

REPUBLIC OF NAURU

AN ACT

(No. 9 of 1992)

To provide for a Parliamentary Committee of Public
Accounts and for ancillary purposes.

(Certified: 19/9/92)

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To provide for a Parliamentary Committee of Public Accounts and for ancillary purposes

ENACTED by the Parliament of Nauru as follows

(Certified 19/9/92)

SHORT TITLE

1. This Act may be cited as the Public Accounts Committee Act 1992.

DEFINITIONS

2. In this Act unless the contrary intention appears-

"member" means a member of the Committee,
"the Chairman" means the Chairman of the Committee,
"the Committee" means the Committee of Public Accounts for the time being constituted under this Act
"the Deputy-Chairman" means the Deputy-Chairman of the Committee

APPOINTMENT OF THE COMMITTEE

3. (1) As soon as practicable after the commencement of this Act and thereafter after the first session of each Parliament a committee of five members of the Parliament (to be known as the Committee of Public Accounts) shall be appointed according to the practice of the Parliament with reference to the appointment of members to serve on select committees of the Parliament.
- (2) Each member shall hold office during the pleasure of the House.
- (3) Each member shall cease to hold office when the Parliament expires by effluxion of time or is dissolved

CHAIRMAN AND DEPUTY CHAIRMAN

4. (1) There shall be a Chairman and a Deputy Chairman of the Committee who shall be elected by the members from time to time and shall hold office as Chairman and Deputy Chairman during the pleasure of the Committee.
- (2) The Chairman shall preside at all meetings of the Committee at which he is present.
- (3) In the event of the absence of the Chairman from a meeting of the Committee the Deputy-Chairman shall if he is present at that meeting preside at that meeting.
- (4) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Committee the members present may appoint one of their number to preside at the meeting and the member so presiding shall in relation to the meeting have all the powers and functions of the Chairman.

MEETINGS OF THE COMMITTEE

5. (1) The Committee may meet at such times and at such places within Nauru as the Committee by resolution determines or subject to any resolution of the Committee as the Chairman determines but shall not meet at any place outside Nauru.
- (2) At any time when the Chairman is absent from Nauru or is, for any reason, unable to perform the duties of his office or there is a vacancy in the office of Chairman the Deputy Chairman may exercise the powers of the Chairman under subsection (1).
- (3) The Committee may meet and transact business notwithstanding any prorogation of the Parliament.
- (4) Unless the Committee otherwise resolves, the Committee shall take all evidence in public.

QUORUM AND VOTING

6. (1) At a meeting of the Committee 3 members constitute a quorum.
- (2) All questions to be decided by the Committee shall be decided by a majority of the votes of the members present.

- (3) The Chairman or other member presiding shall have a deliberative vote and in the event of an equality of votes shall also have a casting vote.
- (4) Where the members present do not vote unanimously the manner in which each member votes shall if a member so requires be recorded in the minutes and in the Committee's report.

DUTIES OF THE COMMITTEE

7. (1) The duties of the Committee are:-

- (a) to examine the accounts of the receipts and expenditure of the Republic including the financial statements transmitted to the Director of Audit, under section 10 of the Audit Act;
- (b) to examine the financial affairs of authorities of the Republic to which this Act applies;
- (c) to examine all reports of the Director of Audit copies of which have been laid before Parliament;
- (d) to report to Parliament with such comment as it thinks fit any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Parliament should be directed;
- (e) to report to Parliament any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them or in the mode of receipt control issue or payment of public moneys; and
- (f) to inquire into any question in connection with the public accounts which is referred to it by Parliament and to report to the House upon that question,

and include such other duties as are assigned to the Committee by Standing Orders of Parliament.

(2) The Committee may at any time prior to making a final report to the Parliament-

- (a) make one or more interim reports to the Parliament on the proposal, matter or thing; or
 - (b) publish a document pertaining to the proposal, matter or thing.
- (3) The Chairman of the Committee shall lay each report to the Parliament of the Committee, before Parliament within 5 sitting days of the report being adopted by the Committee.
 - (4) For the purpose of this section, an authority of the Republic to which this Act applies is a body corporate or an unincorporated body established for a public purpose by or in accordance with the provisions of a written law and which is required by law to have its accounts audited by the Director of Audit or to present its accounts to or otherwise report in respect of its financial activities to Parliament.

SECTIONAL COMMITTEES

8. (1) The Committee may appoint a Sectional Committee or Sectional Committees of three or more of its members to inquire into and report to the Committee upon such matters with which the Committee is concerned as the Committee directs.
- (2) The provisions of this Act (other than this section 8) apply in relation to a Sectional Committee in like manner as they apply in relation to the Committee and, for the purposes of those provisions as so applying a reference to the Chairman or the Deputy Chairman of the Committee shall be read as a reference to the Chairman or the Deputy Chairman of the Sectional Committee.

EVIDENCE BEFORE A COMMITTEE NO LONGER EXISTING

9. Where the Committee as constituted at any time or a Sectional Committee as constituted at any time has taken evidence in relation to a matter but the Committee as so constituted has ceased to exist before reporting on the matter, the Committee as next constituted may consider that evidence as if it had been given before it.

EVIDENCE AND PUBLICATION

10. (1) The Committee may summon a person to appear before it to give evidence and produce documents.
- (2) A summons to a witness may be in accordance with the prescribed form and shall be signed by the Chairman or the Deputy Chairman.

- (3) A summons to a witness may be served upon the witness either personally or by being left at his usual place of business or of abode.
- (4) Any person or body may make written submissions to the Committee with respect to any proposal, matter or thing being inquired into or being considered by the Committee.
- (5) The Committee may commission any person or persons to investigate and report to the Committee on any aspect of a proposal, matter or thing being inquired into or being considered by the Committee.
- (6) The Committee may, in lieu of or in addition to commissioning an investigation under sub-section (5), with the consent of the Chief Secretary make use of the services of any of the officers of the public service.
- (7) Where evidence is taken by the Committee in private, otherwise than at the request of a witness, a person (including a member of the Committee) shall not without the authority (in writing signed by the Chairman) of the Committee under the next succeeding sub-section, disclose or publish the whole or a part of that evidence (other than evidence which has already been lawfully published).
- (8) The Committee may, in its discretion, disclose or publish or authorise the disclosure or publication of evidence taken in private but this sub-section does not operate so as to affect the necessity for the consent of a witness under sub-section (3).

WARRANT OF APPREHENSION

11. (1) If a person upon whom a summons under the last preceding section has been served fails to appear or having appeared fails to continue in attendance in obedience to the summons the Chairman or the Deputy Chairman may issue a warrant for the person's apprehension.
- (2) The warrant may be in accordance with the prescribed form.
- (3) The person executing a warrant under this section may-

- (a) apprehend the person in respect of whom it is issued;
- (b) bring that person before the Committee; and
- (c) detain that person in custody until released by order of the Committee.

SUMMONSED PERSON TO ATTEND

12. A person upon whom a summons under section 10 has been served shall not without reasonable excuse (proof whereof shall lie upon that person) fail to appear or to continue in attendance in obedience to the summons.

PERSONS NOT TO BE PREVENTED FROM ATTENDING

13. A person shall not knowingly dissuade or prevent a person from obeying a summons under section 10.

SUMMONSED PERSON NOT TO REFUSE OATH OR AFFIRMATION

14. A person summoned to appear before the Committee shall not without just cause (proof whereof shall lie upon him) refuse-

- (a) to be sworn or make an affirmation;
- (b) to answer a question put to him by the Committee or by any member thereof, or
- (c) to produce a document which he is required by the Committee or by a member thereof to produce.

PERSONS NOT TO GIVE FALSE EVIDENCE

15. A person shall not wilfully give false evidence on oath or affirmation before the Committee.

Penalty: One years' imprisonment.

PROTECTION FOR WITNESSES

16. (1) A person summoned to appear or appearing before the Committee as a witness shall have the same protection and privileges as a witness in proceedings in the Supreme Court.
- (2) A person shall not use cause inflict or procure any violence punishment damage loss or disadvantage on or to a person for or on account of his having appeared as a witness before the Committee or for or on account of any evidence lawfully given by him before the Committee.

OFFENCES

- 18. ¹⁷ (1) A person who contravenes or fails to comply with a provision of this Act (other than section 14) is guilty of an offence against this section.
- (2) An offence against this section may be prosecuted in the District Court.
- (3) The punishment for an offence against this section is a fine not exceeding Five hundred dollars or imprisonment for a term not exceeding six months.
- (4) An offence against this Act shall not be prosecuted without the written consent of the Director of Public Prosecutions.

IMMUNITY FROM JUDICIAL REVIEW

19. ¹⁸ The proceedings of the Committee or report of the Committee or any document published by the Committee shall not give rise to any cause of action in law or be made the subject of, or in any way be called into question in, any proceedings before a court.

REGULATIONS

20. ¹⁹ The Cabinet on the advice of the Speaker may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

THE SCHEDULE

FORM A

OATH OF WITNESS

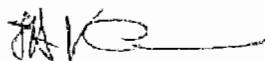
The evidence you shall give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God!

FORM B

AFFIRMATION OF WITNESS

You do solemnly and sincerely affirm and declare that the evidence you shall give before the Committee shall be the truth the whole truth, and nothing but the truth.

I hereby certify that the above is a fair print of a Bill, for an Act entitled the Public Accounts Committee Act 1992, has been passed by Parliament of Nauru and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Clerk
19 September, 1992

Pursuant to Article 47 of the Constitution, I, Derog Gioura, Speaker of Parliament hereby certify that the Public Accounts Committee Act 1992, has been passed by Parliament of Nauru.



Speaker
19 September, 1992