

2001

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Mr Quinlan)

## **Auditor-General Amendment Bill 2001**

---

### **A Bill for**

An Act to amend the *Auditor-General Act 1996*

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

---

2001 050B

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**1 Name of Act**

This Act is the *Auditor-General Amendment Act 2001*.

**2 Commencement**

This Act commences on the day it is notified in the Gazette.

**3 Act amended**

This Act amends the *Auditor-General Act 1996*.

**4 Section 14**

*substitute*

**14 Power to obtain information**

- (1) The auditor-general may, by written notice, require a person—
- (a) to give information to the auditor-general within a stated reasonable time; or
  - (b) to give the information in a particular form (including, for example, preparing a document in a particular form or completing a document provided by the auditor-general); or
  - (c) to appear and give evidence before the auditor-general at a stated reasonable time and place; or
  - (d) to produce a document in the possession or control of the person to the auditor-general within a stated reasonable time.
- (2) The auditor-general may require the person—
- (a) to give the information orally or in writing; or
  - (b) to give the evidence by answering questions on oath or affirmation; or

(c) to verify information, answers to questions or a document on oath or affirmation or by a statutory declaration.

*Note 1* For the taking of an oath or the making of an affirmation, see the *Oaths and Affirmations Act 1984*.

*Note 2* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

(3) For subsection (2) (b), the auditor-general may administer an oath or affirmation to a person that the evidence the person is to give will be true.

(4) For subsection (2) (c), the auditor-general may administer an oath or affirmation to a person that the information, answers or document the person has given or produced is true.

(5) A person must not, without reasonable excuse, contravene a requirement under this section.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(6) To remove any doubt, a reference to the giving of information to, or evidence before, the auditor-general includes the giving of an explanation in relation to something done or not done by a person.

(7) The regulations may prescribe fees and expenses payable to people appearing before the auditor-general.

#### **14A Powers in relation to documents**

(1) If a document is produced to the auditor-general in accordance with a requirement under section 14 (1), the auditor-general may—

(a) take possession of, and may make a copy of, or take extracts from, the document; and

(b) keep the document for as long as is necessary for this Act.

(2) If the auditor-general keeps a document, the auditor-general must, if asked by a person who would be entitled to inspect the document if it were not in the auditor-general's possession—

#### Section 4

---

- 1           (a) give the person a copy of the document certified by the  
2           auditor-general in writing to be a true copy of the document; or  
3           (b) at any reasonable time, allow the person to inspect the  
4           document, take extracts from it or make copies of it.
- 

#### Endnote

##### Act amended

Republished as in force on 1 March 1999.

Printed by Authority of the ACT Government Printer  
© Australian Capital Territory 2001