



Guide for Members of the Kiribati Public Accounts Committee

Maneaba ni Maungatabu

July 2014

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Foreword

The *Maneaba ni Maungatabu* recognises that parliamentary committees, such as the Public Accounts Committee, are important mechanisms to assist the Maneaba in its effective oversight of the Executive.

The Constitution of Kiribati stipulates the establishment of a public accounts committee. The mandate for this committee as specified in the Constitution is for scrutiny of the Government accounts and government expenditure.

For over 30 years the Public Accounts Committee of Kiribati has been carrying out this important role as a parliamentary committee of the Maneaba. Over this time the capacity of the Public Accounts Committee to provide effective oversight of public finances has increased. The Parliament, however, remains committed to ensuring that the effectiveness of the Public Accounts Committee continues to increase. The development and publication of this Guide for Members of the Kiribati Public Accounts Committee is a tangible example of the Parliament's commitment towards this important goal.

This Guide is intended not only as a source book for Members of the Public Accounts Committee but for all Members of parliament (MPs). Its availability will also extend to heads of Government offices and the general public. This Guide, therefore, serves all the people of Kiribati as a tool for better understanding the Public Accounts Committee and its work on behalf of the Maneaba.



Eni Tekanene
Clerk of the Kiribati Parliament

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1. Introduction

Origin of the Public Accounts Committee

Across and beyond Commonwealth countries, Parliamentary Public Accounts Committees (PACs) occupy a key position at the apex of legislatures' scrutiny and oversight processes over the use by governments of public sector resources. This role draws upon the traditions of the British "Westminster" system of public financial accountability dating back to 1857 and to the establishment of the UK PAC in 1861...But in many countries the current practices depart markedly from this original model...because of a variety of pressures: the existence of strong informal practices alongside more formal constitutional mechanisms of accountability; the differing patterns of competitive multiparty politics; the development of presidential systems of government; and, demands from international organisations for new forms of accountability. The effectiveness of a PAC charged with oversight of government spending is thus dependent not only upon features of the committee itself but also on the political, economic, social and cultural contexts in which it operates.¹

The structure and function of the Public Accounts Committee can be traced back to what has been referred to as the 'Gladstonian' reforms, which were initiated by William Gladstone when he was British Chancellor of the Exchequer in the mid-19th century. These reforms followed on the recommendations of the Select Committee on Public Monies and planted the seeds for 'modern parliamentary financial scrutiny in Westminster style parliaments'.²

The first public accounts committee was established in 1861 by a resolution of the British House of Commons. The Chancellor of the Exchequer's resolution proposed:

...that a select committee on public accounts be established to review the accounts of public expenditure after they had gone through the process of examination in the hands of the Executive Government...members to be chosen with a view to give satisfaction to both sides of the House, and to fairly represent all parties, while bringing as much talent, knowledge and experience as possible to discharge these important functions...³

¹ Hedger, E. and Blick, A. (2008) Enhancing accountability for the use of public sector resources: How to improve the effectiveness of Public Accounts Committees, *Background paper for the 2008 Triennial Conference of Commonwealth Auditors General*, June, United Kingdom National Audit Office, p. 1.

² UK House of Commons, *Hansard*, Vol 162, 9 April 1861, col. 318; Loney, P. (2004) Beware the Gap—Parliamentary Oversight or Parliament Overlooked?, Paper for The Association of Public Accounts Committees, 4 October, pp. 1–9; von Trapp, L. (2007) *Strengthening Parliament—Parliamentary Financial Scrutiny—Draft Seminar Report*, La Trobe University Public Sector Governance and Accountability Research Centre, Faculty of Law and Management, 11–22 February, Melbourne.

³ Stent, W.R. (2004) 'Dry and Repulsive—The Parliamentary Component of Supreme Audit Institutions', Department of Economics and Finance, La Trobe University; Loney, P. (2004) Beware the Gap—Parliamentary Oversight or Parliament Overlooked?, Paper for The Association of Public Accounts Committees, 4 October, pp. 1–9.

Furthermore, the *Exchequer and Audit Departments Act 1866* (UK) created the position of an independent Auditor-General. The position was established as an Officer of Parliament and reported to parliament, and required all government departments to produce accounts for independent audit.⁴ Stent (2004) highlighted that:

It is on the basis of these two pillars, an independent Auditor-General that audits public accounts, and a parliamentary committee that reports to the House of Commons, that the Parliament of the UK has, since 1866, achieved full control over public money⁵. And it is on a similar basis that most parliaments that follow the Westminster system of government operate today.⁶ Replicated in virtually all Commonwealth and many non-Commonwealth countries, Public Accounts Committees are seen as the apex for financial scrutiny and have been promoted as a crucial mechanism to facilitate transparency in government financial operations.⁷

David McGee in his publication, *The Overseers—Public Accounts Committees and Public Spending*, observed that two important elements in the system of public financial accountability or stakeholders in the accountability environment are the Public Accounts Committee and the office of the Auditor-General.⁸

The parliamentary mechanism of public financial accountability thus comprises two dimensions—public audit and parliamentary accountability. Public financial accountability or legislative financial scrutiny is a critical foundation for parliament’s oversight function.

Today, public accounts committees and Auditors-General operate in a very different context and public sector environment to that of ‘Gladstonian’ times. Notwithstanding this, the founding principles on which the parliamentary mechanism of public financial accountability were established have not changed.

In summary, as to the importance of the parliamentary committee system, in particular public accounts committees, to promoting good governance, accountability and integrity within democratic systems, the second Westminster Workshop on public accounts committees held in 2012 emphasised that:

Parliamentary scrutiny allows parliament the opportunity to hold governments to account for their decisions and actions; and monitor the effectiveness and efficiencies of associated public service delivery. Parliaments often establish committees to assist them in discharging their duties. One of the most important of these is the Public Accounts Committee (PAC) responsible for overseeing government expenditures to ensure they are (among other things) effective and give value for money.

⁴ von Trapp, L. (2007) *Strengthening Parliament—Parliamentary Financial Scrutiny—Draft Seminar Report*, La Trobe University Public Sector Governance and Accountability Research Centre, Faculty of Law and Management, 11–22 February, Melbourne.

⁵ UK National Audit Office. (2001) *State Audit in the European Union*, p. 236.

⁶ Stent, W.R. (2004) ‘Dry and Repulsive—The Parliamentary Component of Supreme Audit Institutions’, Department of Economics and Finance, La Trobe University.

⁷ Stapenhurst, R. and Dye, K. (1998) Pillars of Integrity: The Importance of Supreme Audit Institutions in Curbing Corruption, in *New Perspectives on Combating Corruption*, Transparency International and the International Bank for Reconstruction and Development.

⁸ McGee, D. (2002) *The Overseers—Public Accounts Committees and Public Spending*, Pluto Press, London.

...A viable committee system is the cornerstone of the modern legislature and essential for performing core legislative functions.

...Across the Commonwealth, the Public Accounts Committee in particular is one of the principal vehicles to hold the Executive to account for its use of public money. PACs are intended to scrutinise expenditure by the Executive to assess whether funds have been used efficiently and effectively, and to monitor associated public service delivery. Clearly, the mandate and practices of PACs vary considerably from legislature to legislature in different countries.⁹

The Public Accounts Committee has historically been the key parliamentary mechanism for financial scrutiny of the Executive. Importantly, there is no one size fits all model for public accounts committees in Westminster style parliaments across the world. Instead, there is a set of commonly accepted accountability principles.

The Kiribati Parliament is a Westminster-style Pacific legislature. Its legislature is a hybrid of the American Presidential and Westminster systems. Kiribati's President is both head of government—as a Westminster Prime Minister—and head of state—as an American President. Whilst less representative of the Westminster system, it has adopted many characteristics of the Westminster system. One of these characteristics is a public accounts committee.

History of the Kiribati Public Accounts Committee

The *Kiribati Act 1979*—a British Act of Parliament passed on 12 July 1979—importantly marked the day Kiribati attained independence as a republic within the Commonwealth. The *Independence Order 1979*, originating from the passage of the Kiribati Act¹⁰ provided for a Constitution of Kiribati to also take effect also on 12 July 1979.

The Constitution of Kiribati (the Constitution), amongst other things, contains provisions stipulating the establishment of a public accounts committee for scrutiny of the Government accounts and government expenditure. The Public Accounts Committee (PAC) of Kiribati has thus been active for more than 30 years.

⁹ Commonwealth Parliamentary Association (CPA) UK Branch, the National Audit Office—UK and the Commonwealth Secretariat Commonwealth Secretariat. (2012) *The 2nd Westminster Workshop on The Public Accounts Committee (PAC)—A note reflecting on workshop proceedings, 12–15 March 2012*, p. 2; pp. 3–4.

¹⁰ Section 2, *Kiribati Act 1979*.

2. Role and responsibilities of the Kiribati Public Accounts Committee

Mandate

Constitution and Rules of Procedure

The Kiribati PAC is established under section 115(1) of the Constitution to provide for parliamentary oversight over public funds. Section 115(2) of the Constitution prescribes the functions of the PAC as follows:

- a) to consider the accounts of the Government in conjunction with the report of the Auditor-General;
- b) to report to the *Maneaba*, in the case of excessive or unauthorised expenditure of funds, including the reasons for such expenditure;
- c) to propose any measures it considers necessary to ensure that the funds of the Government are properly and economically spent; and
- d) where a report on the examination and audit of the accounts of any corporation, statutory board, body or commission is required by law to be laid before the *Maneaba*, to consider, report on and make recommendations to the *Maneaba* in respect of such accounts.

The *Rules of Procedure of the Maneaba ni Maungatabu* (the Rules of Procedure) also provide supplementary detail as to the function of the PAC regarding oversight for public funds and other sources of inquiry. Specifically, sub-rule 65(4) states:

(4) The functions of the Committee shall be to make recommendations to the Maneaba aimed at ensuring compliance with statutory requirements and good financial management practices and as provided for under the Constitution. In addition, the committee shall consider and report on any matter in relation to its functions that may be referred to it by the Maneaba. A reference from the Maneaba will take priority over other work of the Committee.

In summary, the mandate of the Kiribati PAC concerns the oversight of public funds—government accounts and expenditure. Its sources of inquiry in relation to its functions are twofold—(i) examination of reports of the Auditor-General; and (ii) referrals of matters from the Maneaba.

Relevant extracts from the Constitution and Rules of Procedure concerning the role and functions of the Kiribati PAC are at **Appendices A and C**.

Establishment

The PAC is a standing committee of the Kiribati Parliament. Pursuant to sub-rule 63, the Committee is established at the beginning of each term of parliament and exists for the whole term of the Maneaba.

Membership

Appointment

Appointment of members and chair is provided for by the Constitution and the Rules of Procedure. As to membership numbers, the Constitution states:

115. (1) There shall be a Public Accounts Committee of the Maneaba ni Maungatabu which shall consist of 3 members of the Maneaba elected by the Maneaba.

The Constitution also specifies that whilst the three members of the PAC are to be elected by the Parliament—they cannot be the Beretitenti (President), the Kauoman-ni-Beretitenti (Vice-President), a Minister or the Attorney-General. To change the membership of the PAC from three members would require a constitutional amendment.

The Rules of Procedure¹¹ specify that:

(1) The Speaker shall conduct an election by the Maneaba of three Members of the Public Accounts Committee at the first meeting of each session or at the first meeting after the Members' 2 years term have expired. The Committee shall be a standing committee of the Maneaba.

(2) A Member may propose the Chairman and Members of the Public Accounts Committee.

(3) The term of the Members of the Public Accounts Committee is to be for 2 years and they shall cease to be Members of the Public Accounts Committee on the election of the new Members or on the dissolution of the Maneaba as the case may be.

In summary, the members of the PAC are appointed and the Chair selected by the Parliament through an election process. The Rules of Procedure do not prescribe whether the Chair should be from the governing or opposition party. Whilst it is generally considered good practice to have a chair from the opposition, a chair from the governing party may increase the chances of the recommendations of the Committee being accepted by the Executive Government.

The current chair of the Kiribati PAC, Dr Mareko Tofinga MP, appointed for the second half of the tenth parliament, is a member of the opposition party. Whilst the Rules of Procedure do not prescribe whether the Chair should be from the governing or opposition party, the exercise of an opposition Member chairing the PAC was also practiced in 2007. It is also noted that the Hon. Tangariko Reete MP, the PAC Chair in the first half of the tenth parliament, was the first female chair of the PAC in Kiribati. The Hon. Tangariko Reete MP was replaced as PAC Chair in April 2014 by Dr Mareko Tofinga to complete the next two years of the PAC term for the tenth parliament.

¹¹ Rule 65.

Term of office

Whilst the Committee is established for a full term of parliament, Members (including the Chair) are appointed for a two year (or half parliament) term. Accordingly, the Speaker conducts an election by the Maneaba of three members of the PAC at the first meeting of each session or at the first meeting after the Members' 2 years term have expired.¹²

Representation

To ensure meaningful oversight of the budgetary and expenditure activities, representation on the Committee should be representative of all major parties in the Parliament. It is noted that the Rules of Procedure¹³ specify that as far as possible the overall membership across all committees should include Members representative of all parties and groups represented in the Maneaba. In effect this means that membership of committees should be composed of representatives of all parties and groups as nearly as proportional to their representation in the Maneaba.

Powers and functions

The Constitution and Rules of Procedure empower the PAC with a range of powers to carry out its important mandate. Broadly speaking these powers are:

Powers relating to mandate

- As drawn from the Constitution and Rules of Procedure, the PAC is required to scrutinise/exercise oversight of public funds—the Government accounts and expenditure of the Republic of Kiribati—on behalf of the Maneaba. It is required to consider the Government accounts in conjunction with the report(s)¹⁴ of the Auditor-General and report on its examination and make recommendations to the Maneaba. Specifically, the Rules of Procedure¹⁵ require the Committee to focus on matters of substance and to report on its inquiries with reasoned conclusions and recommendations.
- The Committee may also be asked to consider and report on a matter (relating to its functions) referred to it by the Maneaba. A reference along these lines takes priority over other work of the Committee.¹⁶
- The Committee does not have the power to initiate its own investigations, in that it does not have the power to self-refer matters to itself for inquiry.

¹² Sub-rule 65(3).

¹³ Sub-rule 68(1).

¹⁴ The Constitution [section 114(2)] provides for the Auditor-General to audit the public accounts of Kiribati and of all departments, courts and authorities of the Government. It also provide for the Auditor-General to submit annually audit reports directly to the *Maneaba ni Maungatabu* through the Speaker of the Maneaba on the accounts of the Government and any corporation, statutory board, body or commission.

¹⁵ Sub-rule 65(5).

¹⁶ Sub-rule 65(4).

Powers relating to accessing information and examination

- As noted above, the mandate of the PAC is to exercise oversight of public funds. To assist the PAC with its inquiries it has powers to send for persons, papers and records.¹⁷ This is an important power and underpins the inquiry function of the Committee.
- Specifically, the Committee can write to relevant officials to request information, or production of a document, to assist with its inquiry.
- Importantly, the Committee has the power to examine witnesses as part of an evidence session. It has the power to invite any person to give evidence before it.¹⁸ Transcripts of evidence sessions are prepared, and pursuant to sub-rule 68(12), are provided to witnesses for correcting any errors of transcription and signature. When reporting, the relevant transcripts of proceedings are also tabled in the Maneaba.¹⁹

Powers to report

- The PAC has the power to report on its findings and to make recommendations to the Maneaba.²⁰ After the Committee report (together with the transcripts of proceedings and minutes of evidence) has been tabled in the Maneaba, in accordance with sub-rule 68(16), the report and associated documents are authorised for publication, i.e., they are publicly available.
- The Committee also has the power to report out of session, that is, when the Maneaba is not sitting. If the Maneaba is not sitting when the Committee has finalised its report, it may provide the report to the Clerk. On provision of the report to the Clerk the report is deemed to have been tabled and authorised for publication.²¹

Relationship with the Auditor-General

The relationship the PAC has with the Auditor-General is an important one. The Auditor-General and the PAC are key stakeholders in the parliamentary mechanism of public financial accountability.²² Together they have a responsibility through the Parliament to oversee the activities on which public funds are being spent. They are independent and complementary stakeholders in parliament's oversight function. In the main, the work of the Committee should be guided by the work of the Auditor-General. The PAC relies heavily on the work of the Auditor-General to assist the Parliament in holding the Executive Government to account. The Auditor-General also relies on the work of the PAC to raise awareness and promote corrective action in response to audit findings.

¹⁷ Sub-rule 68(11).

¹⁸ Sub-rule 68(11).

¹⁹ Sub-rule 68(15).

²⁰ Sub-rule 65(4–5); Sub-rule 68(15–16).

²¹ Sub-rule 68(17).

²² Staphenurst, R., Sahgal, V., Woodley, W. & Pelizzo, R. (2005) 'Scrutinizing Public Expenditures—Assessing the Performance of Public Accounts Committees', *World Bank Policy Research Working Paper 3613*, May, pp. 1–36.

Specifically, section 114 of the Constitution provides for the Auditor-General to:

- audit the public accounts of Kiribati and of all departments, offices, courts and authorities of the Government²³; and
- to submit annually audit reports directly to the Maneaba through the Speaker on the accounts of Government and any corporation, public authorities and statutory or other bodies administering public funds in Kiribati²⁴.

Good advice and information, in the form of Audit reports, for example, helps the Committee select important issues and pursue them to a conclusion. Further, the PAC has a responsibility to follow-up on the Auditor-General's findings to signal that departments, authorities and other entities of the Government need to address the findings of the Auditor-General and implement corrective actions.

It is important that the PAC and the Auditor-General maintain a good working relationship for effective oversight and accountability. The relationship is twofold—one that it is cooperative, open and frank, as well as one which respects and maintains independence for both parties as complimentary bodies in parliament's oversight function.

Relevant extracts from the Constitution concerning the role and functions of the Kiribati Auditor-General are at **Appendix B**.

²³ Subsection 114(2), Constitution of Kiribati.

²⁴ Subsection 114(3), Constitution of Kiribati.

3. The work of the Kiribati Public Accounts Committee

How does the Kiribati PAC carry out its important role(s) and responsibilities (mandate)?

Relevant extracts from the Constitution and Rules of Procedure concerning the work of the Kiribati PAC are at **Appendices A, C and D**.

Committee meetings and inquiries

Committee meetings

Committee meetings (deliberative meetings and evidence sessions) are important forums at which the work of the Committee takes place. At deliberative meetings, amongst other things, audit reports are considered, evidence sessions are planned, draft reports are considered and other committee related matters are discussed. Evidence sessions are meetings of the Committee where witnesses are invited to appear and are questioned on critical issues raised in audit reports.

An adequate number of regular meetings should be scheduled for the Committee to discharge its important responsibilities. Committee members also need to give high priority to the work of the Committee and ensure attendance at all scheduled meetings.

Meeting times

There are no fixed times for committee meetings, that is, the Committee is not confined to meet at certain times. In accordance with sub-rule 68(5), the Committee can determine the times it will meet as proposed by the Chair and agreed by a majority of the Members of the Committee.

Generally, the meetings of the Committee coincide with sittings of the Maneaba—with meetings held in the week(s) before, after or during sitting weeks. This arrangement works well as Members travel from their constituencies to Tarawa for sittings. The *Maneaba ni Maungatabu* holds three sessions a year.²⁵

In summary, the Committee determines and agrees on its meeting times and can meet during recesses of the Maneaba.

²⁵ Refer sub-rule 14(1); In 2008, the *Maneaba ni Maungatabu* reverted to holding three sessions a year, as required by its Rules of Procedure, after several years of meeting only twice a year [Pacific Island Forum Secretariat. (2008), *The Forum Principles of Good Leadership report—Baseline Survey for the year 2008—Kiribati*].

Proceedings

The default for meetings (sittings) of the Committee is that they be held in private unless a vote by a majority of the Committee decides otherwise.²⁶ This includes deliberative meetings and evidence sessions. Importantly, when deliberating, the sittings of the Committee shall always be held in private.²⁷ Furthermore, the deliberations of the Committee are confined to its mandate—that is, the matter or matters referred to it by the Maneaba or as specified in the Constitution or legislation.

Pursuant to the Rules of Procedure²⁸, holding an evidence session in public, rather than in private, can be decided by a majority vote of the Committee. It is noted that, whilst the default for sittings or meetings of the Committee is that they be held in private unless otherwise determined, the transcripts of evidence sessions are tabled together with reports of the Committee. After tabling, they are deemed to be authorised for publication and, thereafter, publicly available.

Types of inquiries

The Committee has two sources of inquiry:

- a) It is required to consider the Government accounts and expenditure in conjunction with the report(s) of the Auditor-General. The Constitution²⁹ provides for the Auditor-General to audit the public accounts of Kiribati and of all departments, courts and authorities of the Government. It also provides for the Auditor-General to submit annual audit reports directly to the *Maneaba ni Maungatabu* through the Speaker of the Maneaba on the accounts of the Government and any corporation, statutory board, body or commission.
- b) It can be asked to consider and report on a matter (relating to its functions) referred to it by the Maneaba. A reference along these lines takes priority over other work of the Committee.³⁰

To date, reports of the Auditor-General have been on financial audits—assessing compliance of the financial statements of various government entities in accordance with mandatory legislative requirements and accounting standards. The Auditor-General is developing a performance audit function and capacity³¹ and thereafter reports on performance audits will be provided to the Maneaba through the Speaker. Performance audits also examine government expenditure, as financial audits do, but from the perspective of the effectiveness and efficiency of expenditure, that is, how wisely the government is spending public money.

²⁶ Sub-rule 68(3).

²⁷ Sub-rule 68(3).

²⁸ Sub-rule 68(3).

²⁹ Constitution of Kiribati, Section 114(2).

³⁰ Sub-rule 65(4).

³¹ Refer—United Nations Development Program (UNDP). (2012) 'Curbing corruption in the public sector', *Proceedings of Kiribati Public Accounts Committee Workshop for Members of Parliament*, Kiribati Parliament, 3–5 May.

Process of inquiry

The Committee carries out its function to consider the Government accounts and expenditure in conjunction with its consideration of the report(s) of the Auditor-General. Using the report(s) of the Auditor-General as the basis for its inquiry the PAC holds evidence sessions where it takes evidence from officials who are responsible for particular areas of spending.

At evidence sessions, the Committee goes through the accounts of different ministries and, during this process, questions accounting officers from each ministry, division, corporation, statutory board, body or commission who appear before the Committee at these sessions. The PAC is assisted in its consideration of Government accounts and expenditure by the Auditor-General.

The process of inquiry used by the Kiribati PAC to some extent follows the UK House of Commons Select Committee on Public Accounts model for inquiring into reports of the Auditor-General:

The main witness is usually the most senior civil servant in the relevant government department—also known as the accounting officer for the department. The accounting officer is legally responsible for the stewardship of public money and is expected to be able to account to Parliament for its use and to ensure that money is only spent for the purposes which parliament intended.³²

The Kiribati PAC process of inquiry involves a number of stages—(i) planning and preparation; (ii) evidence sessions; (iii) report consideration; and (iv) reporting to the Maneaba on the outcome of the inquiry process (tabling the report). Each of these stages is discussed below.

Planning and preparation

This stage encompasses: (i) a thorough review of the audit report(s) by Committee members paying close attention to sections of the report where the Auditor-General may highlight specific matters; and (ii) the Auditor-General briefing the Committee on the contents of the report and highlighting/noting areas of the report that require special attention. These briefings are an opportunity for the Auditor-General to provide advice and opinion on accountability and administration matters and/or issues in their report(s). Notwithstanding the Auditor-General's briefing, PAC Members can assess any other areas they may consider necessary for examination.

³² Bacon, R. and Hope, C. (2013) *Conundrum—Why Every Government Gets Things Wrong—And What We Can Do About It*, Biteback Publishing Ltd, London; UK House of Commons. (2012) *Guide for Select Committee Members*.

The Committee should then develop a plan for its evidence session(s) that includes: selecting portions of the report(s) it wishes to scrutinise and inviting public servants from audited organisations to appear at evidence sessions to explain the Auditor-General's findings. The Auditor-General attends these evidence sessions.

Prior to the evidence session, as part of its preparation, the Committee may agree to send witnesses, in advance, specific questions or highlight areas to be focused on at the evidence session to assist witnesses in their preparation. The Committee may also agree to ask for further information to be provided afterwards, particularly if a witness has been unable to provide information asked for at the evidence session.

The Committee should also allocate sufficient time for evidence sessions to ensure that it can adequately cover the matters it decides to examine. Members of the Committee should also strive to develop a consensus approach in considering reports and matters arising.

Evidence sessions

The Committee's ability to question witnesses at evidence sessions provides a powerful and transparent follow up of the Auditor-General's investigations and also provides a forum for further examination of government accounts and expenditure. Evidence sessions:

- can draw further attention and notice to issues raised by the Auditor-General;
- offer the Auditor-General and public servants an opportunity to present their perspectives and alternate views in a fair environment;
- provide a forum for auditors to explain their findings and concerns; and
- provide public servants with an opportunity to answer questions and explain their actions.³³

In its examination of witnesses, the Committee should concentrate on matters of substance as they relate to the Government accounts and expenditure of the respective entity appearing or the Government's consolidated financial statements—the Public Accounts of the Republic of Kiribati. In its questioning, the Committee should focus on:

- issues of management and financial administration;

³³ Ngozwana, N. (2009) *Good Practice Guide for Public Accounts Committees in SADC*, Southern Africa Development Community Organisation of Public Accounts Committees, August; UK House of Commons. (2012) *Guide for Select Committee members*, published by the House of Commons Information Office.

- whether or not government expenditure complied with parliament’s intention and expected standards—pursuant to its power of appropriation, the Maneaba in exercising its functions over public expenditure in plenary, as a committee of the whole Maneaba, or through the PAC, has a role to scrutinise whether public funds, including the Consolidated Fund and the various Special Funds, are wisely used or spent in accordance with the public purpose for which they were appropriated or intended;
- in examining the year under review, the Committee may review past and committed expenditures in so far as they relate directly to and have an impact on matters falling within the year under review, and which may assist the Committee in its understanding of the context of these matters;
- issues highlighted/raised by the Auditor-General;
- cases of any excess or unauthorised expenditure of funds and the reasons for this expenditure;
- ensuring compliance of government accounts and expenditure with statutory requirements and good financial management practices;
- the effectiveness and efficiency of government expenditure—whether or not value for money was obtained; and
- delays in presentation of financial statements and reporting.³⁴

Importantly, the primary purpose of evidence sessions is to put questions to witnesses to obtain information and views that would be considered useful for the Committee’s report. It is an important mechanism for public accountability, for discussing issues raised in audit reports, and for increasing the objectivity and legitimacy of these reports, and the PAC’s subsequent report and associated recommendations.

Reporting

As noted previously, the PAC has the power to report on its findings and to make recommendations to the Maneaba.³⁵ After tabling of a report of the Committee in the Maneaba, together with the transcripts of proceedings and minutes of evidence, in accordance with sub-rule 68(16), the report and associated documents are authorised for publication, i.e., they are publicly available. Importantly, after tabling in the Maneaba, its report(s) and associated recommendations for improvements in spending practices remain important and easily accessible items of the public record.

³⁴ Bacon, R. and Hope, C. (2013) *Conundrum—Why Every Government Gets Things Wrong—And What We Can Do About It*, Biteback Publishing Ltd, London ; Ngozwana, N. (2009) *Good Practice Guide for Public Accounts Committees in SADC*, Southern Africa Development Community Organisation of Public Accounts Committees, August; UK House of Commons. (2012) *Guide for Select Committee members*, published by the House of Commons Information Office.

³⁵ Sub-rule 65(4–5); Sub-rule 68(15–16).

Developing a report

At the conclusion of its evidence sessions, the PAC is required to report to the Maneaba on its inquiry and make recommendations for consideration.

When an inquiry is drawing to a close the Committee may hold a deliberative meeting to discuss the coverage of matters for inclusion in its report and provisional conclusion(s) about any particular issues that have arisen. This discussion will assist the Chair³⁶, and Committee secretary, in drafting and preparing a report of the inquiry findings for consideration by the Committee.

Reports should summarise evidence gathered and arguments heard, set out the Committee's conclusions and make recommendations for corrective action aimed at the Government and other public bodies.

There is no universal structure or format prescribed for committee reports. Broadly speaking reports should include:

- a summary statement of the mandate of the PAC—roles and responsibilities;
- a reference to the audit report (if the issues examined were raised in an audit report);
- a summary of evidence received from witnesses;
- key findings of the Committee's inquiry/examination;
- key problems identified, the Committee's opinion on the issues arising and conclusion(s) reached; and
- a summary of PAC recommendations on corrective measures to be undertaken to address the problems identified.

Based on past reports, the report structure for the Kiribati PAC, in the main, reflects the points highlighted above—the report structure includes: Report title; Inquiry—background, specific issues and context issues; and Findings—the Committee's findings, conclusions and recommendations.

Report consideration

Pursuant to the Rules of Procedure, the Chair of the Committee is required to prepare a report of the findings of the Committee inquiry for consideration by the Committee.³⁷

³⁶ Sub-rule 68(14).

³⁷ Sub-rule 68(14).

Formal consideration of the draft report takes place in private (deliberative meeting) and these proceedings are recorded in the minutes. Members of the Committee have the opportunity to consider the draft report, paragraph by paragraph, and propose and debate amendments. The Rules of Procedure permit the recording of dissenting or minority views so an agreed report truly reflects the findings and opinions of the Committee.³⁸ Whilst minority views can be recorded, unanimous committee reports that reflect consensus decision making and recommendations should be the objective. A unanimous committee report may lend greater support to recommendations being taken more seriously by the Parliament and Government.

Tabling the report

The agreed report of the Committee is signed by the Chair³⁹ and, together with the transcripts of the proceedings of the Committee and the minutes of evidence, is tabled in the Maneaba by the Chair of the Committee.⁴⁰

Reports cannot be made available to any Minister until they have been tabled in the Maneaba by the Committee Chair. This is an important principle underlying parliamentary committees, in that committees undertake work on behalf of the Parliament not the Government. The Maneaba creates the Committee, and it is to the Maneaba that a Committee should report. Members of the Parliament have the right to be the first to hear what has happened, and to hear it direct from the Committee.⁴¹

Once tabled, committee reports, together with the relevant transcripts and minutes of proceedings, are public documents.⁴²

Procedurally, when tabling a committee report in the Maneaba, a motion is moved by the Chair of the Committee seeking acceptance, approval or endorsement of the report or recommendations of the Committee.⁴³ Where a motion of this kind relating to committee business is moved it is not subject to sub-rule 37(4)⁴⁴, that is, it does not form a motion moved by an individual Member.

³⁸ Sub-rule 68(14).

³⁹ The prevailing practice for the Kiribati PAC has been for all Members of the Committee to sign the report.

⁴⁰ Sub-rule 68(15).

⁴¹ UK House of Commons. (2011) *Business of the House and its Committees—a short guide*, published by the House of Commons Information Office; UK House of Commons. (1984) Note by the Liaison Committee: *Confidentiality of select committee proceedings*, 1 May.

⁴² Sub-rule 68(15).

⁴³ Sub-rule 37(5).

⁴⁴ Rules of Procedure No. 37—refer sub-rule 37(4) and 37(5).

The Committee also has the power to report out of session, that is, when the Maneaba is not sitting. If the Maneaba is not sitting when the Committee has finalised its report, it may provide the report to the Clerk. On provision of the report to the Clerk, the report is deemed to have been tabled and authorised for publication.⁴⁵ At the next sitting of the Maneaba, the Speaker shall lay the report, together with the minutes of the proceedings of the Committee and the transcripts of evidence upon the Table.⁴⁶

Government responses

The Government is obliged to provide a formal response to recommendations within PAC reports within a specified period. The Rules of Procedure⁴⁷ require the Government to table a report to the Maneaba in response to the recommendations of each report of the Committee on the first day of sitting of the following meeting of the Maneaba.

Whilst committee recommendations are not binding, it is expected that the Government should implement them unless it can give a reasoned explanation for why it should not. It is important that the Committee has a formal follow-up procedure to monitor action taken by the Government on its recommendations. This can assist the Committee to determine whether the findings of the Auditor-General, together with its findings and recommendations, have been acted upon or there is a credible intention to do so.

The Committee can follow-up overdue responses in a number of ways—the Committee can agree to: (i) write to the responsible Minister for an explanation concerning an outstanding response; (ii) make a recommendation in a future report that all overdue responses be tabled in the Maneaba; and (iii) the Chair moving a motion requesting the Maneaba to call on the Government to explain why a response to a Committee report remains outstanding and/or that the Government give priority to tabling the outstanding report in the Maneaba as a matter of urgency.

Debates relating to work of the Committee

A committee may wish to seek debate in the House about one of its reports or another matter of committee business such as outstanding government responses. Debates provide additional opportunities for the work of the Committee and Auditor-General to be considered and discussed by the Maneaba. In this way, debates can raise awareness and draw further attention and notice to the issues raised by the Committee and/or the Auditor-General.

A debate can follow the moving of a motion by the Chair of the Committee. A motion is a proposal made to the Maneaba by a Member that the Maneaba do something, order something to be done or express an opinion with regard to some matter—to which the Speaker proposes a question thereon—and debate may take place on that question.

⁴⁵ Sub-rule 68(17).

⁴⁶ Sub-rule 68(17).

⁴⁷ Sub-rule 65(6).

Thereafter, the Rules of Procedure set out the process for discussion and debating a motion.⁴⁸

Further information on procedural aspects relating to the moving, content and debating of motions, and the prioritising of motions relating to reports of committees in the business of the Maneaba, is set out in the Rules of Procedure.⁴⁹ Relevant extracts of these rules are at **Appendices E, F and G.**

⁴⁸ Sub-rule 38(1); sub-rule 39.

⁴⁹ Rules 24; 37 and 38.

4. Other matters

Role of Chair and members

Members of the PAC have been appointed by the Maneaba to carry out an important role, that is, oversight of public funds—government accounts and expenditure—on behalf of the Maneaba.

Chair

The role of the Committee chair is an important one. The Chair is responsible for leading all aspects of the work of the Committee. Broadly this covers responsibility for speaking on behalf of the Committee in the Maneaba and in public, maintaining order, ensuring rotation of questions by Members at evidence sessions, and upholding the relevant Rules of Procedure during committee proceedings, all in an impartial manner. Specifically, as to the workings of the Committee⁵⁰, this can include:

- setting the agendas for committee meetings;
- developing and monitoring the Committee’s workplan;
- drafting committee reports (or providing supervision thereof);
- maintaining order in the Committee;
- convening and chairing meetings;
- representing the Committee in the Maneaba, parliamentary related forums, and external associations;
- signing correspondence and requests for persons to attend evidence sessions of the Committee;
- supervising questioning of accounting officers during evidence sessions and ensuring the rotation of questions by Members at these sessions; and
- in the event of an equality of votes on any question before the Committee, exercising a casting vote⁵¹.

⁵⁰ Bacon, R. and Hope, C. (2013) *Conundrum—Why Every Government Gets Things Wrong—And What We Can Do About It*, Biteback Publishing Ltd, London ; Ngozwana, N. (2009) *Good Practice Guide for Public Accounts Committees in SADC*, Southern Africa Development Community Organisation of Public Accounts Committees, August; UK House of Commons. (2012) *Guide for Select Committee members*, published by the House of Commons Information Office.

⁵¹ Sub-rule 68(10).

Members

The role of a committee member is also an important one. It is important that Members of the Committee work in a non-partisan and collaborative manner. Members need to give high priority to their work on the Committee and set aside sufficient time to review reports of the Auditor-General, committee draft reports and meeting papers and prepare for evidence sessions and deliberative meetings.

All Members should have an understanding of the mandate, role and powers of the PAC.

All Members should also have an understanding of the principal legislation for the control and management of the Consolidated Fund and public finances of Kiribati. Background information on this principal legislation is at **Appendix H**.

For committees to achieve their important oversight or scrutiny role, Members working on parliamentary committees also need to be able to distinguish between their roles as members of political parties, and their role as a committee member. The latter role is to represent the Parliament as an entity, and the public generally, in holding executive government to account.

Attendance

Members should ensure attendance at all scheduled meetings of the Committee. It is acknowledged that on occasion, attendance at a meeting may not be possible. At these times, it is the responsibility of the Member to inform the Secretary and/or committee chair, as soon as possible, particularly if the meeting is one at which evidence is to be taken or a report formally considered.

Absence of Chair—election of temporary chair

In the event that the Chair is unable to be present at a meeting of the Committee, the Committee shall elect another Chair whose term of office shall be for that meeting.⁵²

Confidentiality of committee papers and proceedings

It is important that papers and proceedings of the Committee are not disclosed until the Committee has reported to the Maneaba. Premature disclosure of papers and proceedings undermines mutual trust within the Committee, and the decision making processes, influence and authority of the Committee.

⁵² Sub-rule 68(7).

This requirement represents a fundamental parliamentary principle about committee proceedings—that is, until a committee has reported to the House anything that took place during its private meetings or its papers and documents remain confidential. The reason for this is that the House creates the Committee, and it is to the House that the Committee should report. Members have the right to be the first to hear what has happened, and to hear it direct from the Committee.⁵³

This fundamental principle is reflected in sub-rule 68(13):

The evidence taken before a Committee and the proceedings and the report of the Committee shall not be published by a member of the Committee nor by any other person before the Committee has presented its report to the Maneaba.

In summary, the effectiveness of a committee is undermined and the influence of its reports seriously impaired if its private proceedings are disclosed before it reports to the House. Members should take care to maintain the confidentiality of committee proceedings and papers until such time as the Committee has reported to the Maneaba.

Quorum

Every committee has a quorum—without a quorum, no formal business can be conducted. As noted earlier, attendance at scheduled meetings is important. Members should inform committee staff if they cannot attend a meeting, in particular one at which evidence is to be taken or a report formally considered.

The quorum for the PAC is two-thirds of the Members of the Committee. In the case of the three member PAC—a quorum is two members.

Sub-rule 68(8) states that:

The quorum for each Committee shall be two thirds of the Members of the Committee, a fraction of a whole number being disregarded.

Voting and divisions

Voting takes place when the Chair puts a question (brings a matter for decision) to the Committee. Members then indicate either 'Aye' (yes) or 'No' in response to the question—with the Chair concluding that either 'the Ayes [or Noes] have it'. Where the Ayes have it—the question is resolved in the affirmative and carried, where the Noes have it—the question is negated and not carried.

⁵³ UK House of Commons. (2011) *Business of the House and its Committees—a short guide*, published by the House of Commons Information Office; UK House of Commons. (1984) Note by the Liaison Committee: *Confidentiality of select committee proceedings*, 1 May.

If the Chair's ruling is challenged a division is called where votes are formally recorded in the minutes. In accordance with sub-rule 68(9), divisions in a committee are taken by the Secretary to the Committee separately asking how a Member wishes to vote and recording the votes accordingly.

Importantly, the Chair of a Committee, or any other Member presiding (in the absence of the Chair), does not have a vote unless the votes of other Members are equally divided, in which case they have a casting vote.⁵⁴ The Chair does not have a deliberative vote, only a casting vote if the votes of Members on a question are equally divided.

Committee staff

Committee staff, such as the Secretary, are non-partisan officers who assist with the administrative, procedural and research tasks underpinning the work of a committee. Employed by the Parliament, their role is to support every aspect of the business of the Parliament and its committees.

While the Committee secretary as a matter of course works closely with the Committee chair, they are there to assist every Member of the Committee.

The PAC secretary makes all administrative arrangements regarding meetings of the Committee, prepares briefings and guidance, is a key adviser to the Chair and Members on procedural matters, liaises with key stakeholders on behalf of the Committee and assists the Chair and committee in the drafting of reports.

Importantly, the PAC Secretary is responsible for recording the minutes of proceedings of the Committee. In accordance with Rule 9—the Clerk of the Parliament, or any other officer authorised by the Clerk, shall keep minutes of the PAC. Pursuant to sub-rule 68(4):

The Secretary to the Committee shall attend meetings of the Committee and shall keep the minutes of proceedings of the Committee.

Further information about the Kiribati PAC's work

Further information about the Committee's work can be accessed from the *Maneaba ni Maungatabu* website at: <http://www.parliament.gov.ki/content/public-accounts-committee>

⁵⁴ Sub-rule 68(10).

5. Useful reading

- Australasian Council of Public Accounts Committees (ACPAC) information portal. The ACPAC recently published previous ACPAC conference papers on its website in order to share these resources with other PACs and the public. Papers from the last five ACPAC conferences are available at: <http://acpac.asn.au>. These papers cover a wide range of issues related to PACs. A browse through these papers may provide information that might be helpful or relevant to your PAC or issues currently faced by your jurisdiction.
- Constitution of Kiribati. (1979)—<http://www.parliament.gov.ki/content/constitution>
- *Kiribati Act 1979* (British Act of Parliament)—
<http://www.legislation.gov.uk/en/ukpga/1979/27/section/8>
- *Public Finance (Control and Audit) Act* (Kiribati)—and related amendments: *Public Finance (Control and Audit) (Amendment) Act 1993* (Kiribati); *Public Finance (Control and Audit) (Amendment) Act 1996* (Kiribati)—
[http://www.parliament.gov.ki/act/1996/Public%20Finance%20\(Control%20and%20Audit\)\(Amendment\)%20Act%201996.pdf](http://www.parliament.gov.ki/act/1996/Public%20Finance%20(Control%20and%20Audit)(Amendment)%20Act%201996.pdf)
- Public Finance (Control and Audit) Ordinance (CAP 79)
- *Rules of Procedure of the Maneaba ni Maungatabu* (with amendments approved on 22 April 2010 and 25 August 2010)—(Rules of Procedure. Revised Edition 2006)—
<http://www.parliament.gov.ki/content/rules-procedure-maneaba-ni-maungatabu-0>

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7. Appendices

Appendix A: Extract—Constitution of Kiribati: Public Accounts Committee

Appendix B: Extract—Constitution of Kiribati: The Auditor-General

Appendix C: Extract—Rules of Procedure: Public Accounts Committee

Appendix D: Extract—Rules of Procedure: General committee provisions

Appendix E: Extract—Rules of Procedure: Notice of motions and amendments

Appendix F: Extract—Rules of Procedure: Contents of motions

Appendix G: Extract— Rules of Procedure: Manner of debating

Appendix H: Principal legislation for the control and management of the Consolidated Fund and public finances of Kiribati

Appendix A: Extract—Constitution of Kiribati: Public Accounts Committee

Public Accounts Committee

115. (1) There shall be a Public Accounts Committee of the Maneaba ni Maungatabu which shall consist of 3 members of the Maneaba elected by the Maneaba.

(2) No person shall be qualified for election as a member of the Committee if he holds or is acting in the office of Beretitenti, Kauoman-ni-Beretitenti or other Minister, or Attorney-General.

(3) The seat of a member of the Committee shall become vacant-

- (a) if he ceases to be a member of the Maneaba;
- (b) if he assumes the office of Beretitenti or is acting as such;
- (c) if he is appointed to the office of Kauoman-ni-Beretitenti or other Minister, or Attorney-General, or to act as such; or
- (d) if he is removed by the Maneaba by resolution.

(4) The functions of the Committee shall be-

- (a) to consider the accounts of the Government in conjunction with the report of the Director of Audit;
- (b) to report to the Maneaba, in the case of any excess or unauthorised expenditure of funds, the reasons for such expenditure;
- (c) to propose any measures it considers necessary to ensure that the funds of the Government are properly and economically spent; and
- (d) where a report on the examination and audit of the accounts of any corporation, statutory board, body or commission is required by law to be laid before the Maneaba, to consider, report on and make recommendations to the Maneaba in respect of such accounts.

Appendix B: Extract—Constitution of Kiribati: The Auditor-General

The Auditor-General

114. (1) There shall be an Auditor General whose office shall be a public office.

(2) The public accounts of Kiribati and of all departments, offices, courts and authorities of the Government shall be audited and reported on annually by the Auditor General, and for that purpose the Auditor General or any person authorized by him in that behalf shall at times be entitled to access to all books, records, returns and other documents relating to such accounts.

(3) The Auditor General shall submit his report made under the preceding subsection to the Speaker who shall cause them to be laid before the Maneaba ni Maungatabu; and he shall also send a copy of each report to the Beretitenti and to the Minister of Finance.

(4) In the exercise of his functions under this section, the Auditor General shall not be subject to the direction or control of any other person or authority.

(5) Nothing in this section shall prevent the performance by the Auditor General of-

(a) such other functions in relation to the accounts of the Government and the accounts of other public authorities and statutory or other bodies administering public funds in Kiribati as may be prescribed; or.

(b) such other functions in relation to the supervision and control of expenditure from public funds in Kiribati as may be prescribed.

Appendix C: Extract—Rules of Procedure: Public Accounts Committee

65. PUBLIC ACCOUNTS COMMITTEE

(1) The Speaker shall conduct an election by the Maneaba of three Members of the Public Accounts Committee at the first meeting of each session⁵⁵ or at the first meeting after the Members' 2 years term have expired. The Committee shall be a standing committee of the Maneaba.

(2) A Member may propose the Chairman and Members of the Public Accounts Committee.

(3) The term of the Members of the Public Accounts Committee is to be for 2 years and they shall cease to be Members of the Public Accounts Committee on the election of the new Members or on the dissolution of the Maneaba as the case may be.

(4) The functions of the Committee shall be to make recommendations to the Maneaba aimed at ensuring compliance with statutory requirements and good financial management practices and as provided for under the Constitution.⁵⁶ In addition, the committee shall consider and report on any matter in relation to its functions that may be referred to it by the Maneaba. A reference from the Maneaba will take priority over other work of the Committee.

(5) The Committee shall focus on matters of substance and report to the Maneaba on each of its inquiries with reasoned conclusions and recommendations.

(6) The Government shall table a report to the Maneaba in response to the recommendations of each report of the Committee on the first day of sitting of the following meeting of the Maneaba.

⁵⁵ Section 115(1) of the Constitution provides that there shall be 3 members of the Public Accounts Committee.

⁵⁶ The Constitution, section 115(4).

Appendix D: Extract—Rules of Procedure: General committee provisions

68. GENERAL COMMITTEE PROVISIONS

The following provisions shall apply to both select and standing committees of the Maneaba:

Membership

(1) Unless otherwise ordered in these Rules, the Maneaba shall appoint no less than three and no more than five Members to serve on each select or standing committee for the whole term of the Maneaba. As far as possible; the overall membership of committees shall include Members representative of all parties and groups represented in the Maneaba.

Proceedings

(2) The deliberations of a Committee shall be confined to the matter or matters referred to it by the Maneaba or as set down in the Constitution or legislation.

(3) The sittings of a Committee shall be held in private unless the Committee otherwise directs. When deliberating, the sittings shall be always held in private. (See Sub-Rule 73 (1)).

(4) The Secretary to the Committee shall attend meetings of the Committee and shall keep the minutes of proceedings of the Committee.

Meetings

(5) A Committee shall sit at the times determined by the Chairman and agreed to by the majority of the Members of the Committee.

Chairman

(6) The Chairman of a Committee shall be as appointed by the Maneaba. If the Maneaba does not appoint a Chairman to a Committee the Committee, before proceeding to other business, shall elect a Chairman.

(7) If the Chairman is unable to be present at a meeting of the Committee, the Committee shall elect another Chairman whose tenure of office shall be for that meeting.

Quorum

(8) The quorum for each Committee shall be two thirds of the Members of the Committee, a fraction of a whole number being disregarded.

Voting

(9) Divisions in a Committee shall be taken by the Secretary to the Committee separately by asking how a Member wishes to vote and the Secretary shall record the votes accordingly.

(10) Neither the Chairman of a Committee nor any other Member presiding shall vote unless the votes of other Members are equally divided, in which case he shall give a casting vote.

68. GENERAL COMMITTEE PROVISIONS (contd.)**Examination of witnesses**

(11) A Committee of the Maneaba may invite any person to give evidence before it and, in accordance with the provisions of Part V of the Privileges, Immunities and Powers of the Maneaba Ni Maungatabu Act 1986, may require persons so invited to give evidence on oath or affirmation or to produce a document.

(12) The evidence of a witness shall be taken down and shall be signed by him.

Premature publication of evidence and proceedings

(13) The evidence taken before a Committee and the proceedings and the report of the Committee shall not be published by a member of the Committee nor by any other person before the Committee has presented its report to the Maneaba.

Reports

(14) The Chairman of a Committee shall prepare a report of the findings of the Committee which has been considered by the Committee and shall amend it as required by the Committee and may record reference to any dissenting views so that the agreed report truly reflects the findings and opinions of the Committee.

(15) The agreed report of the Committee shall be signed by the Chairman and, together with the transcripts of the proceedings of the Committee and the minutes of evidence, shall be laid on the table of the Maneaba by the Chairman of the Committee.

(16) The publication of any report (and minutes of evidence and transcripts of proceedings) of a select or standing committee of the Maneaba that are tabled in the Maneaba is authorised by this Rule.

(17) If the Maneaba is not sitting when a Committee has prepared a report for tabling, the committee may provide the report to the Clerk and, on the provision of the report:

- (a) the report shall be deemed to have been laid upon the Table of the Maneaba;
- (b) the publication of this report is authorised by this Rule;
- (c) the Chairman may give directions for the printing and circulation of the report;
- (d) the Clerk shall record in the minutes of the proceedings of the day on which the Maneaba next sits the date on which the report was so delivered; and
- (e) the Speaker shall lay the report, together with the minutes of the proceedings of the committee and the transcripts of evidence upon the Table at the next sitting of the Maneaba.

Appendix E: Extract—Rules of Procedure: Notice of motions and amendments

37. NOTICE OF MOTIONS AND AMENDMENTS

(1) Except as otherwise provided in these Rules no motion shall be moved unless notice of it has been given not less than three clear days before that on which the motion is to be considered by the Maneaba or Committee thereof, except that a motion of no confidence requires five clear days notice.

(2) Except as otherwise provided in these Rules no amendment shall be moved to a motion unless –

- (a) notice of the amendment has been given not later than the day before that on which the motion concerned is to be considered; or
- (b) the Speaker gives leave to dispense with notice of the amendment.

(3) Notice of motion or amendment shall be submitted to the Speaker who shall direct –

- (a) that it be printed in the same terms within two days of receipt; or
- (b) that it be returned to the Member signing it within two days as being in the Speaker's opinion out of order.

(4) Subject to Sub-Rule (5) of this Rule a Member may move up to four motions at a meeting.

(5) Other motions seeking acceptance, approval or endorsement of a report or recommendations of a Standing or Select Committee or as provided by Rule 24 (5) may, with the consent of the Speaker, be moved notwithstanding Sub-Rule (4) of this Rule.

Appendix F: Extract—Rules of Procedure: Contents of motions

38. CONTENTS OF MOTIONS

- (1) A motion is a proposal made to the Maneaba by a Member that the Maneaba do something, order something to be done or express an opinion with regard to some matter. It must be phrased in such a way that, if passed, it will purport to express the judgment or will of the Maneaba.
- (2) A motion shall not be on a subject, which relates to the interests of one island constituency only. Motions should concern subjects of national importance.
- (3) Subjects which concern constituency, island and parochial matters should be raised in the form of a question.
- (4) The Speaker may in his discretion disallow any motion or amendment which is the same in substance as any question⁵⁷ which, during the same session, has been resolved in the affirmative or negative.
- (5) The Maneaba shall not proceed upon any motion which in the opinion of the Speaker contravenes section 68(2) of the Constitution.
- (6) No motion shall contain or deal with more than one subject matter at the same time.

⁵⁷ For example, "That the motion be agreed to". See sub-rule 3(5).

Appendix G: Extract—Rules of Procedure: Manner of debating

39. MANNER OF DEBATING

- (1) A Member called upon by the Speaker to move a motion shall rise and move the motion, stating its term, and shall then make such remarks as he may wish.
- (2) When a motion has been moved, the Speaker shall propose the question thereon and debate may then take place on that question.
- (3) The Speaker shall ensure that the debate is objective, factual and respectful of the Maneaba and may exclude a Member from a debate or a sitting, depending on the Speaker's determination as to how far such Member has breached this Sub-Rule.
- (4) A Minister shall have the first right of reply to any motion and amendments to a motion on a subject for which he is responsible.
- (5) Amendments of which notice has been given or dispensed with may be moved to a motion at any time after the question thereon has been proposed.
- (6) After all the amendments have been disposed of, the Speaker shall, if the case so requires, propose the question on the motion as amended and further debate may take place.
- (7) No Members shall speak more than once on a motion or an amendment to a motion apart from the mover who can speak first and last on the motion or the amendment to the motion which he has moved or as provided in Rule 41 (7).
- (8) When all actions required by Sub-Rules (2), (4), (5) and (6) of this Rule have been completed, the Speaker shall call on the mover of the motion to sum up. After the mover of the motion, or amendment thereto, has summed up no one else may speak and the Speaker shall put the question on the motion or on the motion as amended, whichever is applicable.

Appendix H: Principal legislation for the control and management of the Consolidated Fund and public finances of Kiribati

As noted in the Guidelines, all PAC Members should be familiar with the principal legislation for the control and management of the Consolidated Fund and public finances of Kiribati. A summary of this legislation is set out below. This information is drawn from the Pacific Island Forum Secretariat. (2008) *Country reports on actual leadership practice against the Forum Principles of Good Leadership—Baseline Survey for the year 2008—Kiribati country report* (the Pacific Island Forum Secretariat report).

The Public Finance (Control and Audit) Ordinance 1976 (Cap 79), is the principal legislation providing:

...for the control and management of the Consolidated Fund and public finances of Kiribati, for the collection, issue and payment of public moneys, for the audit and examination of public accounts and of the accounts of statutory bodies, and for other purposes connected therewith and incidental thereto.⁵⁸

Enacted in 1976, the Ordinance has been amended several times to strengthen its provisions for: control and audit of public funds; to widen the scope of permitted investments from the Consolidated Fund; in addition to aligning its provisions to new budgeting procedures; and to permit the Ordinance to respond to and reflect changing circumstances and requirements of the Republic of Kiribati. For the purposes of oversight and scrutiny, the nature of some of these amendments have been summarised by the Pacific Island Forum Secretariat report:

The 1984 amendment empowers the Auditor-General to make a special report at any time about his work and submit it to the Maneaba ni Maungatabu. In relation to the accounts of a statutory corporation, a new proviso was inserted, which permitted the Auditor-General's report on the accounts of a statutory body to be laid before the Maneaba ni Maungatabu without the comments of the statutory corporation. The latter proviso is necessary because the presentation of the Auditor-General's report to the Maneaba ni Maungatabu has experienced delays due to the slowness of the concerned statutory corporation to provide its comments.

The 1985 amendment empowers the Minister of Finance to authorise the transfer of any sum or sums of money from any Special Fund established under Section 107(2) of the Constitution to the Consolidated Fund. This amendment enables Government to transfer excess funds from any Special Fund to the Consolidated Fund, which may be needed by Government to balance its budget deficit. With the Revenue Equalisation and Reserve Fund (RERF) being a Special Fund, the amendment in effect gives legal basis to a long-standing practice of transferring funds from the RERF to the Consolidated Fund to balance Government's budget deficit. The 1993 amendment introduced a new part IX (Sections (47)-(48)), that deals with sanctions against public officers for misconduct, failure to carry out their responsibilities, negligence resulting in the loss of public moneys, recovery of funds and losses, and enforcement of audit queries.

⁵⁸ Government of Kiribati, *The Laws of the Republic of Kiribati* (revised edn., 1982), p. 3.

Appendix H: Principal legislation for the control and management of the Consolidated Fund and public finances of Kiribati (contd.)

As to the conduct of public servants—the National Conditions of Service (NCS) deals with the conduct and discipline of public servants. The Pacific Island Forum Secretariat report noted the NCS is:

...a document which is often referred to as the ‘Bible’ of the Public Service. Section D of the NCS deals with public servants’ conduct and discipline. All of its 38 clauses cover a wide range of issues and topics, including compliance to orders and instructions, standards of behaviour, dealing with the public, unauthorised disclosure, involvement in commercial activities, receiving gifts, false information, and disciplinary procedures and punishments. The NCS also serve as a guide for conditions of service in statutory corporations and state-owned companies.

As to legislation to ensure that proper diligence, care and attention to duties and responsibilities are enforced and maintained, the Pacific Island Forum Secretariat report notes that the *Public Finance (Control and Audit) (Amendment) Act 1993*,⁵⁹ prescribes disciplinary actions against public officers mishandling of public funds. This provision:

...acts to induce proper diligence, care and attention by a public officer in the execution of his or her duties, especially in handling public moneys. The definition of ‘public officer’ was broadened under the *Public Finance (Control and Audit) (Amendment) Act 1996* to ‘include directors or members of the Board or Committee of a government-owned company, corporation or special fund and other body or authority established under any provision of any law, and including also other officers and employees of same.’⁶⁰

⁵⁹ *Public Finance (Control and Audit) (Amendment) Act 1993*, (Kiribati), s 47(7).

⁶⁰ *Public Finance (Control and Audit) (Amendment) Act 1996* (Kiribati).



Parliament of Kiribati

Maneaba ni Maungatabu

P.O. Box 52, Bairiki, Ambo, Tarawa

KIRIBATI

Ph: +686 21880

Fax: +686 21278

Website: www.parliament.gov.ki