

LEGISLATIVE ASSEMBLY

INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012

(Amendments to be moved by Mr McIntosh)

1. Clause 20, page 10, line 1, omit "After section 87(4)" and insert "At the end of section 87".
2. Clause 20, page 10, line 4, omit "(5)" and insert "(8)".
3. Clause 60, line 26, omit "(j)" and insert "(i)".
4. Clause 60, line 27, omit "(k)" and insert "(j)".
5. Clause 148, line 19, omit "the" and insert "each".
6. Clause 186, lines 26 and 27, omit subclause (1).
7. Clause 187, page 153, after line 3 insert—

"(1) This section applies to a compulsory appearance by a person."
8. Clause 187, page 153, line 4, omit "A person" and insert "(2) The person".
9. Clause 187, page 153, lines 13 to 27, omit proposed section 11D and insert—

"11D Advance notice of performance audits

Within a reasonable time before commencing to conduct a performance audit, the Auditor-General must provide a copy of the final version of the specification prepared under section 15(2) to any relevant authorities."
10. Clause 190, page 158, lines 10 and 11, omit paragraph (e).
11. Clause 190, page 158, line 12, omit "(f)" and insert "(e)".
12. Clause 190, page 158, line 14, omit "(g)" and insert "(f)".
13. Clause 190, page 158, line 16, omit "(h)" and insert "(g)".
14. Clause 190, page 158, line 18, omit "(i)" and insert "(h)".
15. Clause 190, page 158, line 19, omit "(j)" and insert "(i)".
16. Clause 190, page 158, line 20, omit "(k)" and insert "(j)".
17. Clause 190, page 158, line 21, omit "(l)" and insert "(k)".
18. Clause 190, page 158, line 22, omit "(m)" and insert "(l)".
19. Clause 190, page 158, line 24, omit "(n)" and insert "(m)".
20. Clause 190, page 158, line 26, omit "(o)" and insert "(n)".
21. Clause 190, page 158, line 27, omit "(p)" and insert "(o)".

22. Clause 191, lines 22 and 23, omit proposed paragraph (g).
23. Clause 191, line 24, omit "(h)" and insert "(g)".
24. Clause 191, line 26, omit "(i)" and insert "(h)".
25. Clause 191, line 28, omit "(j)" and insert "(i)".
26. Clause 191, line 30, omit "(k)" and insert "(j)".
27. Clause 191, line 31, omit "(l)" and insert "(k)".
28. Clause 191, line 32, omit "(m)" and insert "(l)".
29. Clause 191, page 160, line 1, omit "(n)" and insert "(m)".
30. Clause 191, page 160, line 2, omit "(o)" and insert "(n)".
31. Clause 191, page 160, line 4, omit "(p)" and insert "(o)".
32. Clause 191, page 160, line 6, omit "(q)" and insert "(p)".
33. Clause 191, page 160, line 7, omit "(r)" and insert "(q)".
34. Clause 192, page 161, lines 13 and 14, omit proposed paragraph (d).
35. Clause 192, page 161, line 15, omit "(e)" and insert "(d)".
36. Clause 192, page 161, line 17, omit "(f)" and insert "(e)".
37. Clause 192, page 161, line 20, omit "(g)" and insert "(f)".
38. Clause 192, page 161, line 22, omit "(h)" and insert "(g)".
39. Clause 192, page 161, line 23, omit "(i)" and insert "(h)".
40. Clause 192, page 161, lines 26 to 31, omit all words and expressions on these lines and insert—

' "(5) Section 20 applies to a report under this section as if—

(a) a reference in that section to the Auditor-General were a reference to the independent auditor (other than a reference in section 20(1)(a) to any audit by the Auditor-General); and
(b) a reference in section 20(2) to an authority or a department referred to in section 16(3)(a) were a reference to the Victorian Auditor-General's Office; and
(c) a reference in section 20(2) to the authority or department head were a reference to the Auditor-General." '.
41. Clause 193, page 163, lines 9 and 10, omit proposed paragraph (d).
42. Clause 193, page 163, line 11, omit "(e)" and insert "(d)".
43. Clause 193, page 163, line 13, omit "(f)" and insert "(e)".

44. Clause 193, page 163, line 16, omit "(g)" and insert "(f)".
45. Clause 193, page 163, line 18, omit "(h)" and insert "(g)".
46. Clause 193, page 163, line 19, omit "(i)" and insert "(h)".
47. Clause 193, page 163, lines 22 to 27, omit all words and expressions on these lines and insert—

' "(10) Section 20 applies to a report under this section as if—

 (a) a reference in that section to the Auditor-General were a reference to the person appointed under this section (other than a reference in section 20(1)(a) to any audit by the Auditor-General); and

 (b) a reference in section 20(2) to an authority or a department referred to in section 16(3)(a) were a reference to the Victorian Auditor-General's Office; and

 (c) a reference in section 20(2) to the authority or department head were a reference to the Auditor-General." '.
48. Clause 195, page 167, lines 4 to 8, omit ", the Auditor-General must first give the person a reasonable opportunity to respond to the adverse material and fairly set out each element of the response in the report" and insert "who is to be named in the report and who is an officer or employee in an authority or a department referred to in section 16(3)(a), the authority or department head must, after receiving a copy of the proposed report or the relevant part of the proposed report under that section, give the person a reasonable opportunity to respond to the authority or department head in relation to the adverse material".
49. Clause 195, page 167, lines 9 to 23, omit all words and expressions on these lines and insert—

'(3) The Auditor-General must not include in a report under this Act or any other Act the name of any person who is not the subject of any adverse comment or opinion unless the Auditor-General states in the report that the person is not the subject of any adverse comment or opinion." '.
50. Clause 198, lines 10 and 11, omit all words and expressions on these lines.
51. Clause 198, line 12, omit "**audit**" and insert ' "**audit**".
52. Clause 199, lines 30 and 31, omit "and the Victorian Auditor-General's Office".
53. Clause 200, lines 4 and 5, omit "**or administrative action taken**".
54. Clause 200, line 7, omit "(1)".
55. Clause 200, line 26, omit "31(2)." and insert '31(2)." '.
56. Clause 200, lines 27 to 35 and page 171, lines 1 to 6, omit all words and expressions on these lines.
57. Clause 201, lines 22 and 23, omit "the Victorian Auditor-General's Office and".

58. Clause 201, lines 28 to 32 and page 172, lines 1 and 2, omit proposed subparagraph (ii) and insert—
- "(ii) compliance by VAGO officers with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**;"
59. Clause 201, page 172, line 9, omit proposed paragraph (d).
60. Clause 201, page 172, line 10, omit "(e)" and insert "(d)".
61. Clause 201, page 172, lines 13 and 14, omit "and its functions referred to in paragraph (d)".
62. Clause 204, lines 23 to 27, omit proposed paragraph (b) and insert—
- "(b) the compliance with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**."
63. Clause 206, lines 28 to 32, omit proposed paragraph (b) and insert—
- '(b) the compliance with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**.'".
64. Clause 207, omit this clause.
65. Clause 208, page 176, lines 4 and 5, omit "the Victorian Auditor-General's Office or".
66. Clause 208, page 176, lines 8 and 9, omit "or the Victorian Auditor-General's Office".
67. Clause 208, page 176, lines 12 and 13, omit "and the Victorian Auditor-General's Office".
68. Clause 208, page 176, lines 15 and 16, omit "and the Victorian Auditor-General's Office".
69. Clause 208, page 176, lines 27 and 28, omit "or the Victorian Auditor-General's Office".
70. Clause 208, page 177, lines 6 and 7, omit "the Victorian Auditor-General's Office or".
71. Clause 209, lines 24 and 25, omit "the Victorian Auditor-General's Office or".
72. Clause 213, lines 25 and 26, omit "the Victorian Auditor-General's Office or".
73. Clause 219, line 30, omit "the Victorian Auditor-General's Office or".
74. Clause 220, lines 8 to 13, omit proposed subparagraph (ii) and insert—
- "(ii) compliance by VAGO officers with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**;"
75. Clause 221, line 8, omit all words and expressions on this line.
76. Clause 221, line 9, omit "(h)" and insert '(g)'.
77. Clause 222, line 19, omit "**1994**;" and insert '**1994**;'.

78. Clause 222, lines 20 to 22, omit all words and expressions on these lines.
79. Clause 223, lines 30 and 31, omit "the Victorian Auditor-General's Office,".
80. Clause 223, page 186, lines 3 and 4, omit "the Victorian Auditor-General's Office,".
81. Clause 223, page 186, lines 7 and 8, omit "the Victorian Auditor-General's Office,".
82. Clause 224, lines 15 and 16, omit "the Victorian Auditor-General's Office and".
83. Clause 224, lines 21 and 22, omit "the Victorian Auditor-General's Office and".
84. Clause 224, lines 25 and 26, omit "the Victorian Auditor-General's Office or".
85. Clause 224, page 187, lines 1 and 2, omit "the Victorian Auditor-General's Office or".
86. Clause 224, page 187, lines 9 and 10, omit "the Victorian Auditor-General's Office or".
87. Clause 224, page 187, lines 19 and 20, omit "the Victorian Auditor-General's Office or".
88. Clause 225, page 190, lines 5 to 8, omit all words and expressions on these lines and insert—

"compulsory appearance means—

- (a) the appearance of a person before the Ombudsman in accordance with a witness summons; or
- (b) the appearance of a person before an Ombudsman officer otherwise than in accordance with a witness summons, in which the person is examined under section 18 of the **Evidence (Miscellaneous Provisions) Act 1958**;"

89. Clause 225, page 193, lines 9 to 16, omit all words and expressions on these lines and insert—

"presiding officer means the Ombudsman officer before whom a person is appearing at a compulsory appearance or voluntary appearance;"

90. Clause 230, page 203, line 14, after "writing" insert—

"except where the Ombudsman considers that the complainant—

- (a) is under 18 years of age; or
- (b) does not have sufficient knowledge of the English language to make a complaint in writing; or
- (c) has a mental or physical impairment that prevents the complainant from making a complaint in writing".

91. Clause 232, page 214, line 5, omit proposed paragraph (i) and insert—

"(i) a person or body prescribed by Rules of Parliament made under this Act."

92. Clause 234, lines 9 and 10, omit proposed paragraph (a) and insert—

"(a) must be in the form (if any) prescribed by Rules of Parliament made under this Act; and".

93. Clause 234, line 18, omit "would" and insert "may".
94. Clause 234, line 19, omit "be likely to".
95. Clause 235, lines 21 and 22, omit "in accordance with the regulations to the Ombudsman" and insert "to the Ombudsman in accordance with Rules of Parliament made under this Act".
96. Clause 235, page 218, line 19, omit "would" and insert "may".
97. Clause 235, page 220, line 1, omit "would" and insert "may".
98. Clause 235, page 220, line 3, omit "would" and insert "may".
99. Clause 235, page 220, line 24, after "subsection" insert "by Rules of Parliament made under this Act".
100. Clause 235, page 220, line 30, after "subsection" insert "by Rules of Parliament made under this Act".
101. Clause 243, lines 19 and 20, omit "**to Parliament**".
102. Clause 244, lines 31 and 32, omit "each element of".
103. Clause 245, page 234, line 2, omit proposed paragraph (a) and insert—

"(a) be in the form (if any) prescribed by Rules of Parliament made under this Act;".
104. Clause 251, page 246, line 12, omit "234" and insert "233".
105. Clause 251, page 247, line 16, omit "241" and insert "240".
106. Clause 251, page 248, line 1, omit "245" and insert "244".
107. Clause 251, page 248, line 8, omit "236(3)" and insert "235(3)".
108. Clause 252, page 259, in proposed Schedule 1, after item 35 insert the following item—

"36	The Victorian Auditor-General's Office	The Auditor-General	Minister administering the Audit Act 1994
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109. Clause 252, page 259, in proposed Schedule 1, omit item 36 and insert—

"37	A person or body prescribed by Rules of Parliament made under this Act for the purposes	The person prescribed by Rules of Parliament made under this Act as	The Minister prescribed by Rules of Parliament made under this Act as the responsible
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of this Schedule

the principal
officer of the
prescribed person
or body

Minister for the
prescribed person or
body".

110. Clause 252, page 261, in proposed Schedule 2, omit item 16 and insert—
- "16 The Auditor-General".
111. Clause 252, page 263, in proposed Schedule 3, in item 23, after "Schedule" insert "by Rules of Parliament made under this Act".
112. Clause 263, lines 30 and 31, omit paragraph (a) and insert—
- '() in paragraph (d), for "officers." **substitute** "officers; and";'.
113. Clause 264, lines 4 and 5, omit "**or administrative action taken**".
114. Clause 264, line 7, omit "(1)".
115. Clause 283, line 27, omit "(h)" and insert "(g)".
116. Clause 283, line 28, omit "(i)" and insert "(h)".
117. Clause 283, line 29, omit "(j)" and insert "(i)".
118. Clause 299, page 290, *Column 1* omit—
- "41A
42
43
44
45
46"
- and insert—
- "42
43
44
45
46
46A".
119. Clause 300, page 296, line 25, omit "299" and insert "298".
120. Clause 301, page 297, lines 5 and 6, omit "299 or section 300" and insert "298 or section 299".

121. Clause 302, pages 297 to 301, omit the Table and insert—

"Table	
<i>Column 1</i>	<i>Column 2</i>
<i>Section number</i>	<i>Renumbered section number</i>
1	1
2	2
3	3
3A	4
4	5
5	6
5A	7
6	8
7	9
8	10
9	11
10	12
10A	13
10B	14
11	15
12	16
13	17
14	18
15	19
16	20
17	21
18	22
19	23
20	24
21	25
22	26
23	27
24	28
25	29
26	30
27	31
28	32
28A	33
28B	34

28BA	35
28C	36
28D	37
28E	38
28F	39
28G	40
28H	41
28I	42
29	43
30	44
30A	45
31	46
32	47
33	48
33A	49
33B	50
33C	51
33D	52
33E	53
33F	54
33G	55
33H	56
33I	57
33J	58
33K	59
33L	60
33LA	61
33M	62
33N	63
33O	64
33P	65
33Q	66
33R	67
33S	68
33SA	69

Note

This section inserted by
the **Evidence
Amendment
(Journalist Privilege)**

Act 2012

33T	70
33U	71
33V	72
33W	73
33X	74
33Y	75
33Z	76
33ZA	77
34	78
35	79
35A	80
35B	81
35C	82
35D	83
35E	84
35F	85
35G	86
36	87
36A	88
37	89
37A	90
38	91
38A	92
39	93
39A	94
39B	95
39C	96
39D	97
39E	98
39F	99
39G	100
39H	101
40	102
41	103
42	104
42A	105
42B	106

".

122. Clause 303, page 302, line 18, omit "302" and insert "301".
123. Clause 304, line 34, omit "302 or section 303" and insert "301 or section 302".
124. Clause 316, page 307, line 7, omit "54(1)" and insert "53(1)".
125. Clause 316, page 307, line 11, omit "92" and insert "91".
126. Clause 317, lines 19 to 25, omit paragraphs (c) and (d) and insert—
 '() in clause 12(2)(b), for "section 50" **substitute** "section 81";
 () in clause 14(2)(a) and (3) and clause 16(2)(a), for "section 50" **substitute**
 "section 81";'.
127. Clause 317, page 308, line 6, omit "48" and insert "47".
128. Clause 317, page 308, line 8, omit "49(1)" and insert "48(1)".
129. Clause 317, page 308, line 10, omit "79" and insert "78".
130. Clause 317, page 308, line 12, omit "80(3)" and insert "79(3)".
131. Clause 317, page 308, line 14, omit "88 and 89" and insert "87 and 88".
132. Clause 317, page 308, line 16, omit "90(1)" and insert "89(1)".
133. Clause 317, page 308, line 18, omit "91" and insert "90".
134. Clause 317, page 308, line 28, omit "92(1)(b)" and insert "91(1)(b)".
135. Clause 317, page 308, line 30, omit "92" and insert "91".