

CODE OF PRACTICE FOR ASSISTANCE TO PORTFOLIO COMMITTEES BY THE AUDITOR-GENERAL AND THE QUEENSLAND AUDIT OFFICE

Purpose

The purpose of this code is to outline the assistance that the Auditor-General and the Queensland Audit Office is able to provide to portfolio committees.

The code is not binding on the part of the Auditor-General or staff of the Queensland Audit Office. It is intended to be used as a guide to ensure that interactions between portfolio committees, Members of Parliament and the Auditor-General are appropriate, and that these interactions respect the independence of the Queensland Audit Office and the role and status of the portfolio committees.

Auditor-General's mandate

The Auditor-General is an independent statutory officer appointed by the Governor in Council under the *Auditor-General Act 2009* (the Act). The Act makes it clear that the Auditor-General is not subject to direction by any person about the way in which the Auditor-General's powers in relation to audits are to be exercised.

The Act sets out the Auditor-General's mandate conferring on the Auditor-General and the Queensland Audit Office the functions and powers necessary to carry out independent audits of the Queensland public sector and related entities. These powers include conducting audits of the consolidated fund and of all public sector entities subject to certain exemptions.

The Act provides that the Auditor-General must report to the House on the audit of the consolidated fund accounts, audits of public sector entities and on each audit conducted at the request of the House. The Act also provides that the Auditor-General may report to the House on other matters such as in relation to specific issues arising from an audit where the Auditor-General considers it to be in the public interest to do so.

The Act places an obligation on staff of the Queensland Audit Office and others who receive information obtained in the conduct of audits or draft audit reports not to disclose this information unless in accordance with the provisions of the Act. The Act specifically provides that these obligations do not prevent the disclosure of this information to the parliamentary committee as defined under the Act.

Furthermore, where the Auditor-General considers it to be against the public interest to disclose certain sensitive information in a report to the House, the Auditor-General must not disclose the information and instead include it in a report to the parliamentary committee as defined under the Act.

Assistance to Portfolio Committees

The Auditor-General and the Queensland Audit Office may provide assistance to a portfolio committee by:

- briefing a portfolio committee on the findings, opinions and observations contained in an audit report or a draft report;
- assisting a portfolio committee including by providing evidence at a public hearing, in relation to a strategic review of the Queensland Audit Office;
- providing advice to a portfolio committee for the purposes of a committee inquiry in relation to draft terms of reference, the conduct of the inquiry, lines of inquiry and relevant questions that could be

asked of witnesses for the inquiry, if the inquiry relates to matters in which the Auditor-General and the Queensland Audit Office have particular responsibilities, knowledge or expertise; and

- providing advice to a portfolio committee in relation to a Bill that has been referred to the portfolio committee, where that Bill includes matters in which the Auditor-General and the Queensland Audit Office has particular responsibilities, knowledge or expertise.

The Auditor-General should normally be regarded as an adviser when providing assistance to a portfolio committee however, in certain circumstances, the Auditor-General may be regarded as a witness. In such circumstances, the Auditor-General or staff of the Queensland Audit Office (like any other witness) may be questioned. The committee must ensure that this is made clear to the Auditor-General or the member of staff before appearing as a witness.

Further guidance on each of the main ways that the Auditor-General may interact with portfolio committees is provided below:

Examination of Auditor-General reports

The Auditor-General regularly presents various reports to the House in the exercise of the duties of the office.

In accordance with its public accounts and public works committee functions, after considering a report of the Auditor-General, a portfolio committee may decide to exercise its powers to examine a particular report of the Auditor-General, where it is relevant to the committee's subject area.

If a portfolio committee wishes to be provided with more information on an Auditor-General's report, the portfolio committee will first request the Auditor-General to provide a briefing to it on the report. A committee may also seek further assistance from the Auditor-General in deciding the nature and extent of the committee's consideration and report to the House. A committee could consider inviting the Auditor-General to provide advice on the key issues to be examined and the method by which the examination could be carried out.

Where a committee holds a hearing of evidence with another organisation as part of its examination of a report of the Auditor-General, it may request that the Auditor-General attend the hearing to advise the committee. When this occurs, questions should generally be directed at the organisation under examination as a witness, and not towards the Auditor-General as an adviser.

Assistance with portfolio committee inquiries

A portfolio committee may have an issue referred to it by the House for examination and report.

In considering such referrals, portfolio committees may wish to seek specialist assistance for inquiries involving highly specialised topics. As the Auditor-General has particular expertise in public sector financial management and reporting systems, committees may wish to access the expertise and skills of the Auditor-General and the staff of the Queensland Audit Office when conducting an inquiry.

The Auditor-General may be able to advise on possible options or terms of reference for the inquiry; the approach the committee might take when conducting the inquiry; act as an adviser to the committee during the conduct of its inquiry; or provide advice requested by a committee in the preparation of its report to the House.

The committee will consult with the Auditor-General and agree on the extent of assistance to be provided, if any, and specific terms and conditions for providing assistance to the committee.

Consideration of Bills

In accordance with Standing Orders, a Bill is referred by the House to the appropriate portfolio committee for consideration after its first reading.

The portfolio committee to which a Bill is referred examines the Bill and determines whether to recommend that the Bill be passed; whether amendments to the Bill should be recommended; and considers the application of fundamental legislative principles contained in Part 2 of the *Legislative Standards Act 1992* to the Bill and compliance with Part 4 of the *Legislative Standards Act 1992* regarding explanatory notes.

During consideration of a Bill, a portfolio committee may wish to request specialist technical advice from the Auditor-General on matters which the Auditor-General has particular responsibilities, knowledge or expertise.

Interpretation

This code is intended to operate in conjunction with Standing Orders and statutory provisions, and should be interpreted accordingly.