

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Received from the Senate and read a first time

(*Mr Connolly*)

A BILL

for
An Act to amend the *Audit Act 1901* to make the
Auditor-General an Officer of the Parliament

Preamble

WHEREAS prior to the enactment of this Act, the Auditor-General was appointed by the Governor-General on behalf of the Executive:

AND WHEREAS it was, therefore, the Government of the day which had the effective
5 right to appoint the Auditor-General:

AND WHEREAS it is proper that the appointment of the Auditor-General should rest with the Houses of the Parliament, not the Executive, in order that the Auditor-General be, and be seen to be, an Officer of the Parliament who is independent of the Government:

AND WHEREAS, it is the wish of the Parliament that, as an Officer of the Parliament,
10 while being free to take into account any resolution of either or both Houses, the Auditor-General is to have complete discretion in the exercise of the functions of that Office, in particular in determining whether, and how, to carry out any audit, subject only to the duties imposed by law and without prejudice to any power of either or both Houses pursuant to Section 49 of the Constitution:

AND WHEREAS, in order to reinforce the desire for independence reflected in the
15 foregoing, it is the wish of the Parliament that any appropriation of money for the performance of the functions of the Auditor-General be by an enactment dealing only with an appropriation for that purpose:

AND WHEREAS, for the same reason, it is also the wish of the Parliament that, for the financial year in which this Act commences, and for each subsequent financial year, the annual and additional estimates for the Auditor-General be prepared, in consultation with the Auditor-General, by the Joint Committee of Public Accounts or some other committee appointed by a resolution of each House of the Parliament, and that those estimates be thereafter embodied in an appropriation bill as referred to above: 5

AND WHEREAS it is the further wish of the Parliament that any proposed appropriation be sufficient to enable the Auditor-General properly to safeguard, on behalf of the Parliament, expenditure of the revenue of the Commonwealth in accordance with the requirements of the *Audit Act 1901*: 10

BE IT THEREFORE ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows: 15

Short title

1. This Act may be cited as the *Audit (Auditor-General an Officer of the Parliament) Amendment Act 1993*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent. 20

Principal Act

3. In this Act, "Principal Act" means the *Audit Act 1901*. 25

Repeal

4. Section 3 of the Principal Act is repealed and the following section substituted:

Auditor-General an Officer of the Parliament

"3.(1) There is to be appointed, as an Officer of the Parliament, an officer to be Auditor-General for the Commonwealth. 30

"(2) The Auditor-General is to be appointed by the Governor-General on the recommendation of each House of the Parliament." 35

Transitional provisions

5. Where, on the commencement of this Act, the office of Auditor-General is not vacant, the person who, for the time being, holds that office, becomes, by force of this Act, an Officer of the Parliament, and remains so until the current period of appointment of that person expires or otherwise terminates. 40

