

Department of Treasury and Finance

The Treasury Building
21 Murray Street HOBART TAS 7000
GPO Box 147 HOBART TAS 7001 Australia
Telephone (03) 6166 4444 Facsimile (03) 6173 0219
Email secretary@treasury.tas.gov.au Web www.treasury.tas.gov.au



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Hon Ivan Dean MLC
Chair
Parliamentary Standing Committee of Public Accounts
Parliament House
HOBART TAS 7000

Dear Mr Dean

Inquiry into the review of the Public Accounts Committee Act 1970

Thank you for your letter of 30 October 2017 in relation to the Inquiry into the review of the *Public Accounts Committee Act 1970*. In your letter, you request additional comments in relation to my letter of 4 May 2016 where I had noted that, amongst other things, consideration could be given to whether, or not, there is a legitimate argument in favour of increasing the Committee's capacity to communicate more widely and directly with other entities.

My comments of May 2016 were made in light of amendments that were required in 2011, and again in 2013, to the *Audit Act 2008*, to address concerns that the then Auditor-General had in relation to the confidentiality provisions in the Audit Act and to the authority under the Audit Act for the Auditor-General to communicate with other parties.

In particular, in 2011, amendments were made so that the Auditor-General could communicate with the Integrity Commission, an Integrity Tribunal or with the Auditor-General of the Commonwealth or other States or Territories. In 2013, the Audit Act was again amended to authorise the Auditor-General to communicate with an outside provider that had been engaged to provide administrative services to the Tasmanian Audit Office, including for human resources, accounting and finance and for information technology.

To avoid the need for further future small amendments of a similar kind, the Audit Act was amended, in 2013, to provide the Auditor-General with discretion in relation to communications with external parties.

My comments of May 2016 reflect my observation, at that time, that provisions in the Committee's enabling Act, in connection with communication, could be regarded as being similarly restrictive. The Public Accounts Committee Act seems only to explicitly authorise the Committee to report to the Parliament (sections 6(1) and 6(2)) and to summon witnesses and to take evidence and, subject to restrictions regarding evidence in private, to publish evidence taken (section 7).

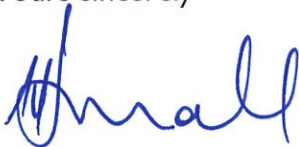
My concern was whether the lack of any broader communication authority in the Public Accounts Committee Act could impede the Committee's authority to communicate more widely and more directly. I have not considered whether, or not, Standing Orders, or other conventions may be applicable to the communications of the Committee.

It may be the case that the existing communication arrangements are entirely sufficient and appropriate for the functioning of the Committee and that it may be unnecessary to explicitly authorise the Committee to communicate more broadly, including with parties external to Parliament. However, if the Public Accounts Committee Act were to be reviewed, it may be useful to include, in that review, the communications arrangements of the Committee.

I note that the equivalent enabling legislation in some other Australian jurisdictions, notably South Australia and Western Australia, and the Standing Orders in the Northern Territory, seem to variously confer a broad authority in relation to the conduct of business, proceedings or investigations. These legislative provisions may also incidentally confer an authority to communicate more broadly. In any review of the Public Accounts Committee Act, the Committee may wish to consider points of difference, including in relation to communication, which are applicable in other jurisdictions.

Should you have any queries or require any further information regarding this matter, please contact David Bailey on (03) 6266 4133 or email david.bailey@treasury.tas.gov.au.

Yours sincerely



Tony Ferrall
Secretary

7 November 2017