

1989

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

SENATE

AUDIT AMENDMENT BILL 1989

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on behalf of the Government

(Circulated by the authority of the Minister for Finance,
Senator the Hon. Peter Walsh)

AUDIT AMENDMENT BILL 1989

GENERAL OUTLINE

It is proposed that these amendments be included in the Audit Amendment Bill 1989 which is now before the Senate.

One amendment to clause 7 of the Bill will provide that any direction given by the Minister for Finance under section 35A of the Audit Act 1901 which affects an appropriation of a Parliamentary Department, shall be given in accordance with a recommendation in writing by the President of the Senate or the Speaker of the House of Representatives or by both the President of the Senate and the Speaker of the House of Representatives, as appropriate.

The second amendment, to clause 26 of the Bill, will provide that any guidelines issued by a Minister, pursuant to regulations made under the proposed new section, shall be tabled in Parliament and may be disallowed by either House.

FINANCIAL IMPACT STATEMENT

It is not expected that the amendments will have any significant impact on Commonwealth revenues or expenses.

NOTES ON CLAUSES

CLAUSE 7-Transfer of Functions Between Departments

Section 35A of the Act provides that in certain circumstances the Minister for Finance may direct that moneys appropriated for the performance of a function by one Department may be transferred to another Department for use on that function. Clause 7 of the Bill proposes an amendment to section 35A to apply the section to transfers of functions between the Parliamentary Departments.

An additional amendment is now proposed to that section to provide that where funds are to be transferred between Parliamentary Departments, the Minister may only give the direction transferring those funds (and any subsequent amendments to that direction) in accordance with a recommendation in writing by either the President of the Senate, or the Speaker of the House of Representatives or by both the President of the Senate and the Speaker of the House of Representatives, as the case requires.

CLAUSE 26-Guidelines by Ministers

Clause 26 proposes the introduction of a new section in the Act to provide that the regulations may authorize a Minister to give guidelines on matters for which that Minister is responsible.

An amendment is proposed to the new section to provide that any guideline issued by a Minister, pursuant to regulations made in accordance with the new section, is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901. That is, as with regulations, it shall be notified in the Gazette, tabled in both Houses of the Parliament and may be disallowed by either House within 15 sitting days of being tabled in that House.