over the incurring of liabilities by the authority.

Audit

“63G. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the authority and records relating to assets of, or in the custody of, the authority, and shall forthwith draw the attention of the appropriate Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

“(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each year, report to the appropriate Minister the results of the inspection and audit carried out under sub-section (1).

“(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts and records of the authority relating directly or indirectly to the receipt or payment of moneys by the authority or to the acquisition, receipt, custody or disposal of assets by the authority.

“(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts or records.

“(6) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person, or to which the person has access, as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Division, and the person shall comply with the requirement.

“(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

“63H. (1) The authority shall, as soon as practicable after 30 June in each year, prepare and submit to the appropriate Minister a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Minister administering this Act approves. Annual report and financial statements

“(2) Before submitting financial statements to the appropriate Minister under sub-section (1), the authority shall submit them to the Auditor-General, who shall report to the appropriate Minister—

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and, in his opinion, show fairly the financial transactions and the state of the affairs of the authority;
- (c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the authority during the year have been in accordance with the enactment establishing the authority; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the appropriate Minister.

“(3) The appropriate Minister shall cause copies of the report and financial statements together with a copy of the report of the Auditor-General to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the appropriate Minister.

“Division 3—Public authorities not required to keep accounts in accordance with commercial practice

Bank
accounts

“63J. (1) The authority may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

“(2) The authority shall pay all moneys received by it into an account referred to in this section.

“(3) In this section, ‘approved bank’ means the Reserve Bank of Australia or another bank for the time being approved by the Treasurer or a person authorized by the Treasurer to give approvals under this section.

Proper
accounts to
be kept

“63K. The authority shall cause to be kept proper accounts and records of the transactions and affairs of the authority and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the authority and over the incurring of liabilities by the authority.

Audit

“63L. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the authority and records relating to assets of, or in the custody of, the authority, and shall forthwith draw the attention of the appropriate Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

“(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each year, report to the appropriate Minister the results of the inspection and audit carried out under sub-section (1).

“(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts and records of the authority relating directly or indirectly to the receipt or payment of moneys by the authority or to the acquisition, receipt, custody or disposal of assets by the authority.

“(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts or records.

“(6) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person, or to which the person has access, as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Division, and the person shall comply with the requirement.

“(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

“63M. (1) The authority shall, as soon as practicable after 30 June in each year, prepare and submit to the appropriate Minister a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Minister administering this Act approves. Annual report and financial statements

“(2) Before submitting financial statements to the appropriate Minister under sub-section (1), the authority shall submit them to the Auditor-General, who shall report to the appropriate Minister—

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the authority during the year have been in accordance with the enactment establishing the authority; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the appropriate Minister.

“(3) The appropriate Minister shall cause copies of the report and financial statements together with a copy of the report of the Auditor-General to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the appropriate Minister.

“Division 4—Miscellaneous

“63N. (1) In this Division—

Definitions

‘accounts and records of a body’ mean, in the case of the trustee or trustees of a trust, the accounts and records of the trustee or trustees relating to the trust;

‘body’ includes—

- (a) an incorporated company—
 - (i) in which the Commonwealth has an interest; or
 - (ii) in which a body corporate incorporated for a public purpose by an enactment has an interest;
- (b) an incorporated company that is related to a company referred to in paragraph (a);
- (c) an international organization of which Australia is a member; and
- (d) the trustee or trustees of a trust.

“(2) For the purposes of this Division—

- (a) the Commonwealth shall be deemed to have an interest in an incorporated company—
 - (i) if any stock or shares in the capital of the company is or are beneficially owned by the Commonwealth; or
 - (ii) in the case of a company limited by guarantee—if the Commonwealth, or a nominee for the Commonwealth, is a member of the company; and
- (b) a body corporate referred to in sub-paragraph (a) (ii) of the definition of ‘body’ in sub-section (1) shall be taken to have an interest in an incorporated company—
 - (i) if any stock or shares in the capital of the company is or are beneficially owned by that body corporate; or
 - (ii) in the case of a company limited by guarantee—if that body corporate, or a nominee for that body corporate, is a member of the company.

“(3) Where an incorporated company—

- (a) is the holding company of another incorporated company;
- (b) is a subsidiary of another incorporated company; or
- (c) is a subsidiary of the holding company of another incorporated company,

the first-mentioned incorporated company and that other incorporated company shall, for the purposes of this Division, be deemed to be related to each other.

“(4) Subject to sub-sections (5) and (7)—

- (a) an incorporated company shall be deemed to be a subsidiary of another incorporated company if that other company—
 - (i) controls the composition of the board of directors of the first-mentioned company;
 - (ii) controls more than one-half of the voting power at a general meeting of the first-mentioned company; or
 - (iii) holds more than one-half of the issued shares in the first-mentioned company (excluding any shares that carry no right to participate beyond a specified amount in a distribution of either profits or capital); and
- (b) an incorporated company shall be deemed to be a subsidiary of another incorporated company if the first-mentioned company is a subsidiary of any incorporated company that is that other company’s subsidiary (including a company that is that other company’s subsidiary by another application or other applications of this paragraph).

“(5) For the purposes of sub-section (4), the composition of the board of directors of an incorporated company shall be deemed to be controlled by another incorporated company if that other company by

the exercise of some power exercisable by it without the consent or concurrence of any other person can appoint or remove all or a majority of the directors.

“(6) For the purposes of sub-section (5), an incorporated company shall be deemed to have power to make an appointment to the board of directors of another incorporated company—

- (a) if a person cannot be appointed as such a director without the exercise by that first-mentioned company of some power exercisable by it without the consent or concurrence of any other person; or
- (b) if the appointment of a person as a director of that other company necessarily follows from his being a director or other officer of that first-mentioned company.

“(7) In determining whether an incorporated company is a subsidiary of another incorporated company—

- (a) any shares held or powers exercisable by that other company in a fiduciary capacity shall be treated as not held or exercisable by it;
- (b) subject to paragraphs (c) and (d), any shares held or power exercisable—
 - (i) by any person as a nominee for that other company (except where that other company is concerned only in a fiduciary capacity); or
 - (ii) by, or by a nominee for, a subsidiary of that other company, not being a subsidiary that is concerned only in a fiduciary capacity,

shall be treated as held or exercisable by that other company;

- (c) any shares held or power exercisable by any person by virtue of the provisions of any debentures of the first-mentioned company, or of a trust deed for securing any such debentures, shall be disregarded; and
- (d) any shares held or power exercisable by, or by a nominee for, that other company or its subsidiary (not being held or exercisable as mentioned in paragraph (c)) shall be treated as not held or exercisable by that other company if the ordinary business of that other company or its subsidiary, as the case may be, includes the lending of money and the shares are held or the power is exercisable solely by way of security for the purposes of a money-lending agreement.

“(8) A reference in this Division to a holding company of another incorporated company shall be read as a reference to an incorporated company of which that other company is a subsidiary.

Audit &c., by
arrangement

“63P. (1) The functions of the Auditor-General under this Act extend to the carrying out, at the discretion of the Auditor-General—

- (a) of an inspection and audit of the accounts and records of a body—
 - (i) where a Minister requests the Auditor-General to carry out the inspection and audit and arranges with the body for its accounts and records to be made available for the purpose; or
 - (ii) in accordance with an arrangement made under sub-section (2); and
- (b) of an inspection and audit of accounts and records of the Government of a country other than Australia where a Minister requests the Auditor-General to carry out the inspection and audit and the Government of that country arranges with the Auditor-General for the relevant accounts and records to be made available to him for the purpose.

“(2) The Auditor-General may, at the request of a Minister, make an arrangement with a body for the carrying out by the Auditor-General of the inspection and audit of the accounts and records of the body, and may, with the consent of a Minister, vary or revoke such an arrangement.

“(3) An arrangement made under sub-section (2) with a body may include provision for the payment of a fee by the body to the Commonwealth in respect of the carrying out of an inspection and audit to which the arrangement relates.

Audit fees

“63Q. (1) Where the Auditor-General carries out, whether under this Part or otherwise, an inspection and audit of the accounts and records of a body—

- (a) determined by the Minister administering this Act to be a body to which this section applies; or
- (b) included in a class of bodies determined by the Minister administering this Act to be a class of bodies to which this section applies,

or reports to the appropriate Minister concerning the financial statements of such a body, there are payable by that body to the Commonwealth, in respect of the inspection and audit, or of the giving of the report, fees and charges in accordance with a scale of fees and charges determined by the Auditor-General in a manner approved by the Minister administering this Act, being a scale applicable to that body.

“(2) The Minister administering this Act may exempt a body included in a class of bodies referred to in paragraph (1) (b) from the payment of fees and charges under sub-section (1).”

55. Section 67 of the Principal Act is repealed and the following section substituted:

“67. (1) A person shall not fail—

- (a) to attend before the Auditor-General, or the independent auditor, for the purpose of being examined;
- (b) to produce any accounts or records;
- (c) to be sworn or make a declaration or affirmation; or
- (d) to answer any lawful question,

Persons failing to attend to give evidence, &c.

when required to do so by the Auditor-General, or by the independent auditor, as the case may be, under this Act.

Penalty: \$200.

“(2) Where a person is required under this Act to attend before the Auditor-General or the independent auditor, he is entitled to be paid such expenses as the Auditor-General, or the independent auditor, as the case may be, certifies to be reasonable.

“(3) In this section, ‘independent auditor’ has the same meaning as it has in Division 3 of Part VI.”

56. Section 68 of the Principal Act is amended—

- (a) by inserting in paragraph (b) “or the independent auditor” after “Auditor-General”; and
- (b) by adding at the end thereof the following sub-section:
 - “(2) In this section, ‘independent auditor’ has the same meaning as it has in Division 3 of Part VI.”

Persons taking false oath or making false declaration guilty of perjury

57. Section 70 of the Principal Act is repealed and the following Part inserted in its stead:

“PART XIII—LOSSES OF, AND DAMAGE TO, PUBLIC PROPERTY

“70AA. (1) In this Part, unless the contrary intention appears—
‘Department’ means—

Definition

- (a) a Department of State;
- (b) a Department of the Parliament; or
- (c) a branch or part of the Australian Public Service in relation to which a person has, under an Act, the powers of, or exercisable by, the Permanent Head of a Department of the Australian Public Service;

‘officer’ means—

- (a) a person who is employed under the *Public Service Act* 1922 and is ordinarily performing duties in a Department;
- (b) a member of the Commonwealth Teaching Service;
- (c) a member of the Australian Navy, the Australian Army or the Australian Air Force;

- (d) a person who holds an office of Trade Commissioner or Assistant Trade Commissioner under the *Trade Commissioners Act 1933*;
- (e) a person other than a member of the Australian Navy who is employed under the *Naval Defence Act 1910*;
- (f) a person who is employed under section 10 of the *Supply and Development Act 1939*;
- (g) a Commonwealth Police Officer;
- (h) a member of the Police Force of the Australian Capital Territory; or
- (j) a person employed by the Commonwealth (other than a person referred to in a preceding paragraph of this definition) who is included in a class of persons employed by the Commonwealth declared by the regulations to be a class of persons to whom this paragraph applies;

‘Permanent Head’ means—

- (a) in relation to an officer who is employed in a Department of State or a Department of the Parliament—the person who, under the *Public Service Act 1922*, holds, or is performing the duties of, the office of Permanent Head of that Department;
- (b) in relation to an officer who is employed in a branch or part of the Australian Public Service referred to in paragraph (c) of the definition of ‘Department’ in this section—the person who has the powers of, or exercisable by, the Permanent Head of a Department of the Australian Public Service so far as those powers relate to that branch or part of that Service;
- (c) in relation to an officer who is a member of the Commonwealth Teaching Service—the person who holds, or is performing the duties of, the office of Commonwealth Teaching Service Commissioner under the *Commonwealth Teaching Service Act 1972*;
- (d) in relation to a member of the Australian Navy, the Australian Army or the Australian Air Force or to a person, other than a member of the Australian Navy, who is employed under the *Naval Defence Act 1910*—the person who, under the *Public Service Act 1922*, holds, or is performing the duties of, the office of Secretary to the Department of Defence;
- (e) in relation to a person who holds an office of Trade Commissioner or Assistant Trade Commissioner—the person who, under the *Public Service Act 1922*, holds, or is performing the duties of, the office of Secretary to the Department of Trade and Resources;

- (f) in relation to a person who is employed under section 10 of the *Supply and Development Act 1939*—the person who, under the *Public Service Act 1922*, holds, or is performing the duties of, the office of Secretary to the Department of Productivity;
- (g) in relation to a Commonwealth Police Officer—the person holding, or performing the duties of, the office, under the *Public Service Act 1922*, of Commissioner of Police of the Commonwealth Police Force;
- (h) in relation to a member of the Police Force of the Australian Capital Territory—the person holding, or performing the duties of, the office of Commissioner of Police of that Force; and
- (j) in relation to a person included in a class of persons to whom paragraph (j) of the definition of ‘officer’ in this sub-section applies—the person holding, or performing the duties of, such office as is declared by the regulations to be, for the purposes of this Part, the office of Permanent Head in respect of that class of persons.

“(2) In this Part, unless the contrary intention appears, a reference to property of the Commonwealth shall be read as including a reference to chattels the property of, or in the possession or under the control of, the Commonwealth or a prescribed authority.

“(3) For the purposes of this Part, an officer shall be taken to have performed duties in a grossly negligent manner if he has displayed, in the performance of those duties, a deliberate or serious disregard of reasonable standards of care.

“70AB. (1) Subject to sub-section (2) and to any regulations made under sub-section (12), where there occurs a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth, an officer who, by his misconduct or by performing any of his duties in a grossly negligent manner, causes or contributes to the loss, deficiency, destruction or damage is liable to pay to the Commonwealth an amount equal to—

Liability in respect of losses, &c.

- (a) in the case of a loss of, or deficiency in, public moneys—the amount of the loss or deficiency;
- (b) in the case of loss or destruction of property—the value of the property lost or destroyed; or
- (c) in the case of damage of property—the expense of repairing the damage to the property or the value of the property, whichever is the less.

“(2) Where the negligence or misconduct of an officer was not the sole cause of any loss of, or deficiency in, public moneys, or of any loss or destruction of, or damage to, other property of the Commonwealth, the officer is liable under sub-section (1) to pay to the Commonwealth so

much only of the amount that would, but for this sub-section, be payable under sub-section (1) as is just and equitable having regard to the officer's share of responsibility for the loss, deficiency, destruction or damage.

“(3) Without limiting the generality of sub-section (1), an officer may, under sub-section (4), (5) or (8), be under a liability to the Commonwealth in respect of a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth, notwithstanding that he has not caused, or contributed to, the loss, deficiency, destruction or damage by his misconduct or by performing any of his duties in a grossly negligent manner.

“(4) Where there occurs a loss of, or deficiency in, public moneys held by an officer by way of an advance, the officer is, subject to sub-section (7) and to any regulations made under sub-section (12), liable to pay to the Commonwealth an amount equal to the amount of the loss or deficiency.

“(5) Where a loss of, or a deficiency in, public moneys occurs while the moneys are under the control of an accounting officer as provided by sub-section (6), the officer is, subject to sub-section (7) and to any regulations made under sub-section (12), liable to pay to the Commonwealth an amount equal to the amount of the loss or deficiency.

“(6) For the purpose of sub-section (5), public moneys shall be taken to be under the control of an accounting officer if the moneys have been collected or received by the accounting officer but have not been paid to another person, or to the credit of a bank account, as required by directions in force under this Act and applicable to those moneys.

“(7) An officer is not liable to pay an amount to the Commonwealth under sub-section (4) or (5) in respect of a loss of, or deficiency in, public moneys held by, or under the control of, the officer if the loss or deficiency occurred notwithstanding that the officer had taken such steps as it was reasonable, in all the circumstances, for him to take to prevent any loss of the moneys, or the occurrence of any deficiency in the moneys, as the case may be.

“(8) Where—

- (a) the loss or destruction of, or damage to, property of the Commonwealth occurs while the property is under the control of an officer as provided by sub-section (10); and
- (b) when the property was delivered to the officer, the officer was informed, in writing, and acknowledged, in writing, that the property was delivered to him on the express condition that he would, at all times, take strict care of the property,

the officer is, subject to sub-section (9) and to any regulations made under sub-section (12), liable to pay to the Commonwealth an amount equal to—

- (c) in the case of the loss or destruction of the property—the value of the property; or
- (d) in the case of damage to property—the expense of repairing the damage to the property or the value of the property, whichever is the less.

“(9) An officer is not liable to pay an amount to the Commonwealth under sub-section (8) in respect of the loss or destruction of, or damage to, property of the Commonwealth if the loss, destruction or damage occurred notwithstanding that the officer had taken such steps as it was reasonable, in all the circumstances, for him to take to prevent the loss or destruction of, or damage to, the property, as the case may be.

“(10) For the purpose of sub-section (8), property of the Commonwealth shall be taken to be under the control of an officer if the property has been delivered to the officer and has not been returned to the person entitled to receive the property on behalf of the Commonwealth.

“(11) The Commonwealth is not entitled to recover amounts from the one officer under 2 or more sub-sections of this section in respect of the same loss, deficiency, destruction or damage.

“(12) The regulations may make provision for and in relation to the reduction of the amount that would otherwise be the amount of the liability of a person under this section in respect of a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth.

“70AC. (1) Where the Permanent Head of an officer is satisfied that a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth, occurred in such circumstances as to render the officer liable under section 70AB to pay an amount to the Commonwealth in respect of the loss, deficiency, destruction or damage, the Permanent Head shall determine, in writing, that the loss, deficiency, destruction or damage so occurred and his assessment of the amount that the officer is liable to pay to the Commonwealth under this Part in respect of the loss, deficiency, destruction or damage.

Permanent Head to take action in respect of losses, &c.

“(2) Where, under the regulations, an investigation is required to be held into a loss of, or deficiency in, public moneys, or into the loss or destruction of, or damage to, other property of the Commonwealth, the Permanent Head shall not make a determination under sub-section (1) in respect of the loss, deficiency, destruction or damage unless the investigation has been completed and he has given consideration to a report of the results of the investigation.

“(3) A Permanent Head shall cause a copy of a determination made by him under sub-section (1) to be delivered to the officer concerned.

“(4) Application may be made to the Administrative Appeals Tribunal for a review of a determination made by a Permanent Head under sub-section (1).

“(5) An officer to whom a copy of a determination has been delivered in accordance with sub-section (3)—

- (a) may, if he has not made application to the Administrative Appeals Tribunal for review of the determination, notify the Permanent Head, in writing, that he wishes his liability (if any), or the amount of his liability, or both, in respect of the loss, deficiency, destruction or damage to be determined by a court; and
- (b) shall not, after he has so notified the Permanent Head, make application to the Administrative Appeals Tribunal for review of the determination.

“(6) Sub-section (1) does not authorize the making of a determination with respect to the liability of a person who was an officer when the liability was incurred but is no longer an officer.

“(7) A Permanent Head may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer any of his powers under this section, other than this power of delegation.

“(8) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Permanent Head.

“(9) A delegation under this section does not prevent the exercise of a power by the Permanent Head.

Recovery of
amount

“70AD. (1) Subject to sub-section (3), where—

- (a) by virtue of a decision given by the Administrative Appeals Tribunal, a determination made by a Permanent Head under sub-section 70AC (1), or another determination that is, under sub-section 43 (6) of the *Administrative Appeals Tribunal Act* 1975, to be deemed to be a determination so made is in force; and
- (b) the determination that is so in force contains an assessment of the amount that an officer is liable to pay to the Commonwealth in respect of a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth,

the Commonwealth may recover from the officer, by action in a court of competent jurisdiction, an amount equal to the amount so assessed as a debt due by the officer to the Commonwealth.

“(2) Subject to sub-section (3), where—

- (a) the Administrative Appeals Tribunal, upon determining an application made to it for the review of a determination made by a Permanent Head under sub-section 70AC (1), has set aside that determination and remitted the matter for reconsideration in accordance with directions or recommendations of the Tribunal;
- (b) the matter has been reconsidered by a Permanent Head and there is in force a determination made by a Permanent Head, or another determination that is, under sub-section 43 (6) of the *Administrative Appeals Tribunal Act 1975*, to be deemed to be the determination made by a Permanent Head, upon the reconsideration of the matter; and
- (c) the determination that is so in force contains an assessment of the amount that an officer is liable to pay to the Commonwealth in respect of a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth,

the Commonwealth may recover from the officer, by action in a court of competent jurisdiction, an amount equal to the amount so assessed as a debt due by the officer to the Commonwealth.

“(3) Proceedings shall not be instituted in a court under sub-section (1) or (2) in relation to a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth—

- (a) unless the time for appealing to the Federal Court of Australia from the decision of the Administrative Appeals Tribunal in relation to the loss, deficiency, destruction or damage has expired; or
- (b) if such an appeal has been instituted—unless the appeal has been determined or withdrawn.

“(4) Nothing in section 70AC or in sub-sections 70AD (1), (2) or (3) shall be taken to affect the right of the Commonwealth to recover from an officer who does not make application to the Administrative Appeals Tribunal for review of the determination made by the Permanent Head in respect of a loss of, or deficiency in, public moneys or the loss or destruction of, or damage to, other property of the Commonwealth, by action in a court of competent jurisdiction, the amount that the officer is liable, under section 70AB, to pay to the Commonwealth in respect of the loss, deficiency, destruction or damage whether or not the officer has given a notification under sub-section 70AC (5).

“70AE. The burden of satisfying a court, the Administrative Appeals Tribunal, a Permanent Head or the delegate of a Permanent Head that, by reason of the provisions of sub-section 70AB (7) or (9) a person is not liable to pay an amount to the Commonwealth that he would otherwise be liable to pay lies on the person who alleges that he is not so liable. Burden of proof

Persons not
liable twice
in respect of
same loss,
&c.

“70AF. (1) Section 70AB shall not be taken to affect any right of the Commonwealth to recover an amount from an officer otherwise than under this Part, but the Commonwealth shall not recover amounts from the one officer both under this Part and otherwise than under this Part in respect of the same loss, deficiency, destruction or damage.

“(2) The Commonwealth shall not recover an amount from an officer both under section 70AB and under sub-section 70AD (1) or (2) in respect of the same loss, deficiency, destruction or damage.

“(3) Subject to sub-section (4), it is not competent for the Commonwealth to commence, or continue, legal proceedings against a person in respect of his liability for a loss of, or deficiency in, public moneys, or the loss or destruction of, or damage to, other property of the Commonwealth, after he has paid to the Commonwealth, in respect of that liability, an amount equal to the assessed amount of the loss, deficiency, destruction or damage.

“(4) Sub-section (3) does not prevent the Commonwealth from continuing proceedings instituted against a person before the payment was made for the purpose only of obtaining an order in respect of the costs of the proceedings.

Application
to prescribed
authorities

“70AG. Sections 70AB, 70AC, 70AD, 70AE and 70AF apply to and in relation to a prescribed authority as if—

- (a) references in those sections to the Commonwealth (except references to the property of the Commonwealth) were references to the prescribed authority;
- (b) references in those sections to an officer were references to a person who—
 - (i) constitutes, or is acting as a person constituting, the prescribed authority;
 - (ii) is, or is acting as, a member of the prescribed authority or is a deputy of such a member; or
 - (iii) is employed by the prescribed authority;
- (c) references in those sections to a Permanent Head, in relation to an officer, were references to the person holding, or performing the duties of, such office as is prescribed for the purpose of this paragraph in respect of the prescribed authority; and
- (d) references in those sections to property of the Commonwealth included references to the property of the prescribed authority.”.

58. (1) Sections 70A and 70B of the Principal Act are repealed and the following sections substituted:

“70A. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer any of his powers under this Act, other than this power of delegation. Delegation
by Minister

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

“(3) A delegation under this section does not prevent the exercise of a power by the Minister.

“70B. After the commencement of this section, a guarantee of the due payment of the whole or a part— Guarantees
by the
Common-
wealth

- (a) of the repayments of principal moneys required to be paid under the terms of an agreement for the loan of moneys; or
- (b) of any interest required to be paid under the terms of such a loan,

shall not be given by or on behalf of the Commonwealth unless a provision of an Act (including an Act that came into force before the date of commencement of this section), or a provision of an Ordinance of the Australian Capital Territory (being a provision that was in force immediately before that date), expressly authorizes—

- (c) the giving of the guarantee in respect of the loan; or
- (d) the giving of such a guarantee in respect of loans included in a class of loans in which the loan is included.

“70BA. Where, under a provision of an enactment, the Auditor-General is authorized or required to submit a report to a Minister in respect of an authority or other body, being an authority or body declared by the regulations to be an authority or body to which this section applies, a report, in respect of the authority or body, of a kind referred to in the provision, being a report signed by an officer authorized by the Auditor-General to do so, may be submitted to the Minister and shall, when it has been so submitted, be deemed to have been submitted to the Minister by the Auditor-General for the purposes of that provision.” Signing
reports
concerning
certain
authorities
and other
bodies

(2) Delegations given by the Minister before, and in force immediately before, the commencement of this section continue in force for the purposes of the Principal Act as amended by this Act as if they had been given under section 70A of the Principal Act as so amended.

(3) The repeal of section 70B of the Principal Act by sub-section (1) does not affect the liability of the Commonwealth under any guarantee made by the Treasurer for and on behalf of the Commonwealth under that section before the commencement of this section.

Writing off,
and waiver
of rights to,
certain
moneys and
stores

59. Section 70C of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) Subject to sub-section (4), the Minister has, on behalf of the Commonwealth, power—

(a) to waive the right of the Commonwealth—

(i) to the payment of an amount payable to the Commonwealth or to the payment of an amount included in a class of amounts payable to the Commonwealth; or

(ii) to the recovery by the Commonwealth of any stores or of stores included in any class of stores; and

(b) to postpone the right (whether arising under an enactment or otherwise) to payment of a debt payable to the Commonwealth in priority to another debt or to all other debts included in a class of debts.

“(3) The power conferred on the Minister by sub-section (2) is in addition to, and does not derogate from, any other power conferred on the Minister by this Act, by any other Act or by a law of a Territory.

“(4) The Minister shall not waive the right of the Commonwealth to the payment of an amount exceeding \$25,000 unless he has considered a report concerning the proposed waiver furnished to him by a committee consisting of the Secretary to the Department of Finance, the Secretary to the Department of Administrative Services and the Comptroller-General of Customs.

“(5) The Minister may appoint a person to be a deputy of a person for the time being holding, or performing the duties of, an office specified in sub-section (4).

“(6) Where the person for the time being holding, or performing the duties of, an office specified in sub-section (4) is, at any time, unable to act as a member of the committee referred to in that sub-section, the deputy of that person may act as a member of that committee on his behalf and shall, while so acting, be deemed to be a member of that committee in place of that person.

“(7) The regulations may make provision for and in relation to the conduct of the business of, and the convening and conduct of meetings of, the committee referred to in sub-section (4).”.

60. After section 70C of the Principal Act the following section is inserted:

Exempt
accounts

“70D. (1) Where the responsible Minister in respect of a prescribed Department or a prescribed organization is satisfied that disclosure of the accounts, or of a particular part of the accounts, of the Department or the organization—

- (a) would prejudice operations that have been carried on, are being carried on or are expected to be carried on by the Department or by the organization, as the case may be; and
- (b) would be contrary to the national interest,

the responsible Minister may declare, by writing under his hand, that those accounts are, or that part of those accounts is, to be treated as exempt accounts of the Department or of the organization, as the case may be, for the purposes of this section.

“(2) A declaration under sub-section (1) in respect of a Department or an organization has no force or effect until it is delivered to the Auditor-General.

“(3) Upon delivery to the Auditor-General, but subject to sub-section (4), a declaration under sub-section (1) in respect of accounts, or a part of accounts, applies to the accounts, or the part of the accounts, that relate to any period or periods commencing on, or occurring after, such date as is specified in the declaration, which may be a date in the financial year in which the declaration is made earlier than the date on which the declaration was made but not earlier than 1 July 1978.

“(4) If—

- (a) a declaration under sub-section (1) is in force in respect of the accounts, or a part of the accounts, of a prescribed Department or a prescribed organization; and
- (b) the declaration is revoked or the Department or organization ceases to be a prescribed Department or a prescribed organization, as the case may be,

the declaration does not apply to those accounts, or that part of those accounts, that relate to any period after the revocation takes effect or the Department or organization ceases to be a prescribed Department or a prescribed organization, as the case may be.

“(5) As soon as practicable after the Auditor-General completes his audit of the accounts, in respect of a financial year, of, or relating to, a Department that was a prescribed Department, or an organization that was a prescribed organization, during the whole or a part of that financial year, the Auditor-General shall notify the responsible Minister in respect of the Department or organization, in writing, the total of the amounts that, according to the accounts audited by him, were allocated for crediting to the exempt accounts of the Department or organization during that financial year and request the responsible Minister to furnish to him certificates, for presentation to the Parliament, certifying—

- (a) whether the moneys shown in those exempt accounts as having been expended for a purpose or service specified in those exempt accounts during that financial year, or during the part of that financial year during which they were exempt accounts, were properly expended in respect of that service or purpose and in the public interest; and

- (b) whether the amount standing to the credit of those exempt accounts at the end of the financial year, or, if they ceased to be exempt accounts before the end of the financial year, immediately before they ceased to be exempt accounts—
- (i) was held in cash, on deposit with a bank or partly in cash and partly on deposit with a bank; and
 - (ii) equalled the amount ascertained by aggregating the amount standing to the credit of those accounts at the commencement of the financial year and the total specified in the notification so given to the responsible Minister by the Auditor-General and subtracting from that aggregate the total of the amounts of expenditure referred to in the certificate.

“(6) The responsible Minister in respect of a Department or organization shall comply with a request under sub-section (5) as soon as practicable after he receives the request.

“(7) The Auditor-General shall transmit a signed copy of a certificate concerning the exempt accounts of a Department or organization in respect of a financial year or a part of a financial year that is furnished to him in compliance with a request under sub-section (5) to each House of the Parliament at the same time as he transmits a signed copy of his report, in respect of that financial year, relating to the Department or organization to each House of the Parliament in accordance with section 53.

“(8) A person to whom this sub-section applies shall not, either directly or indirectly, and either while he is, or after he ceases to be, a person to which this sub-section applies, divulge or communicate, except with the consent of the Minister or, in the course of duty, to another person to whom this sub-section applies, any information, acquired by him by reason of his being a person to whom this sub-section applies, that relates to any moneys allocated for crediting to the exempt accounts, or to any receipts or expenditure recorded in the exempt accounts, of a Department or organization.

Penalty: \$500.

“(9) Except so far as the contrary intention appears—

- (a) a provision of this Act, or of any other Act whether passed before or after the commencement of this section, that authorizes or requires the Auditor-General to inspect, examine or audit any accounts of, or relating to, a Department or organization shall, in the case of a Department that is, or has been, a prescribed Department or of an organization that is, or has been, a prescribed organization, be taken to authorize or require the Auditor-General to inspect, examine or audit only such accounts of, or relating to, the Department or organization as are not exempt accounts of the Department or organization; and

- (b) nothing in this Act, or in any other Act whether passed before or after the commencement of this section, shall be taken to authorize the Auditor-General or any person appointed by the Auditor-General under section 11 to inspect or examine any documents or records of a Department, or of an organization, that relate to expenditure that is recorded in the exempt accounts of the Department or organization.

“(10) In this section—

- (a) a reference to the responsible Minister in respect of a Department shall be read as a reference to the Minister administering that Department or another Minister acting for and on behalf of the Minister administering that Department;
- (b) a reference to the responsible Minister in respect of an organization shall be read as a reference—
- (i) in the case of an organization established by or under an Act—to the Minister administering the provisions of that Act that established, or provided for the establishment of, the organization; or
 - (ii) in the case of any other organization—to the Minister declared by the regulations to be the responsible Minister in respect of the organization,
- or another Minister acting for and on behalf of that Minister; and
- (c) a reference to a person to whom sub-section (8) applies shall be read as a reference to—
- (i) the Auditor-General;
 - (ii) a person employed in the Auditor-General’s Office; or
 - (iii) a person, not being a person employed in the Auditor-General’s Office, appointed by the Auditor-General under section 11.

“(11) In this section, unless the contrary intention appears—

‘accounts’ includes financial statements;

‘exempt accounts’ means accounts, or a part of accounts, that, by virtue of a declaration under sub-section (1), are to be treated as exempt accounts of a Department or organization;

‘prescribed Department’ means a Department of State declared by the regulations to be a prescribed Department for the purposes of this section;

‘prescribed organization’ means an organization declared by the regulations to be a prescribed organization for the purposes of this section.”

61. Section 71 of the Principal Act is amended—

Regulations

- (a) by omitting from paragraph (b) of sub-section (1) “books and accounts” and substituting “accounts and records”;

- (b) by omitting from paragraph (c) of sub-section (1) “books and documents” and substituting “accounts and records”;
- (c) by omitting from paragraph (e) of sub-section (1) “and” (last occurring);
- (d) by adding at the end of sub-section (1) the following word and paragraph:
 - “, and (g) the disposal of unclaimed property found on premises, or in an aircraft, vessel, vehicle, container or receptacle, under the control of a Department.”;
 - and
- (e) by omitting sub-section (2).

62. After section 71 of the Principal Act the following section is inserted:

Directions
by officers,
&c.

“72. (1) The regulations (including regulations made in accordance with section 63 or 63A) may—

- (a) authorize the Minister, or the Secretary to the Department of Finance, to give to officers, or to any other persons who are subject to the provisions of this Act, directions for or in relation to any of the matters for and in relation to which regulations may be made under this Act;
- (b) authorize a prescribed officer of a Department to give to officers of, or persons employed in, that Department directions for or in relation to any of the matters referred to in paragraph (a);
- (c) authorize a prescribed member of the Defence Force to give to members of a prescribed part of the Defence Force, or to persons included in a prescribed class of persons employed in the service of the Commonwealth, directions for or in relation to any of the matters referred to in paragraph (a);
- (d) authorize a prescribed person employed in the service of the Commonwealth to give to persons included in a prescribed class of persons employed in the service of the Commonwealth directions for or in relation to any of the matters referred to in paragraph (a); and
- (e) provide that a contravention of, or failure to comply with, a direction referred to in paragraph (a), (b), (c) or (d) shall be deemed to be a contravention of the regulations.

“(2) Subject to sub-section (3), directions referred to in sub-section (1) shall not be inconsistent—

- (a) with this or any other Act;
- (b) with regulations in force under this Act or any other Act; or
- (c) in the case of directions given under paragraph (b), (c) or (d) of sub-section (1), with directions given under paragraph (a) of that sub-section.

“(3) Directions referred to in sub-section (1) that are given in pursuance of regulations made in accordance with section 63 or 63A—

(a) shall not be inconsistent—

(i) with those regulations; or

(ii) in the case of any such directions given by a prescribed officer of a Department or a prescribed member of the Defence Force—with any such directions given by the Secretary to the Department of Finance or a person to whom he has delegated his powers under sub-section (4); and

(b) subject to paragraph (a), may contain provisions inconsistent with the provisions of this Act and, to the extent to which they are inconsistent with any such provision, have effect notwithstanding that provision.

“(4) The Secretary to the Department of Finance may, by writing signed by him, delegate to an officer, either generally or otherwise as provided by the instrument of delegation, all or any of his powers to give directions under the regulations.

“(5) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act and of the regulations, be deemed to have been exercised by the Secretary to the Department of Finance.

“(6) A delegation given under sub-section (4) does not prevent the exercise of a power by the Secretary to the Department of Finance.”

63. (1) The Second Schedule to the Principal Act is amended by omitting Forms 1 and 2 and substituting the following Forms: Second
Schedule—
Forms 1, 2
and 4

FORM 1

Section 32 (1)

NOTIFICATION BY MINISTER FOR FINANCE

To the Auditor-General

I hereby notify you that it appears to me that the amount of \$ _____, which does not exceed the amount available for expenditure in accordance with the appropriation of the Consolidated Revenue Fund (or of the Loan Fund) made by (here specify the relevant provision of the Act by which the appropriation was made), is required (or is likely to be required) to be withdrawn from the Commonwealth Public Account for expenditure in respect of (here specify the services or purposes, or services and purposes, in respect of which the amount is required to be expended).

Dated this _____

day of _____, 19 ____.

Minister for Finance.

FORM 2

Section 32 (2)

CERTIFICATE OF AUDITOR-GENERAL

I certify that the amount specified in the within (or foregoing) notification by the Minister for Finance in relation to the appropriation of the Consolidated Revenue Fund (or of the Loan Fund) set out in the notification does not exceed the amount available for expenditure, in accordance with that appropriation, in respect of the services (or purposes or services and purposes) referred to in the notification.

Dated this _____ day of _____, 19 ____
 Auditor-General.

(2) The Second Schedule to the Principal Act is further amended by adding at the end thereof the following Form:

FORM 4

Section 49

Commonwealth Government

STATEMENT OF FINANCIAL TRANSACTIONS

\$ million

	Budget Estimate	Month of	Months to	Months to
OUTLAYS				
Defence				
Education				
Health				
Social Security and Welfare				
Housing				
Urban and Regional Development (nec) and the Environment				
Culture and Recreation				
Economic Services—				
Transport and Communication				
Water Supply and Electricity				
Industry Assistance and Development				
Labour and Employment				
Other Economic Services				
General Public Services—				
Legislative Services				
Law, Order and Public Safety				
Foreign Affairs and Overseas Aid				
General and Scientific Research (nec)				
Administrative Services				
Not Allocated to Function—				
Payments to or for the States, the Northern Territory and Local Government Authorities (nec)				
Public Debt Interest				
Allowance for Prospective Wage and Salary Increases				
Unallocated Administrative Savings				
Total Outlays				

FORM 4—continued

	Budget Estimate	Month of	Months to	Months to
RECEIPTS				
Taxation Revenue—				
Customs Duty—				
Imports				
Coal Exports				
Excise Duty				
Sales Tax				
Income Tax—Individuals—Gross PAYE				
—Refunds				
—Net PAYE				
—Other				
—Companies				
—Withholding Tax—Dividends				
—Interest				
Payroll Tax				
Departure Tax				
Estate Duty				
Gift Duty				
Stamp Duty				
Other Taxes, Fees and Fines				
Remissions				
Total Taxation Revenue				
Interest, Rent and Dividends				
Net Receipts from Government Enterprise Transactions				
Sale of Existing Assets				
Total Receipts				
SURPLUS (+) DEFICIT (-)				
FINANCING TRANSACTIONS				
Net overseas borrowings				
Net proceeds of Australian Savings Bonds and Special Bonds				
Net change in Treasury Notes on Issue				
Net proceeds of other loans raised in Australia				
Borrowings from Reserve Bank				
Use of cash balances				
Other financing transactions in Australia				
Total Financing Transactions				

UNFUNDED DEBT AND BANK BALANCES AT

\$ million

Treasury Bills
Treasury Notes
Bank Balances

Secretary to the Department of Finance

Minister for Finance.

64. The Principal Act is amended as set out in the Schedule.

Formal amendments

Regulations
and
directions

65. (1) At any time after this Act receives the Royal Assent and before the date fixed under sub-section 2 (2) or (3) of this Act for the commencement of a provision of this Act, regulations may be made, and directions may be given, under the Principal Act as amended by this Act for the purposes of that Act as amended by that provision as if that provision had come into operation on the date on which this Act receives the Royal Assent, but regulations so made, or directions so given, shall not come into operation before the date fixed under that sub-section in relation to that provision.

(2) Where a regulation (including a regulation referred to in sub-section (1)) provides for the giving of directions, at any time after this Act receives the Royal Assent and before the date fixed under sub-section 2 (2) or (3) for the commencement of a provision of this Act, directions may be given under that regulation for the purposes of that Act as amended by that provision as if that provision had come into operation on the date on which this Act receives the Royal Assent and, if the direction is given under a regulation so referred to, as if that regulation had come into operation before the direction is given, but a direction so given shall not come into operation before the date fixed under that sub-section in relation to that provision or the date on which the regulation under which it is given comes into operation, whichever is the later date.

Application
of certain
amendments

66. (1) The first report to be prepared by the independent auditor under Division 3 of Part VI in relation to—

- (a) the accounts and records kept in accordance with section 40 in respect of the Auditor-General's Office; and
- (b) his examination of the parts of the statements transmitted to the Auditor-General under section 50 that relate to the Auditor-General's Office,

shall relate to the financial year that commenced on 1 July 1978.

(2) The amendments of the Principal Act effected by sections 42, 43, 45 and 60 of this Act apply to and in relation to the financial year that commenced on 1 July 1978 and to each subsequent financial year.

SCHEDULE

Section 64

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act and substituting that number expressed in figures:

Sections 21A, 33B, 52, 53 (1), (2) and (3), 54 and 62 (1A).

2. The following provisions of the Principal Act are amended by omitting the words "of this Act" and "of this section" (wherever occurring):

Sections 21A, 33B, 52, 53 (1), (2) and (3), 54 and 62 (1A).

SCHEDULE—continued

3. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Section 1	Omit “the first day of January One thousand nine hundred and two”, substitute “1 January 1902”.
Section 5 (2) (c)	Omit “fourteen consecutive days or for twenty-eight days in any twelve months”, substitute “14 consecutive days or for 28 days in any 12 months”.
Section 6 (1)	Omit “Public Service of the Commonwealth” (wherever occurring), substitute “Australian Public Service”.
Section 6 (2)	Omit “service of the Commonwealth”, substitute “Australian Public Service”.
Section 7 (2)	Omit “seven days” (wherever occurring), substitute “7 days”.
Section 7 (3)	Omit “forty-two days”, substitute “42 days”.
Section 8	Omit “the First Schedule to this Act”, substitute “Schedule 1”.
Section 9 (2)	Omit “the First Schedule to this Act”, substitute “Schedule 1”.
Section 20 (2)	(a) Omit “one year”, substitute “1 year”. (b) Omit “six months”, substitute “6 months”.
Section 35 (2)	Omit “paragraphs (a), (b) and (c) of the last preceding subsection”, substitute “paragraphs (1) (a), (b) and (c)”.
Section 36A	Omit “‘Advance to the Minister’”, substitute “‘Advance to the Minister for Finance’”.
Section 37 (2)	Omit “seven days”, substitute “7 days”.
Section 42 (1A)	Omit “fourteen days”, substitute “14 days”.
Section 50A	Omit “in pursuance of the <i>Coinage Act</i> 1909, or in pursuance of that Act as amended, or”.
Section 52 (a)	Omit “sub-section (1) of section thirty-seven of this Act”, substitute “sub-section 37 (1)”.
Section 53 (1)	Omit “fourteen days”, substitute “14 days”.
Section 53 (2)	Omit “fourteen days”, substitute “14 days”.
Section 53 (4)	Omit “fourteen days”, substitute “14 days”.
Section 55 (2)	Omit “Such account shall be called ‘the Loan Fund’”, substitute “The account referred to in sub-section (1) shall be called the Loan Fund”.
Section 58	Omit “‘Suspense Account’”, substitute “Suspense Account”.
Section 64 (1)	Omit “seven years”, substitute “7 years”.
Section 64 (2)	Omit “two years”, substitute “2 years”.
Section 64 (3)	Omit “paragraph (a) of sub-section (1) of this section”, substitute “paragraph (1) (a)”.
Section 65	Omit “fifteen years”, substitute “15 years”.
Section 66 (2)	Omit “four years”, substitute “4 years”.
Section 68	Omit “four years”, substitute “4 years”.
Section 69	Omit “One hundred dollars”, substitute “\$100”.
First Schedule	Omit “FIRST SCHEDULE”, substitute “SCHEDULE 1”.
Second Schedule	Omit “SECOND SCHEDULE”, substitute “SCHEDULE 2”.
Second Schedule—Form 3	Omit “the amount of dollars and cents”, substitute “the amount of \$ ”.

NOTES

1. Act No. 8, 1979; assented to 7 March 1979.
2. Act No. 4, 1901, as amended. For previous amendments *see* Act No. 8, 1906; No. 4, 1909; No. 6, 1912; No. 32, 1917; No. 23, 1920; No. 34, 1924; No. 18, 1926; No. 45, 1934; No. 52, 1947; No. 60, 1948; No. 51, 1950; No. 79, 1952; No. 12, 1953; No. 29, 1954; No. 18, 1955; No. 39, 1957; No. 8, 1959; Nos. 17 and 77, 1960; No. 89, 1961; No. 74, 1962; No. 75, 1964; No. 126, 1965; No. 93, 1966; No. 120, 1968; No. 20, 1969; No. 216, 1973 (as amended by No. 20, 1974); No. 56, 1975; and No. 36, 1978.