

1990
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

Presented, 5 June 1990

(Treasurer)

**Statutory Authorities (Audit
Arrangements) Bill 1990**

A BILL

FOR

**An Act to provide for the modification of the operation of
the *Audit Act 1989* in respect of certain statutory
authorities**

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

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Statutory Authorities (Audit
Arrangements) Act 1990*.

12853/90 (T17/90)—Cat. No. 90 4483 0

2 *Statutory Authorities (Audit Arrangements) No. . 1990*

Commencement

2. (1) Sections 1 and 2 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*. 5

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

PART II—AUDIT ACT AMENDMENT 10

Special operations of administrative units

3. Section 58 of the *Audit Act 1989* is amended by omitting from subsection (6) “the date the requirement was made” and substituting “11 May 1989”.

Unitary financial statements 15

4. Section 71 of the *Audit Act 1989* is amended by inserting after subsection (3) the following subsection:

“(4) The first financial statement prepared under this section shall be a statement for the period commencing on 11 May 1989 and ending at the expiration of 30 June 1990.”. 20

PART III—BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE LEAVE BOARD

Insertion

5. After section 25 of the *Long Service Leave (Building and Construction Industry) Act 1981* the following sections are inserted in Part II: 25

Audit Act to apply

“25A. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Board is declared to be a public authority to which Divisions 1 and 2 of Part IX of that Act apply. 30

Financial reporting and audit

“25B. (1) The Board shall, within 1 month after the day on which this subsection commences, submit to the Minister for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 July 1988 and ending at the expiration of 10 May 1989. 35

“(2) The first period of reporting of the Board under section 93 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.”.

PART IV—CANBERRA THEATRE TRUST

5 **Addition**

6. After section 30 of the *Canberra Theatre Trust Act 1965* the following sections are added:

Audit Act to apply

10 “31. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Trust is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply.

Financial reporting and audit

15 “32. (1) The Trust shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 July 1988 and ending at the expiration of 10 May 1989.

20 “(2) The first period of reporting for the Trust under section 97 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.

“(3) The Trust shall include in reports of its operations, submitted in accordance with section 97 of the *Audit Act 1989* or in accordance with this section, details of any direction given under section 20.”.

PART V—CASINO SURVEILLANCE AUTHORITY

25 **Insertion**

7. After section 38 of the *Casino Control Act 1988* the following section is inserted in Part III:

Audit Act to apply

30 “38A. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Authority is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply.”.

PART VI—CEMETERIES

Insertion

35 8. After section 21B of the *Cemeteries Act 1933* the following sections are inserted:

Audit Act to apply

“21C. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the trustees of any public cemetery or private burial ground are declared to be public authorities to which Divisions 1 and 3 of Part IX of that Act apply.

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Financial reporting and audit

“21D. (1) The trustees shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of their operations for the period commencing on 1 July 1988 and ending at the expiration of 10 May 1989.

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“(2) The first period of reporting of trustees under section 97 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.”.

PART VII—COMMUNITY AND HEALTH SERVICE

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Insertion

9. After section 73 of the *Community and Health Service Act 1985* the following sections are inserted in Part VIII:

Audit Act to apply

“73A. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Service is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply.

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Financial reporting and audit

“73B. (1) The Service shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations during the period commencing on 1 July 1988 and ending at the expiration of 10 May 1989.

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“(2) The first period of reporting for the Service under section 97 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.

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“(3) The Service shall include in reports of its operations, submitted in accordance with section 97 of the *Audit Act 1989* or in accordance with this section, details of any direction given under subsection 6 (3).”.

PART VIII—ELECTRICITY AND WATER AUTHORITY

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Insertion

10. After section 46 of the *Electricity and Water Act 1988* the following sections are inserted in Part VI:

Audit Act to apply

“47. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Authority is declared to be a public authority to which Divisions 1 and 2 of Part IX of that Act apply.

5 **Financial reporting and audit**

“47A. (1) The Authority shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 July 1988 and ending at
10 the expiration of 30 June 1989.

“(2) The first period of reporting for the Authority under section 93 of the *Audit Act 1989* commences on 1 July 1989 and ends at the expiration of 30 June 1990.

“(3) The Authority shall include in reports of its operations,
15 submitted in accordance with section 93 of the *Audit Act 1989* or in accordance with this section, details of any direction given under section 36 or 41.”

PART IX—GAMING AND LIQUOR AUTHORITY

Insertion

20 11. After section 22 of the *Australian Capital Territory Gaming and Liquor Authority Act 1987* the following sections are inserted in Part V:

Audit Act to apply

“22A. For the purposes of subsection 87 (2) of the *Audit Act 1989*,
25 the Authority is declared to be a public authority to which Divisions 1 and 2 of Part IX of that Act apply.

Separate bank accounts to be kept

“22B. The Authority shall pay into separate bank accounts, opened under subsection 89 (1) of the *Audit Act 1989*, moneys received—

- 30 (a) in the performance of a function or duty referred to in paragraph 5 (1) (a), (b), (c), (d), (e) or 5 (2) (a), excepting those amounts which are reasonably required in paying the costs and expenses incurred by the Authority in performing any of those functions or duties referred to in those paragraphs;
- 35 (b) in the performance of a function or duty referred to in paragraph 5 (1) (i), (j), (k) or 5 (2) (b), other than moneys deposited with the Authority under subsection 36 (1) of the *Gaming Machine Act 1987* or paid to the Authority under subsection 57 (1) of that Act; or
- 40 (c) under subsection 36 (1) or 57 (1) of the *Gaming Machine Act 1987*.

Financial reporting and audit

“22C. (1) The Authority shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 July 1988 and ending at the expiration of 30 June 1989. 5

“(2) The first period of reporting for the Authority under section 93 of the *Audit Act 1989* commences on 1 July 1989 and ends at the expiration of 30 June 1990.

“(3) The Authority shall include in reports of its operations, submitted in accordance with section 93 of the *Audit Act 1989* or in accordance with this section, details of any direction given under subsection 7 (1).” 10

PART X—LEGAL AID COMMISSION

Substitution 15

12. Section 47 of the *Legal Aid Act 1977* is repealed and the following section is substituted:

Audit Act to apply

“47. (1) For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Commission is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply. 20

“(2) Section 94 of the *Audit Act 1989* does not apply to the Commission.

“(3) The Commission shall, within 1 month after the day on which this subsection commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 July 1988 and ending at the expiration of 30 June 1989. 25

“(4) The first period of reporting for the Commission under section 97 of the *Audit Act 1989* commences on 1 July 1989 and ends at the expiration of 30 June 1990. 30

“(5) For the purposes of this Part, in section 96 of the *Audit Act 1989*—

- (a) a reference to moneys includes a reference to trust moneys;
- (b) a reference to transactions and affairs includes a reference to transactions and affairs relating to trust moneys or trust property; and 35
- (c) a reference to assets includes a reference to trust property.”

Repeal

13. Section 97 of the *Legal Aid Act 1977* is repealed. 40

PART XI—MILK AUTHORITY

Insertion

14. After section 21M of the *Milk Authority Act 1971* the following sections are inserted in Part IIA:

5 **Audit Act to apply**

“21N. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Authority is declared to be a public authority to which Divisions 1 and 2 of Part IX of that Act apply.

Financial reporting and audit

10 “21P. (1) The Authority shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, a report of its operations and an audited financial statement for the period commencing on 1 July 1988 and ending at the expiration of 10 May 1989.

15 “(2) The first period of reporting of the Authority under section 93 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.

20 “(3) The Authority shall include in reports of its operations, submitted in accordance with section 93 of the *Audit Act 1989* or in accordance with this section, details of any direction given under section 18A.”.

PART XII—NATIONAL EXHIBITION CENTRE TRUST

Insertion

25 15. After section 27 of the *National Exhibition Centre Trust Act 1976* the following sections are inserted in Part V:

Audit Act to apply

“27A. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Trust is declared to be a public authority to which Divisions 1 and 2 of Part IX of that Act apply.

30 **Financial reporting and audit**

“27B. (1) The Trust shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement for the period commencing on 1 July 1988 and ending on 10 May 1989.

35 “(2) The first period of reporting of the Trust under section 93 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.

40 “(3) The Trust shall include in reports of its operations, submitted in accordance with section 93 of the *Audit Act 1989* or in accordance with this section, details of any approvals or directions given under this Act.”.

PART XIII—PUBLIC TRUSTEE

Insertion

16. After section 65 of the *Public Trustee Act 1985* the following Division is inserted in Part VI:

“Division 3—Audit

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Audit Act to apply

“65A. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Public Trustee is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply.

Financial reporting and audit

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“65B. (1) The Public Trustee shall, within 3 months after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 July 1988 and ending at the expiration of 10 May 1989.

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“(2) The first period of reporting of the Public Trustee under section 97 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.”

PART XIV—SCHOOLS AUTHORITY

Insertion

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17. After section 33 of the *Schools Authority Act 1976* the following sections are inserted:

Audit Act to apply

“34. For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Authority is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply.

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Financial reporting and audit

“34A. (1) The Authority shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 July 1988 and ending at the expiration of 10 May 1989.

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“(2) The first period of reporting of the Authority under section 97 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 30 June 1990.

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“(3) The Authority shall include in reports of its operations, submitted in accordance with section 97 of the *Audit Act 1989* or in

accordance with this section, details of all approvals and directions given under section 6.”.

PART XV—TECHNICAL AND FURTHER EDUCATION INSTITUTE

5 Insertion

18. After section 31 of the *A.C.T. Institute of Technical and Further Education Act 1987* the following sections are inserted in Part IV:

Audit Act to apply

10 “31A. (1) For the purposes of subsection 87 (2) of the *Audit Act 1989*, the Institute is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply.

“(2) For the purposes of this Part, in sections 95 and 96 of the *Audit Act 1989*—

- 15 (a) a reference to moneys includes a reference to trust moneys;
- (b) a reference to transactions and affairs includes a reference to transactions and affairs relating to trust moneys or trust property; and
- (c) a reference to assets includes a reference to trust property.

Financial reporting and audit

20 “31B. (1) The first period of reporting of the Institute under section 97 of the *Audit Act 1989* commences on 11 May 1989 and ends at the expiration of 31 December 1989.

25 “(2) Subsection 97 (1) of the *Audit Act 1989* has effect in respect of its operation in relation to the Institute as if, for ‘30 June’, there were substituted ‘31 December’.

“(3) Subsection 97 (4) of the *Audit Act 1989* has effect in respect of its operation in relation to the Institute as if, for ‘30 June 1990’, there were substituted ‘31 December 1990’.

30 “(4) The Institute shall, within 1 month after the day on which this section commences, submit to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for the period commencing on 1 January 1989 and ending at the expiration of 10 May 1989.

35 “(5) The Institute shall include in reports of its operations, submitted in accordance with section 97 of the *Audit Act 1989*, details of any direction given under subsection 6 (3), and the number of approvals given under each of subsections 8 (1), 9 (1) and 10 (1), in respect of which approvals the Minister has not caused a copy of a statement to be laid before the Legislative Assembly.”.

PART XVI—VALIDATIONS

Validation of approvals

19. Where, during the period commencing on 11 May 1989 and ending at the expiration of the day before the date of commencement of this section—

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(a) a body, declared by this Act to be a public authority to which Division 1 of Part IX of the *Audit Act 1989* applies, has purported to—

(i) open or maintain a bank account under section 89 or 94 of the *Audit Act 1989*; or

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(ii) invest moneys under section 90 of the *Audit Act 1989*; or

(b) the Minister has, in respect of a body referred to in paragraph (a), purported to approve the form of financial statements under section 93 or 97 of the *Audit Act 1989*;

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that purported opening or maintenance of a bank account, investment of moneys or approval of the form of financial statements shall be as valid and effectual as if the relevant section of the *Audit Act 1989* had then applied to that body.

Validation of financial statements

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20. Where—

(a) before the commencement of this Act, a public authority established under an Act amended by this Act, submitted to the Minister, for presentation to the Legislative Assembly, an audited financial statement of its operations for a period which ended before that commencement;

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(b) the public authority is, by virtue of that Act as amended by this Act, required to submit such a statement for that period; and

(c) the submitting of that statement to the Minister would, but for the time at which the statement was submitted, have satisfied the requirements imposed on that authority by that Act as amended by this Act;

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the submitting of that statement shall—

(d) be taken as sufficient compliance with the relevant requirement; and

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(e) be as valid and effectual as if it had been done in accordance with that Act as amended by this Act.