



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

# GOVERNMENT GAZETTE

## OF THE REPUBLIC OF SOUTH AFRICA

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### KANTOOR VAN DIE STAATSPRESIDENT

No. 1911.

10 Julie 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 123 van 1992: Wysigingswet op die Ouditeur-Generaal,  
1992.

### STATE PRESIDENT'S OFFICE

No. 1911.

10 July 1992

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 123 of 1992: Auditor-General Amendment Act, 1992.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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**WET**

**Tot wysiging van die Wet op die Ouditeur-generaal, 1989, met betrekking tot die woordomskrywings; ten einde daardie Wet in ooreenstemming te bring met die bepalings van die Ouditreëlingswet; die prosedure van verslagdoening deur die Ouditeur-generaal te vereenvoudig; sodanige prosedure in ooreenstemming te bring met die beoogde onafhanklike status van die Ouditeur-generaal; daardie bepalings van daardie Wet wat in die Ouditreëlingswet opgeneem gaan word, te skrap; voorsiening te maak vir die beskikbaarstelling van kantoorakkommisasie vir en logistieke steun aan die personeel van die Ouditeur-generaal wanneer hulle ouditerings uitvoer; en voorsiening te maak vir die verlening van vrywaring aan die Ouditeur-generaal, sy personeel en personele wat ouditerings op gesag van die Ouditeur-generaal uitvoer; en om vir bykomstige aangeleenthede voorsiening te maak.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 2 Julie 1992.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 52 van 1989, soos gewysig deur artikel 1 van Wet 66 van 1990**

1. Artikel 1 van die Wet op die Ouditeur-generaal, 1989 (hieronder die Hoofwet genoem), word hierby gewysig— 5
- (a) deur voor die omskrywing van "betrokke fonds of rekening" die volgende omskrywing in te voeg:  
"Adjunk-ouditeur-generaal" die persoon wat ingevolge artikel 27 van die Ouditreëlingswet as sodanig aangestel is;"; 10
  - (b) deur die omskrywing van "eiendom" deur die volgende omskrywing te vervang:  
"eiendom" enige [eiendom] roerende of onroerende goed van die Staat of 'n statutêre liggaam";
  - (c) deur die omskrywing van "Kantoor" deur die volgende omskrywing te vervang:  
"Kantoor" die Kantoor van die Ouditeur-generaal [in] ingestel by artikel [8(1) bedoel] 3 van die Ouditreëlingswet;"; 15
  - (d) deur na die omskrywing van "ongemagtigde uitgawe" die volgende omskrywings in te voeg:  
"Ouditeur-generaal" die persoon wat ingevolge artikel 2(1) as sodanig aangestel is;  
"Ouditkommissie" die Ouditkommissie vermeld in artikel 12 van die Ouditreëlingswet;

**GENERAL EXPLANATORY NOTE:**

- [ ]** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with a solid line indicate insertions in existing enactments.
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**ACT**

To amend the Auditor-General Act, 1989, with regard to the definitions; in order to bring that Act into line with the provisions of the Audit Arrangements Act; to simplify procedures for reporting by the Auditor-General; to bring such procedures into line with the contemplated independent status of the Auditor-General; to delete those provisions of that Act which are to be included in the Audit Arrangements Act; to make provision for making available office accommodation for and logistical support to the staff of the Auditor-General when they carry out audits; and to provide for the granting of indemnity to the Auditor-General, his staff and persons carrying out audits under the authority of the Auditor-General; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)  
(Assented to 2 July 1992.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 52 of 1989, as amended by section 1 of Act 66 of 1990**

- 5     **1.** Section 1 of the Auditor-General Act, 1989 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion after the definition of “accounting officer” of the following definitions:
- “Audit Arrangements Act” means the Audit Arrangements Act, 10  
1992;
- ‘Audit Commission’ means the Audit Commission referred to in section 12 of the Audit Arrangements Act;
- ‘Auditor-General’ means the person appointed as such in terms of section 2(1);”;
- 15     (b) by the insertion before the definition of “fund or account concerned” of the following definition:
- “Deputy Auditor-General” means the person appointed as such in terms of section 27 of the Audit Arrangements Act;”;
- 20     (c) by the substitution for the definition of “Office” of the following definition:
- “Office” means the Office of the Auditor-General [referred to in established by section 8(1)] 3 of the Audit Arrangements Act;”;
- (d) by the substitution for the definition of “property” of the following definition:

- ‘Ouditreëlingswet’ die Ouditreëlingswet, 1992;”;
- (e) deur die omskrywing van “statutêre liggaam” deur die volgende omskrywing te vervang:  
 “‘statutêre liggaam’ enige plaaslike owerheid, raad, fonds, instelling, maatskappy, korporasie of ander organisasie wat gestig of saamgestel is by of kragtens ‘n wet [**ingevolge waarvan die rekenings daarvan**] en waarvan die rekenings en finansiële state ingevolge daardie wet deur die Ouditeur-generaal geouditeer moet word;”;
- (f) deur die omskrywing van “verantwoordelike Minister” deur die volgende omskrywing te vervang:  
 “‘verantwoordelike Minister’, met betrekking tot ‘n aangeleenthed vir sover dit betrekking het of van toepassing is op, of in verband staan met—
- (a) die Staatsinkomsterekening of ‘n rekening ingestel by artikel 82(1)(c) van die Grondwet in verband met die administrasie van ‘n provinsiale aangeleenthed of ‘n wet wat deur ‘n Minister in artikel 20(b) van die Grondwet bedoel, geadministreer word, die Minister van [**Finansies**] Staatsbesteding; [**of**]
- (b) ‘n rekening ingestel by artikel 82(1)(b) van die Grondwet in verband met die administrasie van aangeleenthede wat deur ‘n lid van die Ministersraad geadministreer word of ‘n wet wat aldus geadministreer word, die lid van daardie Ministersraad aan wie die administrasie van die finansiële sake van die betrokke bevolkingsgroep opgedra is;
- (c) ‘n statutêre liggaam, die Minister aan wie die uitvoering van die wet ingevolge waarvan die statutêre liggaam ingestel is, opgedra is; of
- (d) ‘n rekening en finansiële state waarvan die ouditering ingevolge artikel 5(3) aan die Ouditeur-generaal opgedra is, die Minister of persoon wat deur die Staatspresident aangewys is;”.

#### Wysiging van artikel 2 van Wet 52 van 1989

**2.** Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Staatspresident stel na oorleg met die Speaker van die Parlement en die Ouditkommissie ‘n Ouditeur-generaal aan met inagneming van, onder andere, so ‘n persoon se kennis van of ondervinding in ouditering, staatsfinansies en publieke administrasie.”.

#### Wysiging van artikel 3 van Wet 52 van 1989, soos gewysig deur artikel 9 van Wet 51 van 1991

**3.** Artikel 3 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) (a) Behoudens die bepalings van hierdie Wet bepaal die Staatspresident van tyd tot tyd die [**salaris**] besoldigingspakket en ander diensvoorraades van die Ouditeur-generaal.

(b) Die [**salaris**] besoldigingspakket en ander diensvoorraades van ‘n bepaalde bekleer van die amp van Ouditeur-generaal mag nie [**vermindert**] tot nadeel van daardie bekleer verander word nie behalwe by Wet van die Parlement.

(c) Die [**salaris**] besoldigingspakket en ander diensvoorraades in [**paragraaf (a)**] hierdie subartikel vermeld, mag nie minder gunstig as dié van die voorsitter van die Kommissie wees nie.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Ouditeur-generaal mag nie sonder die toestemming van die [**Minister van Finansies**] Staatspresident besoldigde werk buite sy amptsligte verrig nie.”; en

(c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) As ‘n beampete of werknemer in die staatsdiens of in die Kantoor of ‘n lid van die Kommissie wat, onmiddellik voor sy

- “‘property’ means any movable or immovable property of the State or a statutory body;”;
- (e) by the substitution for the definition of “statutory body” of the following definition:
- 5 “‘statutory body’ means any local authority, board, fund, institution, company, corporation or other organization established or constituted by or under any law [in terms of which the accounts thereof must be] and of which the accounts and financial statements shall in terms of that law be audited by the Auditor-General;”;
- (g) by the substitution for the definition of “responsible Minister” of the following definition:
- 10 “‘responsible Minister’, in relation to a matter in so far as it relates or applies to, or is connected with—
- (a) the State Revenue Account or an account established by section 82(1)(c) of the Constitution in connection with the administration of a provincial matter or any law administered by a Minister referred to in section 20(b) of the Constitution, means the Minister of **[Finance]** State Expenditure; **[or]**;
- (b) an account established by section 82(1)(b) of the Constitution in connection with the administration of matters administered by a member of the Ministers’ Council or any law which is so administered, means the member of that Ministers’ Council to whom the administration of the financial affairs of the population group concerned has been assigned;
- (c) a statutory body, means the Minister to whom administration of the law in terms of which the statutory body was established has been assigned; or
- (d) an account and financial statements the audit of which has in terms of section 5(3) been assigned to the Auditor-General, means the Minister or person designated by the State President;”.

#### Amendment of section 2 of Act 52 of 1989

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- 35 “(1) The State President shall after consultation with the Speaker of Parliament and the Audit Commission appoint an Auditor-General, regard being had to, *inter alia*, the knowledge of or experience in auditing, state finances and public administration of such person.”.

#### Amendment of section 3 of Act 52 of 1989, as amended by section 9 of Act 51 of 40 1991

3. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) (a) Subject to the provisions of this Act, the State President shall from time to time determine the **[salary]** remuneration package and other conditions of service of the Auditor-General.
- 45 (b) The **[salary payable to]** remuneration package and other conditions of service of a particular occupier of the post of Auditor-General shall not be **[reduced]** altered to the detriment of that occupier except by Act of Parliament.
- (c) The **[salary]** remuneration package and other conditions referred to in **[paragraph (a)]** this subsection shall not be less favourable than those of the chairman of the Commission.”;
- (b) by the substitution for subsection (2) of the following subsection:
- 55 “(2) The Auditor-General shall not without the consent of the **[Minister of Finance]** State President perform any remunerative work outside his official duties.”; and
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) If an officer or employee in the public service or in the Office or a member of the Commission who, immediately prior to

aanstelling as so 'n lid, so 'n beampte of werknemer was, aangestel word, of ingevolge artikel 15 as Ouditeur-generaal waarneem, word die tydperk van sy diens as Ouditeur-generaal gereken as deel van en as aaneenlopend met sy diens in die staatsdiens of in die Kantoor, na gelang van die geval, met inbegrip, in die geval van so 'n lid van die Kommissie, van die diens wat ingevolge die bepalings van artikel 3(4)(a) van die Wet op die Kommissie vir Administrasie, 1984 (Wet No. 65 van 1984), as deel van en as aaneenlopend met sy diens in die staatsdiens gereken word, vir doeleindes van verlof, pensioen en enige ander diensvoorraadtes, en bly die bepalings van 'n **[Pensioenwet]** pensioenwet wat op hom as sodanige beampte of werknemer of, in die geval van sy dood, op sy afhanglikes van toepassing is, wat nie met hierdie artikel strydig is nie, *mutatis mutandis* aldus van toepassing.”.

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#### Wysiging van artikel 4 van Wet 52 van 1989

##### 4. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien die Ouditeur-generaal onmiddellik voor sy aanstelling as sodanig, 'n beampte of werknemer in die staatsdiens of in die Kantoor of 'n lid van die Kommissie was en by verstryking van sy ampstermyn as Ouditeur-generaal nog nie die leeftyd bereik het waarop hy ingevolge die Staatsdienswet of die Ouditreëlingswet, na gelang van die geval, die reg sou gehad het om af te tree of verplig sou gewees het om af te tree as hy nie as Ouditeur-generaal aangestel was nie, het hy die reg om af te tree, en as hy aldus aftree, is hy geregtig op die pensioen waarop hy ingevolge die **[Pensioenwet]** pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy weens die afskaffing van sy pos verplig was om uit die staatsdiens of die diens van die Kantoor, na gelang van die geval, af te tree.”; en

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(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Indien die Ouditeur-generaal onmiddellik voor sy aanstelling as sodanig, 'n beampte of werknemer in die staatsdiens of 'n persoon in die diens van die Kantoor of 'n lid van die Kommissie was, en kragtens 'n Wet van die Parlement en met sy instemming aangestel word in 'n amp waarop die bepalings van hierdie Wet of die Staatsdienswet of die Ouditreëlingswet nie van toepassing is nie, hou hy vanaf die datum waarop hy aldus aangestel word, op om Ouditeur-generaal te wees, en indien hy op daardie datum nog nie die leeftyd bereik het waarop hy ingevolge die Staatsdienswet of die Ouditreëlingswet, na gelang van die geval, die reg sou gehad het om af te tree nie, word hy geag op daardie datum af te getree het en is hy, behoudens genoemde bepalings, geregtig op die pensioen waarop hy ingevolge die **[Pensioenwet]** pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy weens die afskaffing van sy pos verplig was om uit die staatsdiens of die diens van die Kantoor, na gelang van die geval, af te tree.”.

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#### Wysiging van artikel 5 van Wet 52 van 1989, soos gewysig deur artikel 2 van Wet 66 van 1990 en artikel 9 van Wet 51 van 1991

##### 5. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Ouditeur-generaal moet, behoudens die bepalings van enige ander wet en van subartikel (9), al die rekenings en finansiële state van alle rekenpligtige beamptes, uitgesonderd die persoon in artikel 6 van die Ouditreëlingswet bedoel, en van alle ander personele in die staatsdiens aan wie die ontvangs, bewaring, uitbetaling of uitreiking van staatseiendom of staatsgeld, scëls, sekuriteite, uitrusting, voorrade, trustgeld, trusteeidom en ander bates toe-vertrou is, ouditeer.”;

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his appointment as such a member, was such an officer or employee, is appointed or in terms of section 15 acts as Auditor-General, the period of his service as Auditor-General shall be reckoned as part of and continuous with his employment in the public service or in the Office, as the case may be, including, in the case of such a member of the Commission, that service which in terms of the provisions of section 3(4)(a) of the Commission for Administration Act, 1984 (Act No. 65 of 1984), is reckoned as part of and continuous with his employment in the public service, for purposes of leave, pension and any other conditions of service, and the provisions of any pensions **[Act]** law applicable to him as such officer or employee, or in the event of his death, to his dependants, which are not inconsistent with this section, shall *mutatis mutandis* continue so to apply.”.

#### 15 Amendment of section 4 of Act 52 of 1989

4. Section 4 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) If the Auditor-General immediately prior to his appointment as such was an officer or employee in the public service or in the Office or a member of the Commission and at the expiry of his period of office as Auditor-General has not reached the age at which he would in terms of the Public Service Act or the Audit Arrangements Act, as the case may be, have had the right to retire or would have been compelled to retire had he not been appointed as Auditor-General, he shall have the right to retire, and if he so retires he shall be entitled to such pension as he would have been entitled to under the pensions **[Act]** law applicable to him if he had been compelled to retire from the public service or the service of the Office, as the case may be, owing to the abolition of his post.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) If the Auditor-General immediately prior to his appointment as such was an officer or employee in the public service or a person in the service of the Office or a member of the Commission, and is appointed under an Act of Parliament and with his consent to an office to which the provisions of this Act or the Public Service Act or the Audit Arrangements Act do not apply, he shall as from the date on which he is so appointed, cease to be Auditor-General, and if at that date he has not reached the age at which he would in terms of the Public Service Act or the Audit Arrangements Act, as the case may be, have had the right to retire, he shall be deemed to have retired on that date and shall, subject to the said provisions, be entitled to such pension as he would have been entitled to under the pensions **[Act]** law applicable to him had he been compelled to retire from the public service or the service of the Office, as the case may be, owing to the abolition of his post.”.

#### Amendment of section 5 of Act 52 of 1989, as amended by section 2 of Act 66 of 1990 and section 9 of Act 51 of 1991

5. Section 5 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Auditor-General shall, subject to the provisions of any other law and of subsection (9), audit all the accounts and financial statements of all accounting officers, excluding the person referred to in section 6 of the Audit Arrangements Act, and of all other persons in the public service entrusted with the receipt, custody, payment or issue of state property or state money, stamps, securities, equipment, stores, trust money, trust property and other assets.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Behoudens die bepalings van enige ander wet moet die Ouditeur-generaal al die rekenings en finansiële state van 'n statutêre liggaam en van alle persone in diens van so 'n liggaam aan wie die ontvangs, bewaring, uitbetaling of uitreiking van eiendom, geld, seëls, sekuriteite, uitrusting, voorrade, trustgeld, trusteeindom en ander bates onder die beheer van die liggaam toevertrou is, ouditeer.”;

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(c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) As dit te eniger tyd in die openbare belang wenslik blyk dat die rekenings en finansiële state van 'n persoon, fonds, liggaam, vereniging of instelling deur die Ouditeur-generaal geouditeer behoort te word, kan die Staatspresident, ondanks andersluidende bepalings van enige ander wet, die ouditering van daardie rekenings en finansiële state aan die Ouditeur-generaal opdra, en daardie persoon, fonds, liggaam, vereniging of instelling word dan vir die doeleindes van hierdie Wet geag 'n statutêre liggaam te wees.”;

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(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Behoudens die bepalings van subartikel (3) kan geen plig of werksaamheid anders as by wyse van 'n Wet van die Parlement aan die Ouditeur-generaal opgedra of toegewys word nie: Met dien verstande dat hierdie subartikel nie die verrigting belet van 'n werksaamheid waarvan die verrigting na die oordeel van die Ouditeur-generaal in die openbare belang sal wees nie.”;

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(e) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Vir die doel van die ouditering van die rekenings en finansiële state bedoel in subartikels (1), (2) en (3) kan die Ouditeur-generaal, behoudens die bepalings van subartikel (9), na goeddunke die aard en omvang van die ouditering wat uitgevoer moet word, bepaal en die besonderhede en rekeningstate wat hy nodig ag, aanvra: Met dien verstande dat hy, [behoudens] ondanks die bepalings van enige ander wet, ook die formaat waarin en datum waarop sodanige besonderhede, [en] rekeningstate en finansiële state aan hom voorgelê moet word, kan bepaal.”;

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(f) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Die Ouditeur-generaal moet, behoudens die bepalings van subartikel (9), homself redelikerwys oortuig dat—

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(a) [alle] redelike voorsorg getref is om die behoorlike invordering van geld waarop 'n ouditering ingevolge hierdie Wet betrekking het, te beveilig, en dat die wette en voorskrifte wat daarop betrekking het, behoorlik nagekom is;

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(b) [alle] redelike voorsorg getref is in verband met die ontvangs, bewaring, uitreiking en verantwoording van eiendom, geld, seëls, sekuriteite, uitrusting, voorrade, trustgeld, trusteeindom en ander bates; [en]

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(c) [alle] ontvangste, betalings en ander transaksies ooreenkomsdig die toepaslike wette en voorskrifte geskied en met voldoende bewyssukkies gestaaf word; en

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(d) redelike bestuursmaatreëls getref is om te verseker dat hulpbronne ekonomies, doeltreffend en effektiief verkry en aangewend word.”;

(g) deur subparagraph (iv) van paragraaf (b) van subartikel (8) deur die volgende subparagraph te vervang:

“(iv) die reg om ondersoek in te stel na en navraag te doen aangaande 'n aangeleentheid, met inbegrip van die doeltreffendheid en effektiwiteit van huishoudelike [beheermaatreëls] beheer- en bestuursmaatreëls, wat in verband staan met die uitgawe deur en inkomste van 'n instelling wie se rekenings deur hom geouditeer word;”;

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(h) deur paragraaf (c) van subartikel (8) deur die volgende paragraaf te vervang:

“(c) kan die Ouditeur-generaal of iemand in artikel 9 bedoel wat die bevoegdheid van 'n kommissaris van ede het, van iemand wat

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- (b) by the substitution for subsection (2) of the following subsection:
- “(2) Subject to the provisions of any other law, the Auditor-General shall audit all the accounts and financial statements of a statutory body and of all persons in the employment of such body entrusted with the receipt, custody, payment or issue of property, money, stamps, securities, equipment, stores, trust money, trust property and other assets under the control of that body.”;
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) If at any time it appears desirable in the public interest that the accounts and financial statements of a person, fund, body, association or institution should be audited by the Auditor-General, the State President may, notwithstanding provisions to the contrary of any other law, assign the auditing of such accounts and financial statements to the Auditor-General, and such person, fund, body, association or institution shall for the purposes of this Act thereupon be deemed to be a statutory body.”;
- (d) by the substitution for subsection (4) of the following subsection:
- “(4) Subject to the provisions of subsection (3), no duty or function may be imposed upon or assigned to the Auditor-General otherwise than by means of an Act of Parliament: Provided that this subsection shall not prohibit the performance of a function the performance of which in the opinion of the Auditor-General will be in the public interest.”;
- (e) by the substitution for subsection (6) of the following subsection:
- “(6) For the purpose of auditing the accounts and financial statements referred to in subsections (1), (2) and (3) the Auditor-General may, subject to the provisions of subsection (9), in his discretion determine the nature and extent of the audit to be carried out and request the details and statements of account which he considers necessary: Provided that he may, [subject to] notwithstanding the provisions of any other law, also determine the format in which and the date on which such details, [and] statements of account and financial statements shall be submitted to him.”;
- (f) by the substitution for subsection (7) of the following subsection:
- “(7) The Auditor-General shall, subject to the provisions of subsection (9), reasonably satisfy himself that—
- (a) [all] reasonable precautions have been taken to safeguard the proper collection of money to which an audit in terms of this Act relates, and that the laws and instructions relating thereto have been duly observed;
- (b) [all] reasonable precautions have been taken in connection with the receipt, custody and issue of, and accounting for, property, money, stamps, securities, equipment, stores, trust money, trust property and other assets; [and]
- (c) [all] receipts, payments and other transactions are made in accordance with the applicable laws and instructions and are supported by adequate vouchers; and
- (d) reasonable management measures have been taken to ensure that resources are procured and utilized economically, efficiently and effectively.”;
- (g) by the substitution for subparagraph (iv) of paragraph (b) of subsection (8) of the following subparagraph:
- “(iv) the right to investigate and to enquire into any matter, including the efficiency and effectiveness of internal control and management measures, relating to expenditure by and the revenue of an institution whose accounts are being audited by him.”;
- (h) by the substitution of paragraph (c) of subsection (8) of the following paragraph:
- “(c) the Auditor-General or any person referred to in section 9 having the powers of a commissioner of oaths, may administer

hy dit goed ag om te ondervra, 'n eed of bevestiging afneem en hom onder eed of bevestiging ondervra in verband met die ontvangs, bewaring, uitbetaling of uitreiking van eiendom, geld, seëls, sekuriteite, uitrusting, voorrade, trustgeld, trusteeidom en ander bates waarop die bepalings van hierdie Wet van toepassing is, en in verband met enige ander aangeleentheid vir sover dit nodig is vir die behoorlike uitvoering en verrigting van die bevoegdhede en pligte wat by hierdie Wet aan die Ouditeur-generaal verleen of opgedra is: Met dien verstande dat ondanks andersluidende bepalings van enige ander wet, die Ouditeur-generaal nie verplig kan word om die identiteit van die persoon in hierdie paragraaf bedoel, bekend te maak nie;” en

(i) deur die volgende paragraaf by subartikel (8) te voeg:  
 “(d) kan die Ouditeur-generaal eis dat die betrokke Staatsdepartement, statutêre liggaam, persoon, fonds, liggaam, vereniging of instelling, terwyl die ouditering uitgevoer word, kantoorakkommodasie, ander faciliteite en logistieke steun wat rede-likerwys nodig is vir die behoorlike uitvoering van die ouditering, beskikbaar stel.”.

(j) deur subartikel (9) deur die volgende subartikel te vervang:  
 “(9) Wanneer weens die vertroulike aard van 'n rekening of 'n deel van so 'n rekening genoem in artikel 6(3) dit wenslik is dat sodanige rekening nie aan normale auditprocedure onderwerp moet word nie, word die ouditering uitgevoer deur die Ouditeur-generaal of iemand in artikel 9 bedoel wat deur die **[Minister van Finansies] Staatspresident goedgekeur is.”;**

(k) deur die volgende subartikel by te voeg:  
 “(11) Die Ouditeur-generaal, iemand vermeld in artikel 9 of iemand wat op gesag van die Ouditeur-generaal handel, is nie in sy persoonlike hoedanigheid aanspreeklik ten opsigte van enigets wat te goeder trou gedoen is by die uitvoering van 'n plig of die verrigting van 'n werkzaamheid wat ingevolge hierdie Wet aan hom opgelê of opgedra is nie.”.

#### Wysiging van artikel 6 van Wet 52 van 1989, soos gewysig deur artikel 3 van Wet 35 66 van 1990

##### 6. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:  
 “(1) **[Behoudens die bepalings van subartikel (5) moet die Ouditeur-generaal so gou moontlik na die einde van 'n boekjaar al die rekenings wat hy ingevolge enige wet moet ouditeer, ondersoek en dit, uitgesonderd die finansiële state wat na sy ordeel van minder belang is en waarop hy geen kommentaar te lewer het nie, saam met 'n verslag wat onderteken is deur hom of 'n persoon in sy Kantoor deur hom aangewys, stuur aan—**
- (a) in die geval van rekenings van rekenpligtige beampes en ander persone in die staatsdiens, die verantwoordelike Minister;  
 (b) in die geval van die rekenings van die SuidAfrikaanse Vervoerdienste, die Minister wat daardie instelling administreer;  
 (c) in die geval van die rekenings van die Departement van Pos- en Telekommunikasiewese, die Minister wat daardie Departement administreer;  
 (d) in die geval van die rekenings van 'n streeksdiensteraad wat ingevolge die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), ingestel is, die Minister belas met die uitvoering van genoemde Wet;  
 (e) in die geval van die rekenings van 'n beheerraad wat ingevolge die Bemarkingswet, 1968 (Wet No. 59 van 1968), ingestel is, die Minister van Landbou;  
 (f) in die geval van die rekenings van 'n plaaslike owerheid, die Minister beoog in artikel 20(b) of 21(a) van die Grondwet, na

an oath or affirmation to and interrogate under oath or upon affirmation any person whom he thinks fit to interrogate, in connection with the receipt, custody, payment or issue of property, money, stamps, securities, equipment, stores, trust money, trust property and other assets to which the provisions of this Act apply, and in connection with any other matter in so far as it may be necessary for the due performance and exercise of the powers and duties conferred or imposed upon him by this Act: Provided that notwithstanding any provisions to the contrary of any other law, the Auditor-General shall not be required to reveal the identity of the person referred to in this paragraph;" and

(i) by the addition to subsection (8) of the following paragraph:

“(d) the Auditor-General may require the department of State, statutory body, person, fund, body, association or institution to make available while the audit is carried out office accommodation, other facilities and logistical support reasonably required for the proper carrying out of the audit.”;

(j) by the substitution for subsection (9) of the following subsection:

“(9) When in view of the confidential nature of any account or a part of such an account referred to in section 6(3) it is desirable that such account shall not be subject to normal auditing procedure, the audit shall be carried out by the Auditor-General or any person referred to in section 9 approved by the [Minister of Finance] State President.”; and

(k) by the addition of the following subsection:

“(11) The Auditor-General, any person referred to in section 9 or any person acting under the authority of the Auditor-General shall not be liable in his personal capacity in respect of anything done in good faith in the carrying out of any duty or the performance of any function imposed or assigned upon or to him in terms of this Act.”.

**Amendment of section 6 of Act 52 of 1989, as amended by section 3 of Act 66 of 1990**

35 6. Section 6 of the principal Act is hereby amended—  
(a) by the substitution for subsection (1) of the following subsection:

“(1) [Subject to the provisions of subsection (5), the Auditor-General shall as soon as practicable after the end of a financial year examine all the accounts which he is in terms of any law required to audit, and transmit them, excluding statements of accounts which in his opinion are of lesser importance and on which he has no comments to offer, together with a report signed by him or a person in his Office designated by him—

40 (a) in the case of accounts of accounting officers and other persons in the public service, to the responsible Minister;

45 (b) in the case of the accounts of the South African Transport Services, to the Minister administering that institution;

50 (c) in the case of the accounts of the Department of Posts and Telecommunications, to the Minister administering that Department;

55 (d) in the case of the accounts of a regional services council established in terms of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), to the Minister charged with the administration of the said Act;

(e) in the case of the accounts of a control board established in terms of the Marketing Act, 1968 (Act No. 59 of 1968), to the Minister of Agriculture;

55 (f) in the case of the accounts of any local authority, to the Minister contemplated in section 20(b) or 21(a) of the Constiti-

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- gelang van die geval, wat belas is met die administrasie van die betrokke plaaslike owerheid;
- (g) in die geval van die rekenings van ander statutêre liggeme, behoudens die bepalings van enige ander wet, die verantwoordelike Minister,
- en elkeen van genoemde Ministers moet die rekenings en verslae wat aan hom gestuur is, binne sewe dae na ontvangs daarvan in die Parlement of die betrokke Huis van die Parlement, na gelang die omstandighede vereis, ter Tafel lê as die Parlement dan in sessie is of, as die Parlement nie dan in sessie is nie, binne sewe dae na die aanvang van sy eersvolgende sessie: Met dien verstande dat die Ouditeur-generaal te eniger tyd, as hy dit wenslik ag, 'n spesiale verslag oor enige aangeleentheid wat in verband staan met sy bevoegdhede en pligte kragtens hierdie Wet of enige ander wet, aan die verantwoordelike Minister kan stuur vir tertafellegging soos voormeld, in die Parlement of die betrokke Huis van die Parlement, na gelang die omstandighede vereis.] Ondanks die bepalings van enige ander wet maar behoudens subartikels (3) en (5) moet die Ouditeur-generaal so gou doenlik na die einde van 'n boekjaar die finansiële state wat hy ingevolge hierdie Wet of enige ander wet moet ouditeer, uitgesonderd die finansiële state wat na sy mening nie aandag van die Parlement verg nie en waaroor hy nie enige opmerkings wil maak nie, saam met 'n verslag wat deur hom of 'n persoon in die Kantoor deur hom aangewys, onderteken is, aan die Speaker vir voorlegging aan die Parlement stuur: Met dien verstande dat die Ouditeur-generaal te eniger tyd, as hy dit wenslik ag, 'n spesiale of afsonderlike verslag oor enige aangeleentheid wat in verband staan met sy bevoegdhede en pligte kragtens hierdie Wet of enige ander wet, aan die Speaker vir voorlegging aan die Parlement kan stuur.”;
- (b) deur subartikel (2) te skrap;
- (c) deur na subartikel (2) die volgende subartikel in te voeg:
- “(2A) 'n Verslag en finansiële state, 'n spesiale of afsonderlike verslag in subartikel (1) vermeld of die verslag in subartikel (5)(f) vermeld, moet na die verloop van 14 dae nadat dit aan die Speaker gestuur is, deur die Ouditeur-generaal vir verspreiding beskikbaar gestel word.”;
- (d) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) [Behoudens die bepalings van subartikel (5) moet die Ouditeur-generaal wanneer hy 'n verslag soos in subartikel (1) beoog oor die ouditering van die rekenings van 'n statutêre liggaaam aan die betrokke Minister stuur, ook 'n afskrif daarvan aan daardie statutêre liggaaam stuur.] Behoudens die bepalings van subartikel (5) moet die Ouditeur-generaal nie minder nie as sewe dae voor die datum waarop hy 'n verslag en finansiële state of spesiale of afsonderlike verslag in subartikel (1) bedoel aan die Speaker stuur, 'n afskrif daarvan aan die verantwoordelike Minister, elke betrokke Minister, die voorsitter van die raad van 'n statutêre liggaaam en, waar van toepassing, die betrokke rekenpligtige beampete stuur.”;
- (e) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
- “(5) (a) 'n Verslag of spesiale of afsonderlike verslag in subartikel (1) bedoel ten opsigte van die rekenings van 'n plaaslike owerheid moet deur die Ouditeur-generaal aan die voorsitter van die raad van die betrokke plaaslike owerheid gestuur word.”;
- (f) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:
- “(c) Die voorsitter van die raad moet na ontvangs van 'n verslag van die Ouditeur-generaal daardie verslag nie later nie as by die tweede daaropvolgende gewone vergadering van die plaaslike owerheid wat nie agter geslote deure mag plaasvind nie voorlê vir oorweging en om te besluit watter regstellende stappe gedoen moet word indien enige onbevredigende aangeleentheid of onreëlmagtigheid uit die verslag blyk.”;

- tution, as the case may be, who is responsible for the administration of the local authority concerned;
- (g) in the case of the accounts of other statutory bodies, subject to the provisions of any other law, to the responsible Minister, and each of the said Ministers shall within seven days after receipt thereof, cause the accounts and reports transmitted to him to be tabled in Parliament or in the House of Parliament concerned, as the circumstances may require, if Parliament is then in session or, if Parliament is not then in session, within seven days after the commencement of its next ensuing session: Provided that the Auditor-General may at any time, if he deems it desirable, transmit a special report on any matter connected with his powers and duties under this Act or any other law to the responsible Minister for tabling as mentioned above, in Parliament or in the House of Parliament concerned, as the circumstances may require.] Notwithstanding the provisions of any other law but subject to subsections (3) and (5), the Auditor-General shall as soon as practicable after the end of a financial year transmit to the Speaker for submission to Parliament the financial statements which he is in terms of this Act or any other law required to audit, excluding the financial statements which in his opinion do not require the attention of Parliament and on which he does not wish to make any remarks, together with a report signed by him or a person in the Office designated by him: Provided that the Auditor-General may at any time, if he deems it expedient, transmit a special or separate report on any matter connected with his powers and duties under this Act or any other law, to the Speaker for submission to Parliament.”;
- (b) by the deletion of subsection (2);
- (c) by the insertion after subsection (2) of the following subsection:
- “(2A) A report and financial statements, a special or separate report referred to in subsection (1) or the report referred to in subsection (5)(f) shall after the lapse of 14 days after it was transmitted to the Speaker be released by the Auditor-General for circulation.”;
- (d) by the substitution for subsection (4) of the following subsection:
- “(4) [Subject to the provisions of subsection (5), the Auditor-General shall, when transmitting a report contemplated in subsection (1) on the auditing of the accounts of a statutory body to the Minister concerned, also transmit a copy thereof to that statutory body.] Subject to the provisions of subsection (5), the Auditor-General shall not fewer than seven days before the date on which he transmits a report and financial statements or special or separate report as contemplated in subsection (1) to the Speaker transmit a copy thereof to the responsible Minister, every Minister concerned, the chairman of the board of a statutory body and, where applicable, the accounting officer concerned.”;
- (e) by the substitution for paragraph (a) of subsection (5) of the following paragraph:
- “(a) A report or special or separate report referred to in subsection (1) in respect of the accounts of a local authority shall be transmitted by the Auditor-General to the chairman of the council of the local authority concerned.”;
- (f) by the substitution for paragraph (c) of subsection (5) of the following paragraph:
- “(c) The chairman of the council shall after receipt of a report from the Auditor-General submit that report not later than at the second succeeding ordinary meeting of the local authority which shall not take place behind closed doors for consideration and to decide what corrective steps are to be taken should the report reveal any unsatisfactory matter or irregularity.”;

- (g) deur paragraaf (d) van subartikel (5) deur die volgende paragraaf te vervang:  
 “(d) Binne twee maande na die datum van die vergadering in paragraaf (c) bedoel, lê die voorsitter van die raad ’n afskrif van die notule van daardie vergadering waarin die kommentaar van die plaaslike owerheid aangaande die verslag vervat is en aangedui word watter stappe gedoen is of beoog word in verband met enige aangeleentheid wat uit die verslag blyk, aan die Direkteur-generaal voor, wat ondanks die bepalings van enige ander Wet die verdere stappe [kan] moet doen wat hy nodig ag.;”;
- (h) deur paragraaf (f) van subartikel (5) deur die volgende paragraaf te vervang:  
 “(f) Die Ouditeur-generaal kan enige aangeleentheid voortspruitend uit ’n verslag in paragraaf (a) bedoel, of die afhandeling daarvan, wat na sy oordeel in die openbare belang onder die Parlement se aandag gebring behoort te word, by wyse van ’n [aparte] afsonderlike verslag aan die [betrokkende Minister bedoel in subartikel (1) stuur, wat dit in die Parlement ter Tafel moet lê op die wyse in genoemde subartikel bepaal] Speaker stuur.”; en
- (i) deur die volgende subartikel by te voeg:  
 “(6) Behoudens die bepalings van hierdie artikel kan die Ouditeur-generaal ook ’n verslag oor die ouditering van die rekenings en finansiële state wat hy ingevolge hierdie Wet of enige ander wet moet ouditeer, en wat deur hom of ’n persoon in die Kantoor deur hom aangewys, onderteken is, in die betrokke instelling se jaarverslag laat insluit.”.

#### Wysiging van artikel 7 van Wet 52 van 1989

7. Artikel 7 van die Hoofwet word hierby gewysig—  
 (a) deur in paragraaf (a) voor die woord “geval” die woord “wesenlike” in te voeg;  
 (b) deur die woord “en” aan die einde van paragraaf (d) te skrap; en  
 (c) deur na paragraaf (d) die volgende paragraaf in te voeg:  
 “(dA) elke geval waar die toepaslike huishoudelike beheer- en bestuursmaatreëls na sy oordeel wesenslik ondoeltreffend of oneffektief is; en”.

#### Herroeping van artikel 8 van Wet 52 van 1989, soos vervang deur artikel 4 van Wet 66 van 1990

8. Artikel 8 van die Hoofwet word hierby herroep.

#### Vervanging van artikel 9 van Wet 52 van 1989

9. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang: 40

#### “Werksaamhede van Ouditeur-generaal

9. Die Ouditeur-generaal verrig die werksaamhede wat by hierdie Wet of enige ander wet aan hom opgedra is, met die hulp van persone wat ingevolge artikel 11 in sy die Ouditreëlingswet in die Kantoor aangestel is, en die ander persone wat hy na goeddunke, teen betaling van die vergoeding waarop met sodanige ander persone ooreengekom word en behoudens die voorskryfe wat hy goedvind, kan aanstel: [Met dien verstande dat by die aanstelling van ’n Adjunk-ouditeur-generaal daardie persoon se kennis van en ondervinding in ouditering, staatsfinansies en openbare administrasie, onder andere in ag geneem moet word]..”.

#### Invoeging van artikel 9A in Wet 52 van 1989

10. Die volgende artikel word hierby in die Hoofwet na artikel 9 ingevoeg:

- (g) by the substitution for paragraph (d) of subsection (5) of the following paragraph:
- “(d) Within two months after the date of the meeting referred to in paragraph (c), the chairman of the council shall submit a copy of the minutes of that meeting containing the comments of the local authority in regard to the report and indicating what steps were taken or are to be taken in connection with any matter revealed by the report, to the Director-General, who **[may]** shall, notwithstanding the provisions of any other law, take such further steps as he may deem necessary.”;
- (h) by the substitution for paragraph (f) of subsection (5) of the following paragraph:
- “(f) The Auditor-General may transmit any matter arising from a report referred to in paragraph (a), or the conclusion thereof, which in his opinion should in the public interest be brought to the notice of Parliament, by means of a separate report to the **[Minister concerned referred to in subsection (1), who shall table it in Parliament in the manner provided for in the said subsection] Speaker.**; and
- (i) by the addition of the following subsection:
- “(6) Subject to the provisions of this section, the Auditor-General may also cause to be included a report on the auditing of the accounts and financial statements which he is in terms of this Act or any other law required to audit, and which is signed by him or a person in the Office designated by him, in the annual report of the institution concerned.”.

#### **Amendment of section 7 of Act 52 of 1989**

7. Section 7 of the principal Act is hereby amended—
- (a) by the insertion in paragraph (a) after the word “every” of the word “material”;
- (b) by the deletion in the Afrikaans text at the end of paragraph (d) of the word “en”; and
- (c) by the insertion after paragraph (d) of the following paragraph:
- “(dA) every case where in his opinion the applicable internal control and management measures are materially inefficient or ineffective; and”.

#### **Repeal of section 8 of Act 52 of 1989, as substituted by section 4 of Act 66 of 1990**

8. Section 8 of the principal Act is hereby repealed.

#### **Substitution of section 9 of Act 52 of 1989**

- 40 9. The following section is hereby substituted for section 9 of the principal Act:

##### **“Functions of Auditor-General**

- 45 9. The Auditor-General shall perform the functions assigned to him by this Act or any other law with the assistance of persons appointed in **[his]** the Office in terms of **[section 11]** the Audit Arrangements Act, and such other persons as he may appoint at his discretion against payment of such remuneration as may be agreed upon with such other persons and subject to such directives as he may deem expedient: [Provided that in the appointment of a Deputy Auditor-General due regard shall be had, *inter alia*, to the knowledge of or experience in auditing, state finance and public administration of such person].”.

#### **Insertion of section 9A in Act 52 of 1989**

10. The following section is hereby inserted in the principal Act after section 9:

**“Adjunk-ouditeur-generaal moet sekere opdragte uitvoer**

**9A.** Die Adjunk-ouditeur-generaal moet, behoudens sy pligte as rekenpligtige beampete, ten opsigte van aangeleenthede bedoel in artikels 5, 6 en 7 die opdragte uitvoer wat die Ouditeur-generaal van tyd tot tyd aan hom uitreik.”.

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**Herroeping van artikel 10 van Wet 52 van 1989**

**11.** Artikel 10 van die Hoofwet word hierby herroep.

**Herroeping van artikel 11 van Wet 52 van 1989, soos gewysig deur artikel 5 van Wet 66 van 1990**

**12.** Artikel 11 van die Hoofwet word hierby herroep.

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**Herroeping van artikel 12 van Wet 52 van 1989, soos gewysig deur artikel 6 van Wet 66 van 1990**

**13.** Artikel 12 van die Hoofwet word hierby herroep.

**Herroeping van artikel 12A van Wet 52 van 1989, soos ingevoeg deur artikel 7 van Wet 66 van 1990**

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**14.** Artikel 12A van die Hoofwet word hierby herroep.

**Herroeping van artikel 13 van Wet 52 van 1989**

**15.** Artikel 13 van die Hoofwet word hierby herroep.

**Wysiging van artikel 14 van Wet 52 van 1989, soos vervang deur artikel 8 van Wet 66 van 1990**

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**16.** Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die koste van ouditering, soos deur die Ouditeur-generaal bepaal, wat rente op agterstallige rekenings, soos bepaal ingevolge artikel 1(2) van die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet No. 55 van 1975), in die geval van ouditerings bedoel in subartikels 5(2) en (3), mag insluit, ten opsigte van al die rekenings wat ingevolge hierdie Wet of enige ander wet deur hom geouditeer word, moet behoudens subartikel (2), binne 90 dae na ontvangst van ’n rekening uit die betrokke fonds of rekening, na gelang van die geval, bestry word: Met dien verstande dat die Tesourie in ’n geval waar hy dit dienstig ag, kan gelas dat ’n ander rekening of fonds met sodanige uitgawe belas word: Met dien verstande voorts dat ondanks die bepalings van enige ander wet die grondslag waarvolgens auditkoste bepaal word deur die Ouditeur-generaal in oorleg met die Ouditkommissie bepaal word.”;

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(b) deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) Indien omstandighede dit na sy oordeel regverdig, kan die Ouditeur-generaal ’n bedrag laer as die koste van ouditering, of geen koste, van die betrokke fonds of rekening verhaal.”; en

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(c) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die koste van ouditering in subartikel (1) bedoel ten opsigte van ’n statutêre liggaaam in enige besondere boekjaar een persent van die totale lopende en kapitaaluitgawes van so ’n liggaaam vir daardie boekjaar oorskry, word daardie koste in die mate waarin dit, soos deur die Ouditeur-generaal bepaal, een persent oorskry, uit [die begrotingspos ‘Oudit’] ’n begrotingspos wat deur die Direkteur-generaal: Staatsbesteding aangewys is, bestry.”.

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**"Deputy Auditor-General shall carry out certain instructions**

**5 9A.** The Deputy Auditor-General shall, subject to his duties as accounting officer, with regard to matters referred to in sections 5, 6 and 7 carry out the instructions given to him from time to time by the Auditor-General.”.

**Repeal of section 10 of Act 52 of 1989**

**11.** Section 10 of the principal Act is hereby repealed.

**Repeal of section 11 of Act 52 of 1989, as amended by section 5 of Act 66 of 1990**

**12.** Section 11 of the principal Act is hereby repealed.

**10 Repeal of section 12 of Act 52 of 1989, as amended by section 6 of Act 66 of 1990**

**13.** Section 12 of the principal Act is hereby repealed.

**Repeal of section 12A of Act 52 of 1989, as inserted by section 7 of Act 66 of 1990**

**14.** Section 12A of the principal Act is hereby repealed.

**Repeal of section 13 of Act 52 of 1989**

**15 15.** Section 13 of the principal Act is hereby repealed.

**Amendment of section 14 of Act 52 of 1989, as substituted by section 8 of Act 66 of 1990**

**16.** Section 14 of the principal Act is hereby amended—

**(a)** by the substitution for subsection (1) of the following subsection:

**20 “(1) The cost of auditing, as determined by the Auditor-General, which may, in respect of audits contemplated in sections 5(2) and (3), include interest on outstanding accounts, as determined in terms of section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), in respect of all the accounts audited by him in terms of this Act or any other law, shall, subject to subsection (2), be defrayed from the fund or account concerned, as the case may be, within 90 days after the receipt of an account: Provided that the Treasury may in any case where it deems it expedient, direct that another account or fund may be charged with such expenditure: Provided further, that, notwithstanding the provisions of any other law, the basis according to which audit costs are determined, shall be determined by the Auditor-General in consultation with the Audit Commission.”;**

**(b)** by the insertion after subsection (1) of the following subsection:

**35 “(1A) If circumstances in his opinion justify it, the Auditor-General may recover an amount less than the cost of auditing, or no cost at all, from the fund or account concerned.”; and**

**(c)** by the substitution for subsection (2) of the following subsection:

**40 “(2) When the cost of auditing referred to in subsection (1) in respect of a statutory body for any specific financial year exceeds one per cent of the total current and capital expenditure of such body for that financial year, such cost shall, to the extent to which it exceeds one per cent, as the Auditor-General may determine, be defrayed from [the Vote 'Audit'] a vote designated by the Director-General: State Expenditure.”.**

**Vervanging van artikel 15 van Wet 52 van 1989**

**17.** Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Afwezigheid van Ouditeur-generaal**

**15.** Tydens die afwezigheid, om watter rede ook al, van die Ouditeur-generaal, **[wys hy 'n beampte in sy Kantoor as waarnemende Ouditeur-generaal aan, en indien so 'n persoon nie aldus aangewys is nie,]** neem die Adjunk-ouditeur-generaal in sy plek waar, en indien die Adjunk-ouditeur-generaal ook nie beskikbaar is nie neem die mees senior aanwesige beampte in **[sy]** die Kantoor as Ouditeur-generaal waar.”. 10 5

**Herroeping van artikel 16 van Wet 52 van 1989**

**18.** Artikel 16 van die Hoofwet word hierby herroep.

**Wysiging van artikel 17 van Wet 52 van 1989**

**19.** Artikel 17 van die Hoofwet word hierby gewysig— 15

- (a) deur subartikel (1) te skrap;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Ouditeur-generaal kan, behoudens die voorwaardes wat hy bepaal, enige bevoegdheid of plig by of kragtens hierdie Wet aan hom verleen of opgedra **behalwe die bevoegdheid aan hom verleen by hierdie subartikel aan 'n [persoon in diens van die Kantoor]** 20 beampete bedoel in artikel 1 van die Ouditreëlingswet, deleger of opdra.”;

- (c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Delegering of opdrag kragtens subartikel **[(1) of]** (2) belet nie **[die Minister van Finansies of]** die Ouditeur-generaal **[, na gelang van die geval,]** om die betrokke bevoegdheid of plig, na gelang van die geval, self uit te oefen of te verrig nie.”; en 25

- (d) deur die volgende subartikel by te voeg:

“(4) 'n Delegering ingevolge subartikel (2) kan te eniger tyd deur die Ouditeur-generaal gewysig of ingetrek word.”. 30

**Kort titel**

**20.** Hierdie Wet heet die Wysigingswet op die Ouditeur-generaal, 1992, en tree op 1 April 1993 in werking.

**Substitution of section 15 of Act 52 of 1989**

17. The following section is hereby substituted for section 15 of the principal Act:

**"Absence of Auditor-General"**

5           **15.** During the absence, for any reason whatsoever, of the Auditor-General **[he shall designate an officer in his Office as acting Auditor-General, and if such person is not so designated] the Deputy Auditor-General shall act on his behalf, and if the Deputy Auditor-General is also not available, the most senior officer present in [his]**  
10           **the Office shall act as Auditor-General."**.

**Repeal of section 16 of Act 52 of 1989**

18. Section 16 of the principal Act is hereby repealed.

**Amendment of section 17 of Act 52 of 1989**

15           **19.** Section 17 of the principal Act is hereby amended—

- (a) by the deletion of subsection (1);
- (b) by the substitution for subsection (2) of the following subsection:  
“(2) The Auditor-General may, subject to such conditions as he may determine, delegate or assign any power or duty conferred or imposed upon him by or under this Act, except the power conferred upon him by this subsection, to [a person employed by the Office] an officer referred to in section 1 of the Audit Arrangements Act.”;
- (c) by the substitution for subsection (3) of the following subsection:  
“(3) A delegation or assignment under subsection [(1) or] (2) shall not prevent the **[Minister of Finance or]** Auditor-General **[as the case may be,]** from himself exercising such power or performing such duty, as the case may be.”; and
- (d) by the addition of the following subsection:  
“(4) A delegation in terms of subsection (2) may at any time be amended or withdrawn by the Auditor-General.”.

**Short title**

20. This Act shall be called the Auditor-General Amendment Act, 1992, and shall come into operation on 1 April 1993.

