

Act No. 57 of 1989

**PUBLIC FINANCE AND AUDIT (PUBLIC ACCOUNTS)
AMENDMENT BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Public Finance and Audit Act 1983—

- (a) to provide for the presentation of the Public Accounts to Parliament by the Treasurer instead of by the Auditor-General; and
- (b) to provide that the Consolidated Fund receipts are to be set out in summary in the Public Accounts, as are the Consolidated Fund payments; and
- (c) to empower the Auditor-General to delegate certain functions relating to the certification of financial statements,

and to make other minor amendments to that Act and a consequential amendment to the Annual Reports (Statutory Bodies) Act 1984.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be proclaimed.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 amends the Annual Reports (Statutory Bodies) Act 1984 to make the language consistent with the language used in the Public Finance and Audit Act 1983.

SCHEDULE 1—AMENDMENTS RELATING TO THE PUBLIC ACCOUNTS

Matters contained in the Public Accounts

Schedule 1 (1) amends section 6 (Preparation by Treasurer of the Public Accounts for each financial year) to provide that, in the Public Accounts—

- (a) the Consolidated Fund receipts must be stated in summary, rather than in detail; and

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- (b) all indebtedness outside the Financial Agreement set out in the Schedule to the Financial Agreement Ratification Act 1928 must be stated, rather than just indebtedness outside the Financial Agreement to the Commonwealth; and
- (c) all advances (repayable as at 30 June in the year concerned) from the Consolidated Fund or the Special Deposits Account must be stated.

Schedule 1 (2) omits section 7A (Statements of payments in detail) to remove the requirement for the Estimates to contain detailed statements of payments.

Schedule 1 (3) amends section 8 (Monthly statements) as a consequence of the amendment made by Schedule 1 (1) (a).

Presentation of the Public Accounts to Parliament and Auditor-General's report

Schedule 1 (5) amends section 49 (Examination by Auditor-General of the Public Accounts) to require the Auditor-General, after examining the Public Accounts and preparing an opinion on the Public Accounts, to transmit the Public Accounts and the opinion back to the Treasurer.

Schedule 1 (5) also omits section 50 (Annexures to report of Auditor-General) as a consequence of the amendment made by Schedule 1 (7).

Schedule 1 (6) amends section 51 (Public Accounts and opinion to be presented to the Legislative Assembly) to require the Treasurer, rather than the Auditor-General, to present the Public Accounts to Parliament together with the Auditor-General's opinion on the Public Accounts.

Schedule 1 (7) substitutes section 52. The proposed section 52 (Auditor-General's reports) contains all the existing provisions (presently in sections 49 and 50) relating to the preparation by the Auditor-General of an annual report on the Public Accounts as well as the provisions contained in the existing section 52 which relate to other reports and recommendations and suggestions that may be made by the Auditor-General.

Schedule 1 (8) inserts proposed section 52A (Auditor-General's report etc. to be presented to the Legislative Assembly). The proposed section requires the Auditor-General to lay the Auditor-General's annual report on the Public Accounts before Parliament on or before 30 September in each year. This report was formerly tabled with the Public Accounts (which will now be tabled by the Treasurer).

Schedule 1 (4) amends the heading to Division 6 of Part 3 as a consequence of the amendments made by this Schedule.

Schedule 1 (9) amends section 57 (Functions of Committee) as a consequence of the amendments made by this Schedule.

SCHEDULE 2—OTHER AMENDMENTS

Statute law revision

Schedule 2 (1) amends section 39 (Application and interpretation) to make an amendment consequential to an amendment made by a previous Act.

Delegation by Auditor-General

Schedule 2 (2) amends section 41C (Auditing etc. of financial statements) to enable the Auditor-General to authorise the Deputy Auditor-General or an Assistant Auditor-General to furnish a certificate as to the audit of the accounts of a statutory body.

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Schedule 2 (3) substitutes section 41D (Return of audited financial statements etc. to statutory body) to enable the Auditor-General to authorise another person to return audited financial statements to the statutory body concerned.

Schedule 2 (4) amends section 45F (Auditing etc. of financial statements) to enable the Auditor-General to authorise the Deputy Auditor-General or an Assistant Auditor-General to furnish a certificate as to the audit of the accounts of a Department.

Schedule 2 (5) substitutes section 45G (Return of audited financial statements etc. to Department Head) to enable the Auditor-General to authorise another person to return audited financial statements to the Department concerned.
