

Public Accounts Committee

Terms of Reference

Role:

To examine and report to Legislative Council on financial statements, accompanying management letters and reports relating to the Economy, Efficiency and Effectiveness that the Chief Auditor has brought to the attention of Council.

Responsibilities:

Specific areas of responsibility include:

- 1) To examine and report to LegCo on
 - a) SHG financial statements as audited by the Chief Auditor & laid in LegCo
 - b) Management Letters and reports of the Chief Auditor laid in LegCo
- 2) Consider and report to LegCo on
 - a) any reports by the Chief Auditor relating to the Economy, Efficiency and Effectiveness of any Government department or public body
 - b) any other matter of importance brought to its attention by the Chief Auditor
- 3) Report to LegCo with or without recommendations
- 4) Request Chief Auditor or other suitable person to conduct specific examinations relating to Economy, Efficiency and Effectiveness of any Government department or public body
- 5) Meet in public *unless* the chairman deems that meeting in private would be more appropriate.

Powers

The PAC:

- 1) May invite any person to assist in its work
- 2) May
 - a) Summon any person to appear before it
 - b) Require any person summoned to answer questions and provide information
- 3) Shall not be subject to the direction or control of any person
- 4) May regulate its own procedures.

Legislation:

Title	Principal Effects
Constitution Section 69	Establishes PAC and its primary responsibilities Permits Standing Orders to allocate further functions
Standing Orders of the Council Order 23	Allocates further responsibilities Establishes procedures for the operation of PAC

Membership

Voting members

- Chair and one other member appointed for any period up to four years by the Governor acting in consultation with Elected Members from among persons who are not Members of the Council
- Three Elected Members of Legislative Council selected by a majority vote of Elected Members

Non voting members

- Chief Auditor or in his/her absence, Chief Auditor's representative

It is a convention of Legislative Council to not elect members of Executive Council to the PAC to prevent the conflict arising from such members scrutinising their own areas of responsibility.

The second member who is not an Elected Member shall be appointed as the Deputy Chair. In the absence of the Chair, the Deputy Chair shall have all the rights and responsibilities of the Chair.

Quorum

No business shall be conducted at any Committee meeting unless a quorum is present.

A quorum of shall comprise 3 members of the Committee (including the Chair).

Openness and transparency:

There shall be a presumption in favour of an open agenda and the public shall be invited to attend committee meetings.

A meeting may be closed if in the opinion of the Chairman the business is more suitable to be dealt with in private. The decision shall be based on whether:

- The discussion relates to named individuals
- An individual could be identified through the discussion
- Information is commercially sensitive
- Information is subject to legal process

Transcripts shall be prepared for the use of PAC in preparing its report which may be released to any person that requests them.

Declarations of Interest

Members shall review the agenda and confirm to the Chair whether or not they have a conflict of Interest in regard to any item no less than eight days prior to the meeting date.

The Chair shall provide the agenda to the Governor no less than seven days prior to the meeting date and confirm whether or not there are any conflicts of interest to allow the Governor to consult Legislative Council and appoint a temporary member to deal with the business causing the conflict.

Reporting

PAC shall prepare a Report following each session to be presented at the next Legislative Council. This report may be with or without recommendations.

The Report shall be presented as a Paper to Legislative Council under Standing Order 7 by one of the Elected Members of the PAC. Where a Report contains recommendations, the Elected Member presenting the Paper shall also submit a Motion under Standing Order 10 that Legislative Council adopts the recommendations of the Report.

Meetings

The PAC shall schedule its work to consider reports referred to it by Legislative Council and to be able to report to Legislative Council in good time. The PAC shall meet at least once a year.

The Chair shall appoint the place, date and time of each meeting.

The meeting place shall be changed if a member of public wishing to attend is unable to do so due to the accessibility of the meeting place.

The Chair may convene additional meetings as required.

Recurring Business

1. Examine financial statements and Management Letters laid in Legislative Council
2. Examine reports relating to Economy, Efficiency and Effectiveness laid in Legislative Council
3. Monitor implementations of PAC recommendations accepted by SHG
4. Examine the budget of the Saint Helena Audit Service
5. Examine the Saint Helena Audit Service Annual Audit Plan setting out the of performance audit programme for the year.

Committee meetings

The PAC may meet formally or informally as it requires. When meeting informally, none of the responsibilities set out in the Constitution and Standing Orders may be conducted and none of the Powers set out in the Constitution and Standing Orders may be invoked.

Appendix A

Extract from Constitution of St Helena

Public Accounts Committee

69. (1) There shall be a Public Accounts Committee which shall consist of—

(a) a chairman and one other member appointed by the Governor, acting after consultation with the Elected Members of the Legislative Council, from among persons who are not Members of the Council; and

(b) three Elected Members of the Legislative Council, who shall be elected by the Council by a majority of the votes of all its Elected Members.

(2) A person may be appointed or elected under subsection (1) for any period not exceeding four years.

(3) A member of the Public Accounts Committee shall vacate his or her seat on the Committee—

(a) at the expiration of the period for which he or she was appointed or elected;

(b) if he or she resigns office by writing under his or her hand addressed to the Governor;

(c) in the case of an appointed member, if he or she becomes a Member of the Legislative Council or if he or she is removed by the Governor, acting after consultation with the Elected Members of the Council; or

(d) in the case of an elected member, if he or she ceases to be a Member of the Legislative Council or if he or she is removed by resolution of the Council.

(4) If in respect of any item of business before the Public Accounts Committee the Governor, acting after consultation with the chairman of the Committee, considers that a member of the Committee has a conflict of interests, the Governor, acting after consultation with the Elected Members of the Legislative Council, may appoint another person temporarily to replace that member of the Committee for the purpose of dealing with the business in question; and a member so replaced shall not sit on the Committee when the Committee is dealing with that business.

(5) The Public Accounts Committee may invite any person to assist it in its work and to participate in its proceedings.

(6) The Public Accounts Committee shall examine and report to the Legislative Council on—

(a) the annual statement of accounts as audited by the Chief Auditor and laid before the Council; and

(b) such management letters and reports of the Chief Auditor as have been laid before the Council or as the Chief Auditor has brought to the attention of the Council;

and shall have such other functions, and shall operate under such procedures, as may be prescribed by Ordinance or by Standing Orders of the Council.

(7) The Public Accounts Committee shall have power—

(a) to summon any person to appear before it; and

(b) subject to the provisions of any law, to require any person so summoned to answer questions and to provide information to the Committee.

(8) The Public Accounts Committee shall report to the Legislative Council by the date set by the Council or by its terms of reference, whichever is the earlier; and except as otherwise provided in the Committee's terms of reference, such a report may be with or without recommendations.

(9) If the Legislative Council adopts a report of the Public Accounts Committee, and requests the responsible member of the Executive Council to advise the Legislative Council of the action proposed to be taken by the Government of St Helena in respect of the report, the member concerned shall convey the Government's response to the Council not later than the first sitting day following the expiration of six weeks after the date of the Council's request, unless the Council extends the time for the response.

(10) In the exercise of its functions, the Public Accounts Committee shall act independently and shall not be subject to the direction or control of the Governor, the Executive Council or any other person or authority.

Appendix B

Extract from Standing Orders of Legislative Council

ORDER 23 – Public Accounts Committee

1. This Order makes provisions supplementary to those in section 69 of the Constitution.
2. The functions of the Committee are:
 - (a) to consider, and to report thereon to the Council as often as, in the opinion of the Committee, it is in the public interest to do so, but not less than once in every year:
 - (i) published annual accounts of the Government and such other accounts as are from time required under any rule of law to be laid before the Legislative Council; and
 - (ii) management letters issued by the Chief Auditor on the accounts of the Government, and such other management letters issued by the Chief Auditor as are required to be laid before the Legislative Council on other accounts; and
 - (iii) any summary reports issued by the Chief Auditor for the Committee in relation to any examination by him relating to the economy, efficiency and effectiveness of any Government department or public body; and
 - (iv) any other matter of importance or urgency which, in the opinion of the Chief Auditor, is required to be brought to its attention; and
 - (b) to request that the Chief Auditor, or any other suitable person or review body, conducts specific examinations relating to any element of the economy, efficiency and effectiveness of any Government department or public body.
3. Every management letter, account or report of a type mentioned in Rule 2 shall be deemed to have been referred to the Committee as soon as it is ordered to lie upon the Table.
4. The Committee may regulate its own procedure, but shall do so generally in accordance (so far as applicable to the work of the Committee) with the procedure adopted in a Committee of the Whole Council.
5. For the avoidance of doubt, it is declared that the Governor's consultation with Elected Members as to the appointment or removal of those Members of the Committee who are not Elected Members is not formal business of the Council and should be conducted informally.
6. The Committee shall meet at such places, dates and times as the Chairman shall appoint, and the meetings shall be open to the public;

PROVIDED THAT the Committee may meet *in camera* if the nature of any item of business is, in the opinion of the Chairman, more suitable to be dealt with in private.
7. The reports of the Committee shall be presented as Papers and may be so presented by any of the Elected Members who are members of the Committee.