

I certify that this is a copy of the authorised version of this Act as at 27 November 2023, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 27 November 2023.

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Dated 4 December 2023



TASMANIA

PUBLIC ACCOUNTS COMMITTEE ACT 1970

No. 54 of 1970

CONTENTS

1. Short title
- 1A. Interpretation
2. Constitution of Committee
3. Vacancies
4. Proceedings of Committee
5. Secretary of Committee
6. Functions of Committee
7. Evidence before Committee
8. Continuation of proceedings
9. Witnesses' expenses
- [10. *Repealed*]
11. Membership of Committee not an office of profit



PUBLIC ACCOUNTS COMMITTEE ACT 1970

No. 54 of 1970

An Act to provide for the establishment of a Parliamentary standing committee of public accounts

[Royal Assent 15 December 1970]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Public Accounts Committee Act 1970*.

1A. Interpretation

In this Act, unless the contrary intention appears –

Agency has the same meaning as in the *State Service Act 2000*;

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 1A

Appropriation Act has the same meaning as in section 36 of the *Constitution Act 1934*;

Committee means the Parliamentary Standing Committee of Public Accounts established under section 2(1);

Government Business Enterprise has the same meaning as in the *Government Business Enterprises Act 1995*;

public sector finances includes –

- (a) any money forming part of, or payable to, the Public Account or an Agency Trust Account; and
- (b) any money received by –
 - (i) an Agency; or
 - (ii) a Government Business Enterprise; or
 - (iii) a statutory authority; or
 - (iv) a local authority; and
- (c) any expenditure which is made or authorised by –
 - (i) an Appropriation Act or any other Act; or
 - (ii) an Agency; or
 - (iii) a Government Business Enterprise; or

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 2

- (iv) a statutory authority; or
- (v) a local authority; and
- (d) any liability for the satisfaction of which any expenditure by the Crown is, or may be, required;

statutory authority means a body or authority, whether incorporated or not, which is established or constituted by or under an Act or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another statutory authority and includes the governing authority of a statutory authority.

2. Constitution of Committee

- (1) There shall be a joint committee of the Legislative Council and House of Assembly, to be known as the Parliamentary Standing Committee of Public Accounts.
- (2) The Committee shall be appointed at the commencement of the first session of each Parliament according to the practice regulating the appointment of members to serve on select committees of the Legislative Council and House of Assembly respectively.
- (3) The Committee shall consist of six members, of whom three shall be members of the Legislative

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 2

Council and three shall be members of the House of Assembly.

- (4) A person shall not be appointed, or continue, as a member of the Committee if he is or becomes –
- (a) a Minister of the Crown;
 - (b) the President of the Legislative Council;
 - (c) the Speaker of the House of Assembly; or
 - (d)
 - (e) the Government Leader or Deputy Government Leader in the Legislative Council.
- (5) Subject to this Act, the members of the Committee –
- (a) hold office as a joint committee for the duration of the House of Assembly for the time being;
 - (b) cease to hold office when that House expires by dissolution or effluxion of time; and
 - (c) may exercise the powers and functions conferred, and shall perform the duties imposed, on the Committee by this Act.

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 3

3. Vacancies

- (1) A member of the Committee may resign his office as a member by writing under his hand addressed to the Governor.
- (2) The office of a member of the Committee becomes vacant for any reason that would vacate his seat as a member of the Legislative Council or House of Assembly, as the case may be.
- (3) Where a vacancy occurs in the office of a member of the Committee, it shall be filled by appointment as provided in subsection (2) of section two within the next ten sitting days of the House of Parliament by which he was appointed as a member of the Committee.

4. Proceedings of Committee

- (1) Any four members of the Committee constitute a quorum of the Committee.
- (2) There shall be a chairman and vice-chairman of the Committee, who shall be elected by the members of the Committee at the first meeting of the Committee or as soon thereafter as is practicable.
- (3) The chairman, or, in the case of his absence or other disability, the vice-chairman, shall preside at all meetings of the Committee at which he is present.
- (4) At a meeting of the Committee at which a quorum is present, the members in attendance

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 5

may, in the absence of the chairman and vice-chairman, appoint one of their number then present to be temporary chairman, and the temporary chairman has, during the absence of the chairman and vice-chairman, all the powers of the chairman.

- (5) At meetings of the Committee –
 - (a) the chairman or, in his absence, the vice-chairman, has a deliberative vote only; and
 - (b) when the votes on a question are equal the question passes in the negative.
- (6) Where a division is called for on any question, the names of the members voting shall be stated in the minutes and in the report of the Committee.
- (7) The Committee shall cause minutes of its proceedings to be kept.
- (8) The Committee may sit and transact business during any adjournment or recess, and may sit at such times and in such places, and conduct its proceedings in such manner, as it thinks proper.
- (9)

5. Secretary of Committee

- (1) The Governor shall, on the joint recommendation of the President of the Legislative Council and the Speaker of the House of Assembly, appoint an officer of one of

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 6

the Houses of Parliament to be the secretary of the Committee.

- (2) Notwithstanding subsection (1) of section twenty-one of the *Acts Interpretation Act 1931*, in the event of the sickness or absence of the secretary, or his inability to act, the President of the Legislative Council and the Speaker of the House of Assembly may jointly select one of the officers of the Houses of Parliament to act in the place of the secretary for such period or until such date as the President and Speaker may jointly determine, and while so acting that officer shall, for all purposes, be regarded as the secretary.
- (3) The secretary shall perform all duties required of him by the Committee as its secretary, and may be paid such remuneration as the Governor may approve.

6. Functions of Committee

- (1) The Committee must inquire into, consider and report to the Parliament on any matter referred to the Committee by either House relating to –
 - (a) the management, administration or use of public sector finances; or
 - (b) the accounts of any public authority or other organisation controlled by the State or in which the State has an interest.
- (2) The Committee may inquire into, consider and report to the Parliament on –

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 7

- (a) any matter arising in connection with public sector finances that the Committee considers appropriate; and
- (b) any matter referred to the Committee by the Auditor-General.

7. Evidence before Committee

- (1) The Committee may summon witnesses to appear before it to give evidence and to produce documents, and for that purpose has all the power and authority of a Select Committee of the House of Assembly.
- (2) A witness who is summoned to appear, or who appears, before the Committee has the same protection and privileges as a witness in an action tried in the Supreme Court.
- (3) Except where it considers that there is good and sufficient reason to take evidence in private, all evidence shall be taken by the Committee in public.
- (4) Notwithstanding anything in subsection (3) of this section the Committee, when requested so to do by a witness, shall take in private any evidence that, in the opinion of the Committee, relates to a secret or confidential matter.
- (5) Subject to subsection (6) of this section, the Committee may, in its discretion, disclose or publish, or authorize the disclosure or publication, of evidence taken in private.

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 7

- (6) Where there is taken in private any evidence of a witness that the Committee is of opinion relates to a secret or confidential matter and the witness requests that that evidence be not published the Committee shall not, without the consent in writing of the witness, disclose or publish, or authorize the disclosure or publication of that evidence, unless it has already been lawfully published.
- (7) Where evidence is taken by the Committee in private no person (whether a member of the Committee or not) shall, without the authority of the Committee, given in writing by the chairman thereof, disclose or publish that evidence unless it has already been lawfully published.
- (8) References in this section to evidence shall be construed as including references to documentary evidence, and references therein to evidence given by a witness shall be construed as including references to any part of the evidence so given.
- (9) Any person who discloses or publishes any evidence contrary to the provisions of this section is guilty of an offence and is liable to a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or to both such fine and imprisonment.
- (10) An offence under subsection (9) of this section shall not be prosecuted without the consent of the Attorney-General.

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 8

- (11) Section 2A of the *Parliamentary Privilege Act 1858* applies to any matter being examined by the Committee under this Act as it applies to the matters referred to in that section.

8. Continuation of proceedings

Where the Committee, as constituted at any time, has taken evidence in relation to any matter, but the Committee as so constituted has ceased to exist before reporting on that matter, the Committee as next constituted may consider that evidence as if it had been given before it.

9. Witnesses' expenses

A witness who appears before the Committee to give evidence is entitled to be paid such fees and travelling expenses as the chairman or vice-chairman of the Committee sees fit to allow, being fees and travelling expenses calculated in accordance with the scale for the time being prescribed under section twenty-seven of the *Public Works Committee Act 1914*.

10.

11. Membership of Committee not an office of profit

The office of a member of the Committee is not an office of profit or emolument within the meaning of the *Constitution Act 1934* and the

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 11

acceptance and holding of such an office does not –

- (a) render the holder of the office incapable of sitting or voting as a member of either House of Parliament; or
- (b) make void the election of the holder of the office as a member of either House of Parliament.

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 11

NOTES

The foregoing text of the *Public Accounts Committee Act 1970* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 27 November 2023 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Public Accounts Committee Act 1970</i>	No. 54 of 1970	15.12.1970
<i>Parliamentary Salaries and Allowances Act 1973</i>	No. 27 of 1973	1.7.1973
<i>Penalty Units and Other Penalties Amendment Act 1991</i>	No. 43 of 1991	18.12.1991
<i>Public Accounts Committee Amendment Act 1997</i>	No. 89 of 1997	14.1.1998
<i>Parliamentary Standing Committees (Miscellaneous Amendments) Act 1999</i>	No. 38 of 1999	16.7.1999
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Evidence (Consequential Amendments) Act 2001</i>	No. 80 of 2001	1.7.2002
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019
<i>Justice and Related Legislation (Further Miscellaneous Amendments) Act 2023</i>	No. 33 of 2023	27.11.2023

TABLE OF AMENDMENTS

Provision affected	How affected
Section 1A	Inserted by No. 89 of 1997, s. 4 Amended by No. 86 of 2000, Sched. 1 and No. 4 of 2017, Sched. 1
Section 2	Amended by No. 89 of 1997, s. 5 and No. 38 of 1999, s. 3
Section 4	Amended by No. 89 of 1997, s. 6

Public Accounts Committee Act 1970
Act No. 54 of 1970

s. 11

Provision affected	How affected
Section 6	Substituted by No. 89 of 1997, s. 7
Section 7	Amended by No. 43 of 1991, s. 5 and Sched. 1, No. 89 of 1997, s. 8, No. 80 of 2001, Sched. 1 and No. 33 of 2023, s. 25
Section 10	Repealed by No. 27 of 1973, s. 2