

TASMANIA

AUDIT AMENDMENT BILL 2010

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 30 amended (Report on examination or investigation)
5. Section 30A inserted
30A. Certain sensitive information not to be disclosed
6. Section 45 amended (Protection from liability)
7. Repeal of Act

AUDIT AMENDMENT BILL 2010

*(Brought in by the Deputy Premier, the Honourable Larissa
Tahireh Giddings)*

A BILL FOR

An Act to amend the *Audit Act 2008*

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 *Audit Amendment Act 2010*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Audit Act 2008** is referred to as the Principal Act.

*No. 49 of 2008

Audit Amendment Act 2010
Act No. of

s. 4

4. Section 30 amended (Report on examination or investigation)

Section 30 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, subject to section 30A,” after “section 23 and”;
- (b) by inserting in subsection (2) “, subject to section 30A” after “must”;
- (c) by omitting subsection (4) and substituting the following subsections:
 - (4) If either House of Parliament is not sitting when the Auditor-General signs a report under subsection (1), the Auditor-General may, subject to section 30A, give a copy of the report to the Clerk of the House of Assembly and the Clerk of the Legislative Council.
 - (5) A report given to the Clerk of the House of Assembly and the Clerk of the Legislative Council under subsection (4) is taken to have been laid before the House of Assembly and the Legislative Council and to have been ordered to be published by the House of Assembly and the Legislative Council when it is given to the Clerk of the House of Assembly

Audit Amendment Act 2010
Act No. of

s. 5

and the Clerk of the Legislative Council.

- (6) The provisions of any enactment or rule of law relating to the publication of the proceedings of the House of Assembly and the Legislative Council apply to and in relation to the publication of the report of the Auditor-General given to the Clerk of the House of Assembly and the Clerk of the Legislative Council under this section as if the report had been published under the authority of the House of Assembly or the Legislative Council.
- (7) The Clerk of each House of Parliament must cause the report to be laid before that House on the next sitting-day of the House after it is received by the Clerk.

5. Section 30A inserted

After section 30 of the Principal Act, the following section is inserted in Division 2:

30A. Certain sensitive information not to be disclosed

- (1) If the Auditor-General considers it to be against the public interest to disclose in a

Audit Amendment Act 2010
Act No. of

s. 5

report under this Division information that could –

- (a) unfairly prejudice the commercial interests of any person or body; or
- (b) prejudice the investigation of a contravention or possible contravention of the law; or
- (c) prejudice the fair trial of a person; or
- (d) cause damage to the relations between the Government of the State and another Government; or
- (e) disclose deliberations or decisions of the Cabinet or of a Committee of the Cabinet; or
- (f) divulge information or a matter that was communicated in confidence between the State and the Commonwealth or between the State and another State or a Territory; or
- (g) form the basis for a claim by the Crown in right of the State of Tasmania in a judicial proceeding that the information should not be disclosed –

the Auditor-General must not disclose the information in the report.

Audit Amendment Act 2010
Act No. of

s. 5

(2) The Auditor-General cannot be required to, and must not, disclose to –

- (a) a House of Parliament; or
- (b) a member of a House of Parliament; or
- (c) a committee of a House of Parliament or a joint committee of both Houses of Parliament –

information that the Auditor-General is prohibited under subsection (1) from disclosing in a report under this Division.

(3) If under subsection (1) the Auditor-General does not disclose particular information in a report, the Auditor-General must state in the report –

- (a) that information, which does not have to be identified, has not been disclosed in the report; and
- (b) the reason, under subsection (1), why the Auditor-General is of the opinion that the information cannot be disclosed.

(4) If, because of subsection (1), the Auditor-General –

- (a) decides not to prepare a report; or
- (b) does not disclose particular information in a report –

Audit Amendment Act 2010
Act No. of

s. 6

the Auditor-General may prepare a report that includes the information that was not disclosed.

- (5) The Auditor-General may give a copy of a report prepared under subsection (4) to the Public Accounts Committee and to the Treasurer.

6. Section 45 amended (Protection from liability)

Section 45 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) Subsection (1) applies whether the thing that was done or omitted, or ordered or authorised to be done or omitted, resulted from a requirement of this Act or any other written law or as a result of a discretionary authority provided by this Act or any other written law.

7. Repeal of Act

This Act is repealed on the ninetieth day from the day on which it commences.