



ANNO DECIMO TERTIO

GEORGI VI REGIS.

A.D. 1949.

No. 48 of 1949.

An Act to amend the Public Finance Act, 1936-1947, to repeal certain provisions of the Constitution Act, 1934-1947, and the Audit Act, 1921-1946, relating to Public Finance, and for other purposes.

[Assented to 1st December, 1949.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

- Short title.** **1.** This Act may be cited as the "Public Finance Act, 1949".
- Repeals.** **2.** Section 72 of the Constitution Act, 1934-1947, and sections 18 to 23 (inclusive) of the Audit Act, 1921-1946, are repealed.
- Enactment of Part VIA. and Part VIB. of the Public Finance Act—** **3.** The following heading and sections are enacted and inserted in the Public Finance Act, 1936-1947, after section 32 thereof :—

PART VIA.

EXPENDITURE UNDER WARRANTS.

Power to appropriate revenue.

32a. (1) In this section—

“ previously authorised purpose ” means—

- (a) a purpose mentioned in the estimates of expenditure for the financial year in which a warrant is issued or if those estimates have not at the time of the issue of the warrant been laid on the table of the House of Assembly, a purpose mentioned in estimates of expenditure for the next preceding financial year :

(b) any purpose the money required for which is required by any enactment (whether passed before or after the Public Finance Act, 1949) to be paid out of moneys to be provided or appropriated by Parliament :

“ the Governor’s Appropriation Fund ” means the amount of money which the Governor is by this section authorised to appropriate.

“ the public service within the State ” includes any previously authorised purpose.

(2) The Governor in any financial year may appropriate by warrant to the public service within the State not more than four hundred thousand pounds of which not more than one hundred thousand pounds shall be appropriated for purposes other than previously authorised purposes.

(3) Any money appropriated for any purpose by the Governor pursuant to this section in any financial year shall be recouped to the Governor’s Appropriation Fund out of any money subsequently voted by any Supply Act or Appropriation Act which provides for the issue and application of money from the General Revenue of the State and is passed in the same financial year, and thereafter the balance of the Governor’s Appropriation Fund shall be increased by the amount so recouped.

32b. (1) In this section “ authorised loan work ” means any work or purpose—

Appropriation
for loan works.

(a) which pursuant to any Act is authorised to be carried out and is to be paid for or financed out of money to be borrowed by or on behalf of the State ; or

(b) which pursuant to any Act is authorised to be carried out and is to be paid for or financed out of moneys to be provided or appropriated by Parliament and which, in the Treasurer’s opinion, is such that it should properly be paid for or financed out of loan moneys.

(2) Where—

(a) there is no Act appropriating money for an authorised loan work ; or

(b) there is an Act appropriating money for an authorised loan work, but the amount appropriated is insufficient for the complete carrying out of the work,

the Governor may by warrant authorise the Treasurer to advance any public money not exceeding the amount stated

in the warrant for the purpose of the carrying out or continued carrying out of that authorised loan work.

(3) When money has been advanced under this section, the first Public Purposes Loan Bill introduced after the advance is made shall contain a provision authorising the borrowing of the amount of money so advanced, and its application to the loan work for which it was advanced.

(4) When such a Bill is passed the amount of money thereby authorised to be applied to the loan work for which the advance was made, shall be applied to recoup the public money out of which the said advance was made.

(5) This section shall apply in relation to authorised loan works authorised by any Act whether passed before or after this Act.

Provisions as to warrants.

32c. Every warrant issued under this Part shall—

(a) be signed by the Governor and countersigned by the Chief Secretary ;

(b) without further appropriation be a sufficient authority for the Treasurer to expend or advance money as authorised by warrant.

Effect of this Part.

32d. This Part, without further appropriation shall be sufficient authority for the appropriation of money by warrants under this Part, and for the expenditure of money for the purpose for which it was appropriated by warrant.

PART VI.B.

COLLECTION AND PAYMENT OF MONEYS.

Treasurer may agree with any bank for conducting business.

32e. The Treasurer may, from time to time, agree with any bank upon such terms and conditions as he thinks fit for the receipt, custody, payment, and transmission of public money within or without the State, and for advances to be made and for the charges in respect of them, and for the interest payable by or to the bank upon balances or advances respectively, and generally for the conduct of the banking business of the State.

Public account.

32f. (1) The public account shall be kept in such bank and under such subdivisions (if any) as the Treasurer, in writing, directs.

(2) All money paid into any bank to the public account shall be deemed to be public moneys and the property of His Majesty, and to be money lent by His Majesty to the bank.

32g. (1) The Treasurer shall, as often as occasion may require, calculate the amounts of money likely to become due and payable out of the public revenue and the loan fund respectively during a period not exceeding one month next after such calculation, and shall thereupon prepare a warrant in duplicate setting forth the said amounts and such other particulars (if any) as are prescribed, and, after having signed such warrant, shall transmit the same to the Chief Secretary for the approval and signature of the Governor, and for the counter-signature of the Chief Secretary.

Treasurer to prepare statement of moneys payable out of revenue and loan fund.

(2) One copy of such warrant shall be transmitted to the Auditor-General, and the other copy shall be retained by the Treasurer.

(3) Any such warrant, when approved and signed by the Governor and countersigned by the Chief Secretary, shall be the authority for the disbursement of the money therein mentioned.

(4) No public money shall be disbursed unless and until the disbursement thereof has been authorized as hereinbefore provided.

32h. The Treasurer shall not make any payment out of the public money until such payment has been duly authorized by the Governor, and until he has ascertained that, with respect to such payment, the regulations have been complied with so far as they relate to the payment of accounts.

Duties of paymaster at Treasury.

32j. (1) All sums of money appropriated out of the General Revenue to the public service for any financial year shall be legally available for the service of that year, provided that payment of such sums is made during such year.

Sums appropriated for any year not to be expended after the close of the year.

(2) All sums of money appropriated to the public service for any financial year, which have not been expended during such year, shall lapse and shall cease to have any effect for any purpose at the close of that year, and any balance of the money so appropriated which may then be unexpended shall lapse, and the accounts of the year shall be then closed.

4. The following sections are enacted and inserted in the principal Act after section 37 thereof :—

Enactment of s. 38 and 39 of principal Act—

38. (1) The Treasurer shall keep an account at the Treasury to be called the Loan Fund Account.

The Loan Fund Account.

(2) There shall be credited to the Loan Fund Account the amounts of—

- (a) the money standing to the credit of the loan fund account in the Treasury at the time of the enactment of this section :
- (b) all money received after the enactment of this section by the Treasurer in repayment of advances made or money expended out of money borrowed under any Act whenever passed :
- (c) all surplus revenue applied after the enactment of this section to loan accounts in accordance with section 30 of this Act :
- (d) all money which is borrowed pursuant to the financial agreement by or on behalf of the State and for which Commonwealth securities are issued.

(3) There shall be debited to the Loan Fund Account the amounts of—

- (a) all money issued after the enactment of this section from the loan fund or from money standing to the credit of the Loan Fund Account :
- (b) all money issued after the enactment of this section pursuant to warrants under section 32b of this Act :
- (c) all money required by any Act passed after the enactment of this section to be debited or charged to the Loan Fund Account.

Regulations.

39. (1) The Governor may make regulations prescribing any matters or things necessary or convenient to be prescribed for carrying this Act into effect, or for securing the proper care and management of the money and securities of the State.

(2) Any such regulation may prescribe penalties recoverable summarily and not exceeding a fine of fifty pounds for breach of any such regulation.

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

C. W. M. NORRIE, Governor.