PUBLIC FINANCE AND AUDIT ACT, 1987
No. 54 of 1987

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A.D. 1987

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No. 54 of 1987

An Act to regulate the receipt and expenditure of public money; to provide for auditing the receipt and expenditure of public money and for examination of the degree of efficiency and economy with which public resources are used; and for other purposes.

[Assented to 7 May 1987]

The Parliament of South Australia enacts as follows:

PART I
PRELIMINARY

1. This Act may be cited as the "Public Finance and Audit Act, 1987".

2. (1) This Act will come into operation on a day to be fixed by proclamation.

   (2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. (1) The Public Finance Act, 1936, is repealed.

   (2) The Audit Act, 1921, is repealed.

4. (1) In this Act, unless the contrary intention appears—

   "annual Appropriation Act" means an Act (not being a Supply Act) that appropriates money from the Consolidated Account in respect of a particular financial year:

   "Auditor-General" means the person for the time being holding, or acting in, the office of Auditor-General:

   "authorized officer" means a person authorized by the Auditor-General to conduct an audit or to make an examination under this Act:

   "Chief Executive Officer" of a public authority means—
(a) where the public authority is a government department—the Chief Executive Officer, or a person who has the powers and functions of Chief Executive Officer, of the government department;

(b) where the public authority is a Minister—the Minister;

(c) where the public authority is a statutory authority (not being a natural person or a corporation sole)—the chief executive officer of the authority or, if there is no chief executive officer, the person entitled to preside at meetings of the governing body of the authority;

(d) where the public authority is a natural person or a corporation sole—that person or the person constituting the corporation:

“deposit account” means an account referred to in Division V of Part II:

“Deputy Auditor-General” means the person for the time being holding, or acting in, the office of Deputy Auditor-General:

“the general ledger” means the ledger maintained by the Treasurer comprising accounts that summarize the financial transactions of the Treasurer:

“government department” means an administrative unit established under, or continued in existence by, the Government Management and Employment Act, 1985:

“Financial Agreement” means the financial agreement dated the twelfth day of December, 1927, between the Commonwealth and the States, as amended:

“financial year” in relation to a public authority means a period of 12 months in respect of which the authority prepares its accounts:

“imprest account” means an account established under section 9:

“prescribed public authority” means—

(a) a public authority that is a statutory authority;

or

(b) any other public authority that has been declared by regulation to be a prescribed public authority for the purposes of this definition:

“public accounts” means the Consolidated Account, special deposit accounts, deposit accounts, accounts of money deposited by the Treasurer with SAFA, imprest accounts and all other accounts shown in the general ledger:

“public authority” means—

(a) a government department;

(b) a Minister;

(c) a statutory authority—

(i) that is an instrumentality of the Crown;

or
(ii) the accounts of which the Auditor-General is required by law to audit;

(d) such other authority as is prescribed,
but does not include a statutory authority where the Act by or under which the authority is appointed or established provides for the auditing of the accounts of the authority by a person other than the Auditor-General:

“publicly funded body” means—

(a) a municipal council or a district council;
(b) any other body corporate that carries out functions that are of public benefit and that has received money from the State by way of grant or loan:

“repealed Audit Act” means the Audit Act, 1921, repealed by this Act:

“repealed Public Finance Act” means the Public Finance Act, 1936, repealed by this Act:

“SAFA” means the South Australian Government Financing Authority established under the Government Financing Authority Act, 1982:

“special deposit account” means an account established under section 8:

“Supply Act” means an Act that appropriates money from the Consolidated Account in respect of a particular financial year pending the enactment of an annual Appropriation Act in respect of that year:

“Treasurer’s instructions” means instructions issued by the Treasurer under Part IV:

“Treasurer’s statements” means the statements prepared by the Treasurer under Division VI of Part II.

(2) In calculating the number of sitting days of a House of Parliament that has elapsed since a particular document was laid before the House, sitting days occurring before and after prorogation or dissolution of the House shall be aggregated.

PART II
PUBLIC FINANCE

DIVISION I—PROVISIONS RELATING TO THE RECEIPT AND
APPLICATION OF PUBLIC MONEY

5. Subject to this Act and to any other law to the contrary, there will be credited to the Consolidated Account—

(a) money received by the Treasurer in repayment of loans and advances made from the Consolidated Account;
(b) money received by the Treasurer from the Commonwealth;
(c) money received by the Treasurer from the sale of real or personal property belonging to the Crown;
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(d) money borrowed by the Treasurer for the general purposes of the State (other than money paid to SAFA at the direction of the Treasurer);

(e) all other revenue of the Crown that is not authorized by law to be credited to any other account.

6. (1) Money must not be issued or applied from the Consolidated Account except under the authority of—

(a) this Act;
(b) an annual Appropriation Act;
(c) a Supply Act;
or
(d) some other Act of Parliament.

(2) The Treasurer must, when issuing or applying money from the Consolidated Account, act in accordance with the Act by or under which the money has been appropriated.

7. (1) Subject to subsection (2), money received by an instrumentality of the Crown that should, but for this section, be paid into the Consolidated Account may, without appropriation by Parliament, be applied by the instrumentality in carrying out its functions.

(2) The Treasurer may direct that money referred to in subsection (1) be paid into the Consolidated Account instead of being applied under that subsection.

(3) A reference in this section to an instrumentality of the Crown does not extend to any such instrumentality that is a natural person or a corporation sole unless the regulations specifically provide that this section will apply to the instrumentality.

8. (1) The Treasurer may establish a special deposit account for an approved purpose of, or relating to, a government department.

(2) Money payable to the Crown in relation to an approved purpose must, at the direction of the Treasurer, be credited to a special deposit account opened for that purpose.

(3) The Treasurer may credit any money appropriated or provided in accordance with law for an approved purpose to a special deposit account opened under this section for that purpose.

(4) Subject to subsection (5), the Treasurer may, without Parliamentary appropriation, issue and apply any money standing to the credit of a special deposit account for the purpose for which that account was opened.

(5) Any surplus of income over expenditure standing to the credit of a special deposit account at the end of a financial year must be credited to the Consolidated Account unless the Treasurer otherwise directs.

(6) Subject to this section special deposit accounts must be operated in accordance with the Treasurer's instructions.

(7) The Treasurer may, by notice in the Gazette, declare a purpose of, or relating to, a government department to be an approved purpose under this section and may, by a subsequent notice, vary or revoke a declaration previously made under this subsection.
(8) A reference in subsection (5)—

(a) to income extends to income accrued but not received;

and

(b) to expenditure extends to costs incurred but not paid.

9. (1) The Treasurer may establish a bank account (an imprest account) in the name of a government department or the Chief Executive Officer of a government department.

(2) The Treasurer may, without Parliamentary appropriation pay money into an imprest account.

(3) Money standing to the credit of an imprest account—

(a) may be withdrawn for one or more of the purposes of the government department;

and

(b) must be repaid to the Treasurer on demand.

(4) Money expended from an imprest account must be recouped to the account from money appropriated for the same purpose.

10. Money issued from the Consolidated Account may be applied after the end of a financial year to honour cheques or other orders for the payment of money drawn by the Treasurer before the end of the financial year under the authority of an annual Appropriation Act or a Supply Act relating to that year.

11. The Treasurer may, on such terms and conditions as the Treasurer thinks fit, deposit or invest money under the Treasurer's control—

(a) with the Reserve Bank of Australia;

(b) with the Commonwealth Bank of Australia;

(c) with the State Bank of South Australia;

(d) with a bank within the meaning of the Banking Act 1959 of the Commonwealth;

(e) with a dealer in the short term money market—

(i) in relation to whom the Reserve Bank of Australia stands as a lender of last resort;

or

(ii) who has been declared by regulation to be an approved dealer for the purposes of this section;

(f) with SAFA;

(g) with a prescribed person or a person of a prescribed class;

or

(h) in a prescribed manner.
DIVISION II—APPROPRIATION BY GOVERNOR FOR PREVIOUSLY AUTHORIZED PURPOSES AND APPROPRIATION FOR OTHER PURPOSES

12. (1) The Governor may, in any financial year, appropriate from the Consolidated Account to the public purposes of the State, an amount not exceeding the maximum prescribed by subsection (2).

(2) The maximum amount that may be appropriated under subsection (1) is—

(a) three per cent of the total of the amounts set out in the annual Appropriation Acts for appropriation from the Consolidated Account in respect of the previous financial year;

less

(b) any amounts previously appropriated under this section and not recouped under subsection (4).

(3) Money appropriated under subsection (1) may be issued and applied by the Treasurer for the public purposes of the State during the financial year in which it is appropriated.

(4) Any money appropriated for any purpose by the Governor pursuant to this section in any financial year may be recouped to the Governor's Appropriation Fund out of any money subsequently voted by an annual Appropriation Act that is passed in the same financial year, and thereafter the balance of the Governor's Appropriation Fund will be increased by the amount so recouped.

(5) For the purpose of determining the total amount that may be appropriated by the Governor in accordance with this section each amount so appropriated will be included once only in that determination notwithstanding that it is, for any reason, recorded more than once in the Consolidated Account or in a schedule to that account.

(6) In this section—

"the Governor's Appropriation Fund" in relation to a financial year means the money that the Governor is by subsection (1) authorized to appropriate in that year;

"the public purposes of the State" includes any purpose for which money is, under the provisions of any Act, required to be paid out of money to be provided or appropriated by Parliament.

13. Where the amount appropriated for a particular government department or a particular purpose is insufficient for that department or purpose and the amount appropriated for another government department or another purpose exceeds the amount required for that department or purpose, the Governor may apply the excess, or any part of the excess, towards meeting the insufficiency.

14. The Governor may, at any time, reduce the amount appropriated for a government department or purpose.

15. Where by reason of the award, order or determination of a court, tribunal or other body empowered to fix salaries or wages, additional money is required to meet increases in salaries, wages, pay-roll tax or superannuation,
tion contributions payable to, or in respect of, employees whose salaries or wages are paid wholly or in part out of public money, the Treasurer may appropriate an amount sufficient to cover those increases from the Consolidated Account.

DIVISION III—AUTHORITY TO BORROW

16. (1) Subject to the Financial Agreement, the Treasurer may borrow on behalf of the State such sums as are required for the purposes of the State.

(2) Money borrowed by the Treasurer under this section (other than money borrowed by way of overdraft) must be credited to the Consolidated Account or must be paid to SAFA on such terms and conditions as the Treasurer thinks fit.

(3) The Treasurer must not borrow money by way of overdraft in excess of the limit prescribed for that purpose by an annual Appropriation Act.

(4) The Treasurer may issue and apply money from the Consolidated Account—

(a) in repayment of money borrowed under this section (other than money borrowed by way of overdraft) and credited to the Consolidated Account and in payment of interest or any other obligation in the nature of interest in relation to such borrowing;

and

(b) in payment of interest or any other obligation in the nature of interest in relation to money borrowed by way of overdraft.

DIVISION IV—CREDIT ARRANGEMENTS, GUARANTEES AND INDEMNITIES

17. (1) In this Division—

"credit arrangement" means a contract or arrangement under which a semi-government authority—

(a) borrows money;

(b) obtains immediately or prospectively the use or benefit of property owned by some other person; or

(c) obtains any other form of financial accommodation,

but does not include a contract or arrangement of a kind excluded by the Treasurer, by notice published in the Gazette, from the ambit of this definition:

"guarantee" includes a contract or arrangement of a prescribed kind:

"semi-government authority" means a body corporate—

(a) that—

(i) is constituted of a Minister of the Crown;

(ii) has a governing body comprised of or including persons or a person appointed by the Governor
or a Minister or other instrumentality of the Crown;

or

(iii) is financed wholly or in part out of public money;

and

(b) that is declared by proclamation to be a semi-government authority for the purposes of this Act,

but does not include a council as defined in the Local Government Act, 1934.

(2) The Governor may, by proclamation, declare a body corporate to be a semi-government authority for the purposes of this Act.

(3) The Governor may, by proclamation, vary or revoke a declaration under subsection (2).

18. (1) A semi-government authority may, with the consent of the Treasurer, enter into a credit arrangement on terms and conditions approved by the Treasurer.

(2) Notwithstanding the provisions of any other Act, a semi-government authority must not enter into a credit arrangement without the consent of the Treasurer.

(3) The consent of the Treasurer under this section—

(a) may be absolute or conditional;

and

(b) may relate to a particular credit arrangement, credit arrangements of a particular class or credit arrangements generally.

(4) No consent or approval is required under this section in respect of a credit arrangement entered into by the State Bank of South Australia.

19. (1) The Treasurer may, for and on behalf of the State—

(a) guarantee performance by a semi-government authority or other person of obligations arising under a contract to which a semi-government authority is a party or a contract that is incidental, ancillary, or otherwise related to such a contract;

(b) indemnify any person against loss, expenditure or costs related to a contract to which a semi-government authority is a party, or a contract that is incidental, ancillary, or otherwise related to such a contract.

(2) The terms and conditions of a guarantee or indemnity under this section will be as determined by the Treasurer.

(3) As a condition of giving a guarantee or indemnity under this section, the Treasurer may require an indemnity against liabilities that may arise under the guarantee or indemnity.

(4) The money required to satisfy the obligations of the Treasurer under a guarantee or indemnity entered into under this section or under the repealed Public Finance Act will be paid out of the Consolidated Account which is appropriated for that purpose to the necessary extent.
(5) This section does not operate to exclude or diminish obligations of the Treasurer under any other Act or law.

20. (1) Subject to subsection (4), where—

(a) the Treasurer has provided a guarantee or indemnity either under this Act, the repealed Public Finance Act or under some other law;

or

(b) a guarantee or indemnity by the Treasurer has arisen by operation of law,
the Treasurer may, during the currency of the guarantee or indemnity, charge periodic fees in respect of the provision of the guarantee or indemnity.

(2) The amount of a periodic fee to be charged by the Treasurer under subsection (1) will, subject to the regulations, be fixed by the Treasurer.

(3) A fee charged by the Treasurer under this section may be recovered as a debt.

(4) The powers conferred by this section must not be exercised in relation to a guarantee under section 14 of the Industries Development Act, 1941.

DIVISION V—DEPOSITS

21. (1) The Treasurer may accept money on deposit from any person on such terms and conditions as the Treasurer thinks fit.

(2) Money deposited under subsection (1) must be recorded in a separate account maintained by the Treasurer for that purpose.

DIVISION VI—TREASURER’S STATEMENTS AND STATEMENTS OF PUBLIC AUTHORITIES

22. The Treasurer must, within 2 months after the expiration of each financial year deliver to the Auditor-General—

(a) the following statements in relation to that financial year:

(i) a statement of the estimated and actual receipts to and payments from the Consolidated Account for that financial year classified under the headings and subheadings, and in the form of, the estimates of receipts and payments laid before Parliament supporting the annual Appropriation Act for that year;

(ii) a statement of the sources and application of money recorded in the public accounts;

(iii) a statement of the payments of a recurrent nature made from the Consolidated Account for the financial year, classified and arranged to show the net recurrent cost to the Consolidated Account of each of the various functions of Government and the total net cost of all such functions and the funds which have been applied to meet the total net cost;
(iv) a statement naming the organizations, other than SAFA, with which the Treasurer invested funds during the financial year;

(v) a statement of—

(A) the special deposit accounts opened during the financial year;

(B) the special deposit accounts in operation at the end of the financial year and the purpose for which each account was opened;

(C) the value of the debits and the value of the credits entered in each special deposit account during the financial year and the balance of each account at the end of the financial year;

(vi) a statement of the balances at the end of that financial year of all deposits lodged with the Treasurer;

(vii) a statement of the imprest accounts in operation at the end of the financial year and the amount of unappropriated money paid into each account;

(viii) a statement of the total indebtedness of the Treasurer;

(ix) a statement of—

(A) the amounts deposited or invested with, or otherwise provided by the Treasurer to, SAFA and the terms and conditions on which they were deposited, invested or otherwise provided;

(B) the details of all transactions between the Treasurer and SAFA that are relevant to a proper assessment of the State's financial position;

(x) the financial statements of SAFA for the financial year;

(xi) a statement of—

(A) the maximum amount that could have been appropriated from the Governor's Appropriation Fund pursuant to section 12;

(B) the purposes for which money has been issued and applied from the Governor's Appropriation Fund and the amounts issued and applied;

(xii) a statement of any amounts that were appropriated for a particular purpose but applied for another purpose in pursuance of section 13 and of the purposes for which those amounts were appropriated and of the purposes for which they were applied;

(xiii) a statement of the Acts of Parliament under the authority of which money has been issued and applied from the Consolidated Account and the amounts issued and applied;

(xiv) any other statements that the Treasurer thinks necessary;
and

(b) such written explanation of the statements as may be necessary.

23. (1) Subject to subsections (3) and (4), every public authority must, within 42 days after the end of the financial year of the authority, deliver to the Auditor-General financial statements relating to that financial year that comply with the Treasurer's instructions.

(2) The Chief Executive Officer, and the officer responsible for the financial administration, of each public authority must provide the Auditor-General (or the Treasurer in the case of the administrative unit established to assist the Auditor-General) with a certificate that the statements are in accordance with the accounts and records of the authority and give an accurate indication of the financial transactions of the authority for that year and, in the case of a prescribed public authority, the financial position of the authority at the end of that year.

(3) The Treasurer must deliver the financial statements of SAFA to the Auditor-General when delivering the Treasurer's statements under section 22.

(4) The administrative unit established to assist the Auditor-General in carrying out the Auditor-General's functions under this Act must deliver its financial statements to the Treasurer.

PART III

AUDIT

DIVISION I—THE AUDITOR-GENERAL

24. (1) There will be an Auditor-General.

(2) The Auditor-General will be appointed by the Governor.

(3) The conditions of office of the Auditor-General will, subject to this Act, be determined by the Governor.

(4) The salary and allowances of the Auditor-General will be determined by the Remuneration Tribunal and will be paid from the Consolidated Account which is appropriated for that purpose to the necessary extent.

(5) The conditions of office of the Auditor-General must not be varied while the Auditor-General is in office so as to become less favourable to the Auditor-General.

(6) The Auditor-General is not subject to the direction of any person as to—

(a) the manner in which functions are carried out or powers are exercised by the Auditor-General under this Act;

or

(b) the priority that he or she gives to a particular matter in carrying out functions under this Act.

25. (1) The Governor must establish an administrative unit pursuant to the Government Management and Employment Act, 1985, to assist the
Auditor-General in carrying out the Auditor-General's functions under this Act.

(2) The Auditor-General will have the powers and functions of a Chief Executive Officer under the Government Management and Employment Act, 1985, in relation to the administrative unit established under subsection (1) and the provisions of sections 36 and 37 of that Act do not apply in relation to that administrative unit.

(3) The Auditor-General may, on such conditions as the Auditor-General thinks fit, engage any person to provide services that are, in the Auditor-General's opinion, necessary or desirable to assist the Auditor-General in carrying out his or her functions under this Act.

26. (1) The Governor may suspend the Auditor-General from office—

(a) for incompetence;
(b) for mental or physical incapacity to carry out official duties satisfactorily;
(c) for neglect of duty;
(d) if the Auditor-General, without the written approval of the Governor, enters into paid employment, practises a profession or carries on a business on his or her own account;
(e) for failure to comply with the conditions of the Auditor-General's appointment;

or

(f) for dishonourable conduct.

(2) The Governor must—

(a) when suspending the Auditor-General deliver to him or her a statement of the reasons for the suspension;

and

(b) within 3 sitting days after the suspension deliver to the President of the Legislative Council and the Speaker of the House of Assembly a copy of the statement and the President and the Speaker must lay the copy before their respective Houses.

(3) The Auditor-General may deliver to the Governor and to the President of the Legislative Council and the Speaker of the House of Assembly a reply to the Governor's statement and the President and the Speaker must lay the reply before their respective Houses.

(4) The Auditor-General will be restored to office without loss of salary or other benefits unless, within 14 sitting days after the statement referred to in subsection (2) was laid before both Houses, the Auditor-General is removed from office by resolution of both Houses of Parliament.

27. The office of Auditor-General becomes vacant if the Auditor-General—

(a) dies;
(b) resigns by written notice to the Governor;
(c) attains the age of 65;
(d) becomes a member of Parliament of the State, the Commonwealth or of any other State of the Commonwealth or becomes a member of the Legislative Assembly of a Territory of the Commonwealth;

(e) is convicted of an indictable offence or is punished for any offence by imprisonment;

(f) becomes bankrupt, applies (as a debtor) to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his or her creditors for less than 100 cents in the dollar;

(g) is absent from official duties for more than 30 days in any financial year without the leave of the Governor;

(h) is removed from office by resolution of both Houses of Parliament.

28. (1) There will be a Deputy Auditor-General.

(2) The Deputy Auditor-General will be appointed under, and will hold office subject to, the Government Management and Employment Act, 1985.

(3) The Deputy Auditor-General will act in the office of Auditor-General during any absence or incapacity of the Auditor-General or during a vacancy in the office of Auditor-General.

29. Before undertaking their functions under this Act the Auditor-General and the Deputy Auditor-General must make a declaration in the prescribed form before Executive Council to act impartially in carrying out those functions.

30. A person who is able to assist the Auditor-General or an authorized officer in conducting an audit or making an examination under this Act by providing accounts, records or other documents or any other information or by giving the Auditor-General or authorized officer access to any premises must give that assistance if requested to do so by the Auditor-General or authorized officer.

DIVISION II—AUDIT OF PUBLIC AND OTHER ACCOUNTS

31. (1) The Auditor-General must—

(a) audit the public accounts in respect of each financial year;

(b) audit the accounts of each public authority in respect of the financial year of each authority.

(2) When conducting an audit under subsection (1) (b) the Auditor-General may examine the efficiency and economy with which a public authority uses its resources.

(3) The Auditor-General will not audit the accounts of the administrative unit established to assist the Auditor-General in carrying out his or her functions under this Act.

32. The Auditor-General must, if requested by the Chief Secretary, examine the accounts of a publicly funded body that relate to public money granted or lent to the body.

33. (1) Where a public authority carries out its functions partly or wholly in partnership or jointly with another person or through the instru-
mentality of a body corporate or other person or by means of a trust the Chief Executive Officer of the public authority must give written notice of that fact to the Auditor-General.

(2) The Auditor-General may audit accounts made by a body corporate, trustee, partner or other person relating to functions carried out on behalf of or in partnership or jointly with a public authority or to functions carried out as the delegate or agent of a public authority and may examine the efficiency and economy with which the body corporate, trustee, partner or other person carries out those functions.

DIVISION III—AUDITOR-GENERAL’S POWERS TO OBTAIN INFORMATION

34. (1) The Auditor-General or an authorized officer may, in order to conduct an audit or make an examination under this Act—

(a) by summons, require the appearance of any persons or the production of any relevant accounts, records or other documents;

(b) inspect any such accounts, records or other documents and retain them for such reasonable period as he or she thinks fit, and make copies of them or of any of their contents;

(c) require a person who has access to information that is, in the opinion of the Auditor-General or the authorized officer, relevant to the audit or examination, to provide that information to the Auditor-General or the authorized officer in writing;

(d) require a person appearing before him or her to make an oath or affirmation (which the Auditor-General or authorized officer may administer) to answer truthfully all questions relating to an audit or examination under this Act and to any accounts, records or other documents that are the subject of, or are related to, an audit or examination under this Act;

(e) inspect—

(i) any building or other premises;

(ii) any cash or goods situated in or on any building or other premises;

and

(iii) the operation of any public authority (or any agent, trustee, partner or other person who carries out the functions of a public authority) conducted in or on any building or other premises;

(f) enter any building or other premises for the purpose of exercising the powers set out in this subsection.

(2) If a person—

(a) who has been served with a summons to appear before the Auditor-General or an authorized officer fails, without reasonable excuse, to appear in obedience to the summons;

(b) who has been served with a summons to produce relevant accounts, records or other documents fails, without reasonable excuse, to comply with the summons;

(c) who has been required to provide information to the Auditor-General or an authorized officer—
(i) fails, without reasonable excuse, to do so in the form
directed by the Auditor-General or authorized officer;

or

(ii) provides information knowing it to be false or inaccurate
in a material particular;

(d) refuses to be sworn or to affirm, or refuses or fails to answer
truthfully any relevant question, when required to do so by the
Auditor-General or an authorized officer;

(e) hinders or obstructs the Auditor-General or an authorized officer
in the exercise of any powers under this section,

that person is guilty of an offence and liable to a penalty of $5,000 or
imprisonment for a term not exceeding 3 months.

(3) A person may be required—

(a) to answer a question put by the Auditor-General or an authorized
officer notwithstanding that the answer to that question might
result in, or tend towards, self-incrimination;

(b) to produce any accounts, records or other documents notwith­
standing that the production might result in, or tend towards,
self-incrimination;

or

(c) to provide information notwithstanding that the information might
result in, or tend towards, self-incrimination,

but if that person objects to answering a question, a written note of that
objection shall be made by the Auditor-General or the authorized officer
and the answer shall not be admissible against that person in any criminal
proceedings (except in proceedings for perjury or proceedings under this
section).

**DIVISION IV—AUDIT OF THE ACCOUNTS OF THE AUDITOR-GENERAL**

35. (1) The Governor may appoint an auditor who is registered under
the Companies (South Australia) Code to audit the accounts of the admin­
istriative unit established to assist the Auditor-General under this Act.

(2) The auditor will, in conducting an audit and preparing a report
under this Division, have the same powers, and be subject to the same
requirements, as the Auditor-General when auditing, and reporting on, the
accounts of other public authorities.

(3) The auditor must deliver to the Auditor-General and the Treasurer
a report of the audit conducted under this section.

**DIVISION V—THE AUDITOR-GENERAL’S REPORT**

36. (1) The Auditor-General must prepare an annual report that—

(a) states whether, in the Auditor-General’s opinion—

(i) the Treasurer’s statements reflect the financial transac­
tions of the Treasurer as shown in the accounts and
records of the Treasurer for the preceding financial
year;
(ii) the financial statements of each public authority reflect the financial transactions of the authority as shown in the accounts and records of the authority for the preceding financial year of the authority and, in the case of a prescribed public authority, reflect the financial position of the authority;

(iii) the controls exercised by the Treasurer and public authorities in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities is sufficient to provide reasonable assurance that the financial transactions of the Treasurer and public authorities have been conducted properly and in accordance with law;

and

(b) sets out any matter that should, in the opinion of the Auditor-General, be brought to the attention of Parliament and the Government.

(2) The Auditor-General must, not later than the prescribed date, deliver copies of—

(a) the report;

(b) the Treasurer's statements and the financial statements of the public authorities;

and

(c) the financial statements of the administrative unit established to assist the Auditor-General and the report of an audit (if any) made pursuant to Division IV,

to the President of the Legislative Council and the Speaker of the House of Assembly.

37. (1) Where, in the opinion of the Auditor-General, action is necessary or desirable in the public interest in relation to a matter that has come to the attention of the Auditor-General in the course of an examination of the efficiency and economy with which a public authority uses its resources, the Auditor-General must prepare a report recommending the action that, in the Auditor-General's opinion, is necessary or desirable in relation to that matter.

(2) The Auditor-General must provide the Chief Executive Officer of a public authority with a draft of a proposed report under subsection (1) in respect of that authority and must afford the Chief Executive Officer a sufficient opportunity to reply in writing.

(3) The Auditor-General must—

(a) deliver the report and any reply from the Chief Executive Officer of the public authority in response to the report to the Treasurer and to the responsible Minister;

and

(b) inform the President of the Legislative Council and the Speaker of the House of Assembly of the matter, either by way of the annual report or by way of a special report prepared for the purpose.
38. The President of the Legislative Council and the Speaker of the House of Assembly must, not later than the first sitting day after receiving a report and other documents from the Auditor-General under this Division, lay them before their respective Houses.

DIVISION VI—AUDIT FEES

39. (1) Where the Auditor-General audits the accounts of a public authority, publicly funded body or other person the authority, body or person may be required to pay a fee to the Auditor-General.

(2) The Auditor-General will, with the approval of the Treasurer, fix the amount of the fee.

(3) The fee may be recovered by action in a court of competent jurisdiction.

PART IV
MISCELLANEOUS

40. (1) The Treasurer must publish a statement in the Gazette in respect of each quarter setting out the following—

(a) details of the amounts credited to and issued from the Consolidated Account;

(b) a summary of differences between those amounts and the amounts of money credited to and issued from the Consolidated Account during the corresponding quarter in the previous financial year;

(c) any explanation that the Treasurer considers necessary of differences between the Treasurer's forecasts of the amounts to be credited to and issued from the Consolidated Account and the amounts in fact credited and issued.

(2) In this section—

"quarter" means a period of 3 months ending on 30 September, 31 December, 31 March or 30 June.

41. (1) The Treasurer may issue instructions—

(a) requiring accounts to be maintained and records to be made and kept by the Treasurer and public authorities and setting out the form and content of those accounts and records;

(b) setting out the form and content of financial statements that must be prepared by the Treasurer and public authorities pursuant to this Act;

(c) requiring that procedures, set out in the instructions, be followed in the course of financial administration by the Treasurer and public authorities;

(d) requiring that procedures, set out in the instructions, be followed in the operation of special deposit accounts.
(2) A person who contravenes or fails to comply with an instruction issued by the Treasurer under this section is guilty of an offence.

Penalty: $1,000.

(3) The Treasurer may revoke or vary an instruction issued under this section.

(4) When issuing, revoking or varying instructions under this section the Treasurer shall have regard to accounting practices and standards adopted by the Australian Society of Accountants and The Institute of Chartered Accountants in Australia.

42. The offences constituted by this Act are summary offences.

43. (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

(2) In particular those regulations may—

(a) prescribe requirements for the proper management of money by the Treasurer and public authorities;

and

(b) impose a penalty, not exceeding $1,000, for contravention of, or failure to comply with, a regulation.
SCHEDULE
TRANSITIONAL PROVISIONS

1. A reference in this Act to a special deposit account includes an account that was a special deposit account, or was deemed to be a special deposit account, under the repealed Public Finance Act immediately before the commencement of this Act.

2. (1) The person who, immediately before the repeal of the Audit Act, 1921, by this Act, held the office of Auditor-General will be deemed to have been appointed to the office of Auditor-General under this Act (without loss of accrued and accruing rights) on the conditions subject to which that person held office under the repealed Act.

(2) The first Deputy Auditor-General under this Act will be the person who held the office of Deputy Auditor-General immediately before the repeal of the Audit Act, 1921, by this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor