

SOUTH AUSTRALIA

**PUBLIC ACCOUNTS COMMITTEE ACT, 1972**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 November 1991**.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

## SUMMARY OF PROVISIONS

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## APPENDIX LEGISLATIVE HISTORY

## **PUBLIC ACCOUNTS COMMITTEE ACT, 1972**

being

Public Accounts Committee Act, 1972, No. 155 of 1972  
[Assented to 14 December 1972]

as amended by

Statutes Amendment (Committee Salaries) Act, 1974, No. 80 of 1974 [Assented to 31 October 1974]<sup>1</sup>  
Statutes Amendment (Remuneration of Parliamentary Committees) Act (No. 2), 1978, No. 101 of 1978  
[Assented to 7 December 1978]  
Statutes Repeal and Amendment (Remuneration) Act, 1990, No. 18 of 1990 [Assented to 19 April 1990]<sup>2</sup>

<sup>1</sup> Came into operation 1 July 1974: s. 2.

<sup>2</sup> Came into operation 19 April 1990: *Gaz.* 19 April 1990, p. 1136.

N.B. The Statutes Amendment (Remuneration of Parliamentary Committees) Act, 1978, was repealed before it was brought into operation.

**An Act to provide for a Parliamentary Committee of Public Accounts.**

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 Accounts Committee Act, 1972*.

**Interpretation**

2. In this Act, "the Committee" means the Public Accounts Committee constituted under this Act.

**Constitution and appointment of Committee**

3. (1) There shall be a Committee, to be called the "Public Accounts Committee".  
  
(2) The Committee shall consist of five Members of the House of Assembly who shall be appointed by the House of Assembly and of whom not less than two shall be so appointed from the group led by the Leader of the Opposition.  
  
(3) A Minister of the Crown shall not be a member of the Committee.  
  
(4) Forthwith after the commencement of this Act, and forthwith after the commencement of the first session of each Parliament after the commencement of this Act, the Committee shall be appointed.

**Term of office**

4. Notwithstanding that his seat as a member of the House of Assembly has become vacant by reason of the fact that the House has been dissolved or that the term of that House has expired, each member of the Committee shall unless his seat on the Committee sooner becomes vacant, hold office until the next appointment of the Committee.

**Casual vacancies**

5. (1) The seat of any member of the Committee shall become vacant if he—
  - (a) dies;
  - (b) delivers to the Speaker of the House of Assembly or, if the office of Speaker is vacant, to the Clerk of that House, his resignation in writing signed by him;
  - (c) ceases to be a member of the House of Assembly otherwise than upon the dissolution of that House or the expiration of the term of that House;
  - (d) becomes a Minister of the Crown;
  - (e) is absent without the approval by resolution of the Committee from three consecutive duly summoned meetings of the Committee;

or

3.

- (f) is removed from office by resolution of the House of Assembly on the ground that he is incompetent to discharge his duties as a member of the Committee or that he has been neglectful in the discharge of his duties or is otherwise not a fit and proper person to continue to be a member of the Committee.

(2) Subject to section 3 of this Act, the House of Assembly may appoint one of its members to fill a casual vacancy in its membership on the Committee.

#### **Chairman and temporary chairman**

6. (1) Upon each appointment of the Committee, the members thereof shall appoint one of their number to be chairman of the Committee.

(2) The chairman shall preside at all meetings of the Committee at which he is present: Provided that at any meeting at which a quorum is present the members in attendance may, in the absence of the chairman, appoint one of their number then present to be temporary chairman during such absence.

(3) In the absence of the chairman, the temporary chairman may act as chairman and shall have all the powers conferred on the chairman by this Act.

#### **Quorum and voting**

7. (1) Subject to subsection (2) of this section three members of the Committee shall form a quorum thereof.

(2) When the Committee meets for the consideration of a proposed report to Parliament, the quorum shall consist of not less than four members.

(3) All questions to be decided by the Committee shall be decided by a majority of the votes of the members present.

(4) The chairman shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

#### **Remuneration of members**

8. The Chairman of the Committee and the other members of the Committee are entitled to such salaries, allowances and expenses as are fixed by or under the *Parliamentary Remuneration Act, 1990*, in relation to the respective offices.

#### **Certificate for payment**

9. The amounts to which a member of the Committee is entitled in respect of that office shall be certified in writing signed by the Chairman and the Secretary of the Committee, whose certificate shall be sufficient authority for the payment of all amounts so certified.

#### **Office not an office of profit under Crown**

10. Within the meaning and for the purposes of any provision of any Act—

- (a) the office of the Chairman or a member of the Committee shall be deemed not to be an office of profit under the Crown;

4.

- (b) the Chairman or a member of the Committee shall not by reason of holding office or accepting any salary, fees, allowances or other emoluments as such be deemed to accept or to have accepted any office of profit under the Crown.

### **Financial provision**

11. Any moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

### **Secretary and officers**

12. The Governor may, on the recommendation of the Speaker of the House of Assembly after consultation with the Committee, appoint a secretary to the Committee and such other officers of the Committee as are required for the performance of its functions and the secretary and officers shall, if they are not already officers of the House of Assembly, on appointment become such officers.

### **Duties of Committee**

13. The duties of the Committee shall be—

- (a) to examine the accounts of the receipts and expenditure of the State and each statement and report transmitted to the Houses of Parliament by the Auditor-General, pursuant to the *Audit Act, 1921-1966*, as amended;
- (b) to report to the House of Assembly with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the House should be directed;
- (c) to report to the House of Assembly any alteration which the Committee thinks desirable in the form of public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys;

and

- (d) to inquire into and report to the House of Assembly on any question in connection with the public accounts of the State—
- (i) on its own initiative;
- (ii) which is referred to it by a resolution of the House of Assembly;
- or
- (iii) which is referred to it by the Governor or by a Minister of the Crown.

### **Power to summon witnesses, etc.**

14. The Committee shall have the same powers to summon and compel the attendance of witnesses and compel the production of documents as a royal commission has under the *Royal Commissions Act, 1917*, and sections 10, 11, 12 and 15 of that Act, shall, with such adaptations as are necessary, apply and have effect in relation to the Committee and its proceedings and witnesses or intended witnesses before the Committee.

**Power to sit during sittings**

**15.** The Committee may sit and transact business at any time while the House of Assembly is not sitting and, with leave of that House, at any time while that House is sitting.

**Regulations**

**16.** The Governor may make any regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**APPENDIX**

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 8 of The Public General Acts of South Australia 1837-1975 at page 674.

Section 8: amended by 101, 1978, s. 11; substituted by 18, 1990, s. 20  
Section 9: amended by 18, 1990, s. 21