

PUBLIC ACCOUNTS COMMITTEE.

No. 54 of 1970.

AN ACT to provide for the establishment of a
Parliamentary standing committee of public
accounts. [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 This Act may be cited as the *Public Accounts Committee Act* Short title.
1970.

2—(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, and that Committee is referred to in this Act as “the Committee”. Constitution of Committee.

(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 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;
- (d) the Chairman of Committees of the Legislative Council or of the House of Assembly; or
- (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.

Vacancies.

3—(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.

Proceedings of the Committee.

4—(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 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) Subject to subsection (9) of this section, 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) The Committee shall not sit elsewhere than in the State unless otherwise agreed to by resolution of both Houses of Parliament.

5—(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 the Houses of Parliament to be the secretary of the Committee. Secretary of 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—(1) It is the function of the Committee to examine— Functions of the Committee.

(a) the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure; and

(b) such other accounts laid before Parliament as the Committee may think fit,

and to report to both Houses of Parliament, with such comment as it thinks fit, on any matter arising in connection with those accounts or in connection with the receipt or disbursement of the moneys to which they relate to which it is of opinion the attention of Parliament should be drawn.

(2) Where either House of Parliament refers to the Committee for examination any matter arising in connection with the accounts referred to in paragraph (a) of subsection (1) of this section, or any other accounts laid before Parliament, or in connection with the receipt or disbursement of the moneys to which any of those accounts relate, the Committee shall, as soon as practicable, carry out that examination, and report thereon to both Houses of Parliament, with such comment as it thinks fit.

7—(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. Evidence before the Committee.

(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 public, all evidence shall be taken by the Committee in private.

(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.

(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 of one thousand dollars or imprisonment for a year, 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.

(11) Division III of Part II of the *Evidence Act* 1910 applies to any matter being examined by the Committee under this Act as it applies to the matters referred to in that Division.

Continuation
of proceedings.

8 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.

Witnesses'
expenses.

9 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.

Remuneration
of members of
the Com-
mittee.

10 The members of the Committee shall each receive the same fees and expenses as are for the time being payable to members of the Parliamentary Standing Committee on Public Works under section thirty-two of the *Public Works Committee Act* 1914.

Membership of
Committee
not an office
of profit.

11 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 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.