

South Australia



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ELIZABETHAE II REGINAE  
A.D. 2001

**HINDMARSH SOCCER STADIUM (AUDITOR-GENERAL'S REPORT)  
ACT 2001**

No. 38 of 2001

[Assented to 3 August 2001]

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An Act to facilitate the completion of an inquiry relating to the Hindmarsh Soccer Stadium by the Auditor-General; and for other purposes.

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## SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Interpretation
4. Authorisation and nature of Inquiry
5. Report of Inquiry
6. Judicial proceedings

**The Parliament of South Australia enacts as follows:**

**Short title**

1. This Act may be cited as the *Hindmarsh Soccer Stadium (Auditor-General's Report) Act 2001*.

**Commencement**

2. This Act will be taken to have come into operation on 17 November 1999.

**Interpretation**

3. In this Act—

"**Inquiry**" means an inquiry by the Auditor-General in response to a request by the Treasurer that the Auditor-General examine and report on dealings relating to the *Hindmarsh Soccer Stadium Redevelopment Project* and includes any inquiry by the Auditor-General relating to any matters referred to in the resolution of the Legislative Council relating to that project (in all its stages) passed on 17 November 1999<sup>1</sup>.

<sup>1</sup> See especially *Hansard* for 17 November 1999 at pp. 481 and 482.

**Authorisation and nature of Inquiry**

4. (1) The Auditor-General is authorised to undertake the Inquiry.

(2) It is declared that the Auditor-General has the power to examine, investigate, inquire into and report on any matter considered by the Auditor-General to be relevant to the Inquiry.

(3) Without limiting the operation of subsection (2), it will be taken—

- (a) that the Inquiry is an examination under section 32 of the *Public Finance and Audit Act 1987*; and
- (b) that the Auditor-General may consider and report on any matter even if that matter does not relate to a publicly funded body within the meaning of the *Public Finance and Audit Act 1987*; and
- (c) that the Auditor-General may exercise or perform any power or function under the *Public Finance and Audit Act 1987* that the Auditor-General may have in relation to an examination under section 32 of that Act, including the power to make findings of fact and law; and
- (d) that the Auditor-General may make findings as to the conduct of any person.

(4) The Auditor-General—

- (a) may conduct the Inquiry in such manner as the Auditor-General thinks fit; and
- (b) without limiting any other power, may set time limits and impose other requirements and, in the event of non-compliance with any such time limit or requirement, may make any determination or take any step as the Auditor-General thinks fit.

(5) The Auditor-General will incur no liability for an honest act or omission in the exercise or performance, or purported exercise or performance, of a power or function in connection with the Inquiry.

### Report of Inquiry

5. (1) The Auditor-General must prepare a report on the Inquiry by 31 October 2001.

(2) The Auditor-General must deliver copies of the report to the Treasurer and to the President of the Legislative Council and the Speaker of the House of Assembly by 31 October 2001.

(3) The President of the Legislative Council and the Speaker of the House of Assembly must, on the receipt of the report, cause the report to be published.

(4) The report will, when published under subsection (3), be taken for the purposes of any other Act or law to be a report of the Parliament published under the authority of the Legislative Council and the House of Assembly.

(5) The Auditor-General must prepare and deliver the report even if—

(a) the report is only in draft form; or

(b) the Auditor-General considers that the Inquiry is incomplete or should continue beyond 31 October 2001; or

(c) the report or any aspect of the Inquiry has not been completed or concluded.

### Judicial proceedings

6. (1) No proceedings relating to any act or omission of the Auditor-General in connection, or purported connection, with the Inquiry before the prescribed date may be commenced more than 14 days after the prescribed date and in any event such proceedings may not be commenced if, as at the prescribed date, the time for bringing those proceedings has already expired.

(2) No proceedings relating to any act or omission of the Auditor-General in connection, or purported connection, with the Inquiry on or after the prescribed date may be commenced more than 14 days after the date of the act or omission.

(3) No proceedings may be brought, and no order may be given, to prevent the Auditor-General from preparing or from continuing to prepare, or from delivering, the report required by section 5, or any report prepared by the Auditor-General in purported compliance with that section.

(4) Without limiting the operation of subsection (3), no proceedings may be brought to question the *bona fides* or impartiality of the Auditor-General in the conduct of the Inquiry.

(5) If any proceedings are brought in connection with the Inquiry, the court before which the proceedings are brought must take into account—

(a) the intention of Parliament that the Auditor-General prepare and deliver a report on the Inquiry by 31 October 2001; and

(b) the desire of Parliament that the report on the Inquiry delivered by the Auditor-General be as comprehensive and complete as may be possible in the circumstances.

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(6) No public funds may be applied in relation to any legal costs incurred after 27 July 2001 in connection with any proceedings relating to an act or omission of the Auditor-General in connection, or purported connection, with the Inquiry brought before a court, other than funds applied by the Auditor-General or by the court itself.

(7) In this section—

**"prescribed date"** means the date on which this Act is assented to by the Governor;

**"proceedings"** include proceedings for judicial review or for a declaration, injunction, writ, order or other form of judicial remedy.