



AUSTRALIAN CAPITAL TERRITORY

## **Auditor-General Amendment Act 2001**

**No 52 of 2001**

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### **An Act to amend the *Auditor-General Act 1996***

*[Notified in ACT Gazette No. 28: 12 July 2001]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Auditor-General Amendment Act 2001*.

**2 Commencement**

This Act commences on the day it is notified in the Gazette.

**3 Act amended**

This Act amends the *Auditor-General Act 1996*.

**4 Substitution**

Section 17 is omitted and the following section substituted:

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**“17 Reports for Legislative Assembly**

“(1) The auditor-general may at any time prepare a report for the Legislative Assembly on any matter arising in connection with the performance of the auditor-general’s functions.

“(2) The report must include the substance of any written comments made by the responsible chief executive that were taken into account by the auditor-general when finalising the report.

“(3) The auditor-general, in a report of a special financial audit or a performance audit—

- (a) may include such information as he or she thinks desirable in relation to the activities that are the subject of the audit; and
- (b) is to set out the reasons for opinions expressed in the report; and
- (c) may include such recommendations arising out of the audit as the auditor-general thinks fit to make.

“(4) If the Legislative Assembly is sitting when the auditor-general has finished the report—

- (a) the auditor-general must give the report to the Speaker; and
- (b) the Speaker must present the report to the Legislative Assembly on the next sitting day.

“(5) If the Legislative Assembly is not sitting when the auditor-general has finished the report—

- (a) the auditor-general must give the report, and a copy for each member of the Legislative Assembly, to the Speaker; and
- (b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the auditor-general gives it to the Speaker (the *report day*); and
- (c) publication of the report is taken to have been ordered by the Legislative Assembly on the report day; and
- (d) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the report day; and

- (e) the Speaker may give directions for the printing and circulation, and in relation to the publication, of the report; and
- (f) despite paragraph (b), the Speaker must present the report to the Legislative Assembly on the next sitting day.

“(6) The auditor-general may give a copy of the report to a Minister who, in the auditor-general’s opinion, has a special interest in the report.

“(7) If, under section 4, the report is given to the Deputy Speaker or the clerk, a reference in this section to the *Speaker* is a reference to the Deputy Speaker or clerk.”.

## **5 Insertion**

After section 22 the following section is inserted:

### **“22A Additional amounts for certain audits**

“(1) If the auditor-general is of the opinion that the appropriation available for the operations of the auditor-general for a financial year is insufficient for the auditor-general to conduct audits under sections 11 and 12 promptly, the auditor-general may tell the presiding member of the Public Accounts Committee.

“(2) The committee may advise the Treasurer that an additional amount is needed for the auditor-general to conduct audits under sections 11 and 12 promptly.

“(3) If the committee advises the Treasurer under subsection (2), the Treasurer may authorise payment of the additional amount under section 18 (Treasurer’s advance) of the Financial Management Act, unless the Treasurer is satisfied that paragraph 18 (1) (c) or (d) of that Act prevents authorisation of the amount.”.

## **6 Schedule**

Clause 1 of the Schedule is amended by omitting subclauses (3) and (4) and substituting the following subclauses:

“(3) The auditor-general is to be appointed for 7 years.

“(4) A person who has been appointed auditor-general is not eligible for reappointment.”.

*Auditor-General Amendment No 52, 2001*

**Endnote**

**Act amended**

- 1 Republished as in force on 1 March 1999.

*[Presentation speech made in Assembly on 29 November 2000]*