

## PUBLIC ACCOUNT.

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### No. 21 of 1962.

AN ACT to amend the *Public Account Act 1957*.  
[10 May 1962.]

**B**E 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**—(1) This Act may be cited as the *Public Account Act 1962*. Short title, citation, and commencement.

(2) The *Public Account Act 1957* is in this Act cited as the Principal Act.

(3) This Act shall commence on the first day of July 1962.

**2** Before section one of the Principal Act the following heading is inserted:— Heading.

#### “ PART I.

##### “ PRELIMINARY.”.

**3** Section four of the Principal Act is amended by adding at the end thereof the following subsection:— Savings.

“(2) Nothing contained in this Act authorizes—

- (a) the commencement of a public work contrary to section sixteen of the *Public Works Committee Act 1914*;
- (b) the undertaking or constructing of new power development contrary to section sixteen of the *Hydro-Electric Commission Act 1944*; or
- (c) the commencement or continuation of any other work or undertaking contrary to any enactment requiring specific authority of Parliament therefor.”.

**4** After section five of the Principal Act the following headings and sections are inserted:—

#### “ PART II.

##### “ THE CONSOLIDATED REVENUE FUND.

“5A—(1) If an Act appropriating the Consolidated Revenue Fund has a schedule of authorized expenditure in which a Division contains a subdivision for salaries and payments related to salaries (in this section called Subdivision A) or a subdivision for departmental expenses (in this section called Subdivision B) or both, an amount that is set forth opposite an item contained in Subdivision A or Subdivision B of any Division shall not be construed as restricting expenditure on that item to the amount so set forth. Transfer of appropriations of Consolidated Revenue Fund.  
No. 25 of 1961, s. 3.

“(2) Where an amount that is set forth opposite an item contained in Subdivision A or Subdivision B of any Division as the estimated expenditure on that item for the relevant year proves to be deficient, the deficiency may, by the order of the Treasurer, be made good out of any surplus arising, or saving effected, in relation to any other item contained within the same subdivision.

“(3) The Treasurer shall cause a copy of every order made by him under subsection (2) of this section to be forwarded within seven days to the Auditor-General.

Treasurer's  
reserve.

Cf. *ibid.*, s. 4.

“5B—(1) Subject to subsection (2) of this section, there may in any financial year be issued and applied such amounts not exceeding—

- (a) the sum of £150,000; and
- (b) any additional amount contingently appropriated by the ordinary Appropriation Act for the relevant financial year,

for expenditure the need for which could not in the opinion of the Governor reasonably have been foreseen and which is essential to efficient financial administration.

“(2) Of the total amount available under this section in a financial year not more than one-third is applicable to purposes other than a purpose—

- (a) mentioned in the ordinary Appropriation Act for the financial year then current or, before its commencement, that for the preceding financial year; or
- (b) that is by any Act to be carried out—
  - (i) with moneys to be provided by Parliament;
  - (ii) with moneys to be issued from the Consolidated Revenue Fund; or
  - (iii) otherwise at public expense.

“(3) The Consolidated Revenue Fund is appropriated to the extent necessary to provide the annual sums of £150,000 mentioned in this section.

“(4) Before any amount is issued under this section, the expenditure thereof shall be authorized by the Governor and a copy of his authority together with a copy of the Treasurer's recommendation on which it is based shall be sent within seven days to the Auditor-General.

“(5) All expenditure under this section in any financial year shall at the close of the following financial year be deemed to have been unauthorized except so far as Parliament has by then ratified the expenditure.

“(6) Nothing contained in this section affects the operation of regulations 20 and 21 set forth in the second schedule to the *Audit Act* 1918, under which regulations what would have been a case of emergency before the commencement of this Act is still a case of emergency, notwithstanding that moneys are also available under this section.

“ PART III.

“ THE LOAN FUND.

“ 5c In this Part ‘ previously approved purpose ’ means a purpose mentioned in the ordinary Loan Fund Appropriation Act for the financial year then current or, before its commencement, that of the preceding financial year.”

Interpretation.

**5** Section seven of the Principal Act is repealed and the following sections are substituted therefor:—

“ 7 Moneys may be issued and applied out of the Loan Fund only in accordance with this or some other Act.

Loan Fund not to be expended without Parliamentary authority.

“ 7A—(1) In any financial year, if the amount specified in the schedule to the ordinary Loan Fund Appropriation Act for that year for any purpose is insufficient, such further amount as the Governor on the recommendation of the Treasurer considers necessary may be issued and applied out of the Loan Fund for that purpose, so long as no greater amount is issued and applied thereout for all the purposes so specified than the total amount authorized by that Act to be issued and applied for them all.

Cf. No. 17 of 1957.

Under-estimated or unforeseen expenditure.

Cf. No. 44 of 1961, s. 4 (3). (4).

“(2) There may be issued and applied out of the Loan Fund such amounts, not exceeding £200,000 in any financial year, as the Governor may, on the recommendation of the Treasurer, consider required for purposes which—

- (a) are not previously authorized purposes;
- (b) in the opinion of the Governor, should be carried out in the public interest; and
- (c) are recommended by the Treasurer as properly paid for out of the Loan Fund.

“(3) Amounts and purposes authorized under subsection (2) of this section shall be deemed to be in substitution for amounts and purposes specified in the ordinary Loan Fund Appropriation Act for the same financial year, so that no greater sum may be issued and applied out of the Loan Fund in that year for all the purposes—

- (a) specified in the schedule to that Act; or
- (b) for which moneys are issued and applied under subsection (2) of this section,

than the total sum authorized by that Act to be issued and applied for all the purposes specified in the schedule thereto.

“ 7B When there is a sum in the Loan Fund available for expenditure in addition to the sums authorized by any other enactment to be issued therefrom in the same financial year, there may be issued and applied out of the sum so available such amounts, not exceeding £500,000 in any financial year, as the Governor may, on the recommendation of the Treasurer, consider proper to be spent on any previously authorized purpose that he may specify.

Application of surplus moneys in the Loan Fund. Cf. *ibid.*, s. 5.

“ 7C—(1) All votes which have been appropriated out of the Loan Fund for the service of any financial year and which have not been expended during that year, lapse.

Unexpended votes to lapse at close of financial year. 9 Geo. V No. 3, s. 16.

“(2) All appropriations of and authorities to apply moneys out of the Loan Fund enacted before the first day of July 1961 shall be deemed to have expired on that day.

Loan Fund  
Supply.  
No. 44 of  
1961, s. 8.

“7D—(1) In any financial year before the commencement of the ordinary Loan Fund Appropriation Act for that year—

(a) there may be issued and applied out of the Loan Fund any sums of money, not exceeding in the whole the sum of £5,000,000, for any purpose—

(i) that is specified in the schedule to the ordinary Loan Fund Appropriation Act for the preceding financial year; or

(ii) that should, in the opinion of the Governor, be carried out in the public interest and is recommended by the Treasurer as properly to be paid for out of the Loan Fund; and

(b) such sums as are required for the purposes of this section may be borrowed as arranged by the Treasurer in accordance with the Financial Agreement.

“(2) The application of each sum for the purposes of this section shall be determined by the Governor without any authority other than this section, but the Treasurer shall include separate details of each in the estimates of expenditure from the Loan Fund submitted to Parliament in the same financial year.

“(3) All borrowings and all issues and expenditure of money authorized pursuant to this section shall be incorporated in and authorized by the ordinary Loan Fund Appropriation Act for the same financial year.

Additional  
expenditure:  
How  
authorized.

“7E Before any amount is issued under section seven A, or section seven B, or section seven D, the expenditure thereof shall be authorized by the Governor, and a copy of his authority, together with a copy of the Treasurer's recommendation on which it is based, shall be sent within seven days to the Auditor-General.

Ratification  
of additional  
expenditure.  
Cf. *ibid.*, s. 6.

“7F Expenditure authorized under section seven A or section seven B in any financial year shall at the close of the following financial year be deemed to have been unauthorized except so far as Parliament has by then ratified the expenditure.”

Heading.

**6** After section eight of the Principal Act the following heading is inserted:—

#### “PART IV.

#### “THE TRUST FUND.”

**7** Section nine of the Principal Act is amended—

(a) by adding at the end of subsection (7) the word  
“Fund”;

(b) by adding at the end of subsection (9) the word  
“Fund”;

The Trust  
Fund and  
trust  
accounts.

(c) by omitting subsection (11) and substituting therefor the following subsection:—

“(11) The Treasurer may accept and credit to an appropriate account in the Trust Fund moneys granted or lent to the State by the Commonwealth that are—

(a) to be spent for specific purposes prescribed by or under a Commonwealth Act;

(b) received by the State upon condition to spend them for specific purposes; or

(c) received by the State in accordance with an agreement or arrangement made between the State and the Commonwealth with respect to the purposes for which they may be spent,

and may, without any authority other than this Act, issue and apply such moneys for the purposes for which they were granted or lent.”; and

(d) by adding the following subsection at the end thereof:—

“(13) As soon as possible after the financial year in which moneys received in accordance with an arrangement as mentioned in paragraph (c) of subsection (11) of this section have been received or issued and applied under that subsection, the Treasurer shall cause to be laid before each House of Parliament a statement of such moneys received and such moneys issued and applied, showing when and for what purpose.”.

**8** Section eleven of the Principal Act is amended by omitting paragraph (b) of subsection (3) and substituting therefor the following paragraph:—

“(b) the payment has been authorized—

(i) under section five A, section five B, section seven A, section seven B, or section seven D; or

(ii) in pursuance of regulations 20 and 21 set forth in the second schedule to the *Audit Act 1918*; or”.

Temporary application out of the Public Account for remission of moneys overseas, &c.

**9** The sections of the Principal Act that are specified in the schedule are amended as respectively specified in that schedule.

Consequential amendments of the Principal Act.

**10** This Act shall expire on the thirtieth day of June 1965.

Expiry of Act.

## THE SCHEDULE.

(Section 9.)

AMENDMENTS OF THE *PUBLIC ACCOUNT ACT* 1957.

Section.	How amended.
5	By inserting in paragraph (a), after the word "Revenue", the word "Fund".
12	By inserting after the word "Revenue" (wherever occurring) the word "Fund".
13	By omitting the words "Consolidated Revenue" (wherever occurring) and substituting therefor the words "Consolidated Revenue Fund".

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**MEDICAL.**


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**No. 22 of 1962.**AN ACT to amend the *Medical Act* 1959.

[10 May 1962.]

**B**E 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:—

Short title and citation.

**1**—(1) This Act may be cited as the *Medical Act* 1962.(2) The *Medical Act* 1959, as subsequently amended, is in this Act referred to as the Principal Act.

Provisional registration.

**2** Section twenty-three of the Principal Act is amended by inserting after subsection (1) thereof the following subsection:—

“ (1A) Where a person who is not a British subject—

(a) holds one or more primary qualifications; and

(b) has passed a qualifying examination,

the Council may, for the purpose of enabling that person to serve as a resident medical officer in an approved hospital (within the meaning of section twenty), grant to that person a certificate of provisional registration.”.