

PUBLIC ACCOUNTS COMMITTEE.

No. 60 of 1951.

An Act to provide for a Joint Parliamentary Committee of Public Accounts.

[Assented to 11th December, 1951.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1. This Act may be cited as the *Public Accounts Committee Act 1951*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Repeal.

3. The *Committee of Public Accounts Act 1913*, the *Committee of Public Accounts Act 1920* and the *Committee of Public Accounts Act 1932* are repealed.

Definitions.

4. In this Act, unless the contrary intention appears—
 “member” means a member of the Committee;
 “the Chairman” means the Chairman of the Committee;
 “the Committee” means the Joint Committee of Public Accounts for the time being constituted under this Act;
 “the Vice-Chairman” means the Vice-Chairman of the Committee.

Joint
Committee
of Public
Accounts.

5.—(1.) As soon as practicable after the commencement of this Act, and as soon as practicable after the commencement of the first session of each Parliament, a joint committee of ten members of the Parliament (to be known as the Joint Committee of Public Accounts) shall be appointed according to the practice of the Parliament with reference to the appointment of members to serve on joint select committees of both Houses of the Parliament.

(2.) Three members of the Committee shall be members of, and shall be appointed by, the Senate, and seven members of the Committee shall be members of, and shall be appointed by, the House of Representatives.

(3.) Each member shall hold office during the pleasure of the House by which he was appointed.

(4.) Either House of the Parliament may appoint one of its members to fill a vacancy amongst the members of the Committee appointed by that House.

(5.) Each member shall cease to hold office when the House of Representatives expires by effluxion of time or is dissolved.

6.—(1.) There shall be a Chairman and a Vice-Chairman of the Committee, who shall be elected by the members from time to time and shall hold office as Chairman and Vice-Chairman during the pleasure of the Committee. Chairman and Vice-Chairman.

(2.) The Chairman, or, in his absence, the Vice-Chairman, shall preside at all meetings of the Committee.

(3.) In the event of the absence of both the Chairman and the Vice-Chairman from a meeting of the Committee, the members present may appoint one of their number to preside at the meeting, and the member so presiding shall, in relation to the meeting, have all the powers and functions of the Chairman.

7.—(1.) At a meeting of the Committee a majority of the members constitutes a quorum. Quorum and voting.

(2.) All questions to be decided by the Committee shall be decided by a majority of the votes of the members present.

(3.) The Chairman or other member presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(4.) Where the members present do not vote unanimously, the manner in which each member votes shall, if a member so requires, be recorded in the minutes and in the Committee's report.

8. The duties of the Committee are—

- (a) to examine the accounts of the receipts and expenditure of the Commonwealth and each statement and report transmitted to the Houses of the Parliament by the Auditor-General in pursuance of sub-section (1.) of section fifty-three of the *Audit Act* 1901–1950 ;
- (b) to report to both Houses of the Parliament, with such comment as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Parliament should be directed ;
- (c) to report to both Houses of the Parliament any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys ; and
- (d) to inquire into any question in connexion with the public accounts which is referred to it by either House of the Parliament, and to report to that House upon that question,

Duties of the Committee.

and include such other duties as are assigned to the Committee by Joint Standing Orders approved by both Houses of the Parliament.

**Sectional
Committees.**

9.—(1.) Subject to the next succeeding sub-section, the Committee may appoint a Sectional Committee or Sectional Committees of three or more of its members to inquire into and report to the Committee upon such matters with which the Committee is concerned as the Committee directs.

(2.) Not more than two Sectional Committees shall be in existence at the same time.

(3.) The provisions of this Act (other than this section and sections five, eight and twelve) apply in relation to a Sectional Committee in like manner as they apply in relation to the Committee and, for the purposes of those provisions as so applying, a reference to the Chairman or the Vice-Chairman of the Committee (except the references in section twenty-two) shall be read as a reference to the Chairman or the Vice-Chairman of the Sectional Committee.

(4.) A Sectional Committee shall report in writing to the Committee as soon as practicable on each matter referred to that Sectional Committee by the Committee.

(5.) A Sectional Committee may sit at any time notwithstanding that the Committee is sitting at the same time.

**Power to take
evidence.**

10.—(1.) The Committee may take evidence on oath or affirmation and the Chairman or the Vice-Chairman may administer oaths or affirmations to witnesses appearing before the Committee.

(2.) The oath or affirmation administered to a witness may be in accordance with Form A or Form B in the Schedule to this Act, as the case requires.

**Sittings to be
public except
in certain cases.**

11.—(1.) Subject to this section, the Committee shall take all evidence in public.

(2.) The Committee may, and at the request of the witness giving the evidence shall, take in private evidence, whether oral or documentary, which, in the opinion of the Committee, relates to a secret or confidential matter.

(3.) Where, at the request of a witness, evidence is taken by the Committee in private—

(a) the Committee or a member shall not, without the consent in writing of the witness; and

(b) a person other than a member shall not, without the consent in writing of the witness and the authority of the Committee under sub-section (5.) of this section,

disclose or publish the whole or a part of the evidence (other than evidence which has already been lawfully published).

(4.) Where evidence is taken by the Committee in private otherwise than at the request of a witness, a person (including a member of the Committee) shall not, without the authority (in

writing signed by the Chairman) of the Committee under the next succeeding sub-section, disclose or publish the whole or a part of that evidence (other than evidence which has already been lawfully published).

(5.) The Committee may, in its discretion, disclose or publish, or authorize the disclosure or publication of, evidence taken in private, but this sub-section does not operate so as to affect the necessity for the consent of a witness under sub-section (3.) of this section.

(6.) This section has effect notwithstanding the provisions of section two of the *Parliamentary Papers Act 1908-1946*.

12. Where the Committee as constituted at any time, or a Sectional Committee of the Committee as constituted at any time, has taken evidence in relation to a matter, but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as next constituted may consider that evidence as if it had been given before it. Continuance of evidence.

13.—(1.) The Committee may summon a person to appear before it to give evidence and produce documents. Power to summon witnesses.

(2.) A summons to a witness may be in accordance with Form C in the Schedule to this Act and shall be signed by the Chairman or the Vice-Chairman.

(3.) A summons to a witness may be served upon the witness either personally or by being left at, or sent by post to, his usual place of business or of abode.

14.—(1.) If a person upon whom a summons under the last preceding section has been served and to whom reasonable expenses of conveyance have been tendered fails to appear, or, having appeared, fails to continue in attendance, in obedience to the summons, the Chairman or the Vice-Chairman may issue a warrant for his apprehension. Warrant in case of disobedience of summons.

(2.) The warrant may be in accordance with Form D in the Schedule to this Act.

(3.) The person executing a warrant under this section may—

- (a) apprehend the person in respect of whom it is issued;
- (b) bring that person before the Committee; and
- (c) detain that person in custody until he is released by order of the Chairman or the Vice-Chairman.

(4.) The warrant may be executed by the person to whom it is addressed or by a person appointed by him to assist him in its execution, and the person executing the warrant may break and enter a building, place or ship for the purpose of executing the warrant.

- Witness to obey summons.** **15.** A person upon whom a summons under section thirteen of this Act has been served shall not, without reasonable excuse (proof whereof shall lie upon him), fail to appear or to continue in attendance in obedience to the summons.
- Preventing witnesses from giving evidence.** **16.** A person shall not knowingly dissuade or prevent a person from obeying a summons under section thirteen of this Act.
- Witnesses not to refuse to be sworn, &c.** **17.** A person summoned to appear before the Committee shall not, without just cause (proof whereof shall lie upon him) refuse—
- (a) to be sworn or make an affirmation ;
 - (b) to answer a question put to him by the Committee or by any member thereof ; or
 - (c) to produce a document which he is required by the Committee or by a member thereof to produce.
- False evidence.** **18.** A person shall not wilfully give false evidence on oath or affirmation before the Committee.
- Penalty : Five years' imprisonment.
- Privileges and protection of witnesses.** **19.—(1.)** A person summoned to appear or appearing before the Committee as a witness shall have the same protection and privileges as a witness in proceedings in the High Court.
- (2.) A person shall not use, cause, inflict or procure any violence, punishment, damage, loss or disadvantage on or to a person for or on account of his having appeared as a witness before the Committee, or for or on account of any evidence lawfully given by him before the Committee.
- Witnesses' expenses.** **20.** A witness appearing before the Committee shall be entitled to be paid such fees and travelling expenses as the Chairman or the Vice-Chairman allows in accordance with the prescribed scale.
- Offences.** **21.—(1.)** A person who contravenes, or fails to comply with, a provision of this Act (other than section eighteen) is guilty of an offence against this section.
- (2.) An offence against this section may be prosecuted either summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.
- (3.) The punishment for an offence against this section is—
- (a) if the offence is prosecuted summarily—a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months ; or
 - (b) if the offence is prosecuted upon indictment—a fine not exceeding Two hundred pounds or imprisonment for a term not exceeding one year.

(4.) An offence against this Act shall not be prosecuted summarily without the written consent of the Attorney-General or of a person thereto authorized in writing by the Attorney-General, and an offence against this Act shall not be prosecuted upon indictment except in the name of the Attorney-General.

22.—(1.) The Chairman and other members of the Committee shall be paid such allowances as are prescribed. Allowances.

(2.) The prescribed allowances are payable, upon the certificate of the Chairman or of the Vice-Chairman, out of the Consolidated Revenue Fund, which is appropriated accordingly.

23.—(1.) The total amount paid out of the Consolidated Revenue Fund in respect of allowances payable under the last preceding section shall not exceed Five thousand pounds in any financial year. Limitation of annual expenditure.

(2.) Where, in any financial year, the amount of Five thousand pounds would, but for sub-section (1.) of this section, be exceeded, a proportionate abatement, to be determined by the Treasurer, shall be made in the sums payable, so as to reduce the amount so payable to the sum of Five thousand pounds.

24. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act. Regulations.

THE SCHEDULE.

Section 10.

FORM A.

OATH OF WITNESS.

The evidence you shall give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God!

Section 10.

FORM B.

AFFIRMATION OF WITNESS.

You do solemnly and sincerely affirm and declare that the evidence you shall give before the Committee shall be the truth, the whole truth, and nothing but the truth.

Section 13.

FORM C.

COMMONWEALTH OF AUSTRALIA.

Public Accounts Committee Act 1951.

SUMMONS TO A WITNESS.

To (here insert name, address and occupation of witness)

You are hereby summoned to appear before the Joint Committee of Public Accounts (or a Sectional Committee of the Joint Committee of Public Accounts) on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, at _____, then and there to give evidence and then and there to produce _____; and you are required to continue in attendance as directed by the said Committee (or Sectional Committee) or the Chairman thereof, until your attendance is no longer required.

Dated the _____

_____ 19____
(Chairman or Vice-Chairman of the Committee
or Sectional Committee)

Section 14.

FORM D.

COMMONWEALTH OF AUSTRALIA.

*Public Accounts Committee Act 1951.*WARRANT FOR THE APPREHENSION OF A WITNESS WHO HAS DISOBEYED A
SUMMONS.

Whereas (*name, address and occupation of witness*) has been summoned to appear as a witness before the Joint Committee of Public Accounts (or a Sectional Committee of the Joint Committee of Public Accounts), but has failed to appear in obedience to the summons; these are therefore to command and authorize you forthwith to apprehend the said (*name of witness*) and to bring him before the said Committee (or Sectional Committee), and to detain him in custody for that purpose until he is released by order of the Chairman.

Given at
day of

the
, 19 .

(Chairman or Vice-Chairman of the Committee
or Sectional Committee.)

To (*name of person to whom warrant is addressed*).
