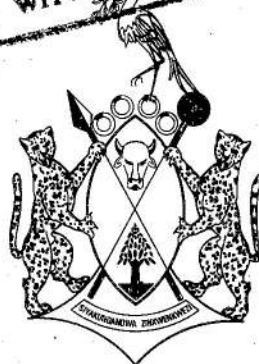
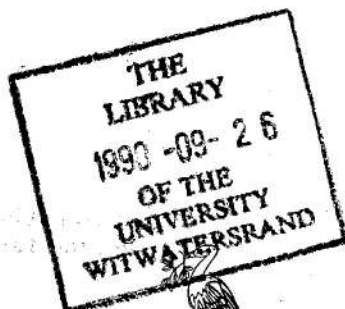


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OFFICE OF THE AUDITOR-GENERAL

GOVERNMENT NOTICE No. 78

IT IS HEREBY NOTIFIED THAT THE CHAIRMAN OF THE COUNCIL OF STATE HAS ASSENTED TO THE FOLLOWING DECREE WHICH IS HEREBY PUBLISHED FOR GENERAL INFORMATION:-

SELECT COMMITTEE ON PUBLIC ACCOUNTS DECREE, 1990

DECREE No. 35 OF 1990

OFFICE OF THE AUDITOR-GENERAL

SELECT COMMITTEE ON PUBLIC ACCOUNTS DECREE, 1990

DECREE No. 35 OF 1990

To provide for the appointment of a Select Committee on Public Accounts and of the members thereof; to define the functions, duties and powers of such Committee; and to provide for matters incidental thereto.

(English text signed by the Chairman of the Council of State. Assented to on 29 August 1990)

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

1. Appointment of Select Committee on Public Accounts. - (1) As soon as possible after the submission to the Council of State of the report of the Auditor-General on the accounts of the various Government Departments and statutory bodies in terms of section 42 (1) of the Exchequer and Audit Act, 1985 (Act 28 of 1985), the Council of State shall, subject to the provisions of subsection (3) of this section, appoint a committee to be known as the Select Committee on Public Accounts (hereinafter referred to as the Committee) from amongst persons who, by virtue of their wide experience and special knowledge of finances and administration, are suitable for appointment to the Committee and the said report and accounts shall thereupon stand referred to the Committee.

(2) (a) The Committee shall consist of five members one of whom shall be designated by the Council of State as the chairman and another as the vice-chairman.

(b) Four members of the committee shall constitute a quorum.

(3) No member of the Council of State and no officer or employee as defined in section 1 (1), of the Public Service Act, 1981 (Act 2 of 1981) or a director or employee of a statutory body as defined in section 2 (1) of the Exchequer and Audit Act, 1985 shall at any time be appointed as a member of the Committee.

2. Functions and duties of the Committee. - The Committee shall, as soon as possible after its appointment consider the aforesaid report of the Auditor-General and examine the accounts dealt with therein and thereafter submit a written report on its findings and recommendations to the Council of State.

3. Witnesses before the Committee. - (1) The Committee shall be competent to call witnesses and to hear evidence and may by subpoena under the hand of its chairman order any person to appear before it at the time and place stated in the subpoena for oral examination or to produce any document in his possession or under his control which may be specified in such subpoena.

(2) Any such subpoena shall be served on the person mentioned therein by delivering a copy to him personally or by leaving such copy at his usual or last known place of residence with some person thereat who is apparently of or above the age of 16 years.

(3) There may be paid for his expenses to a person so subpoenaed the amount which would be payable to him if he were being summoned to give evidence in a criminal case in a magistrate's court at the seat of the government of Ciskei.

(4) The Committee may cause a witness to be examined upon oath or affirmation which the chairman of the Committee or in his absence the vice-chairman is hereby authorised to administer.

(5) If a witness refuses to attend before the Committee or to answer any question put to him or to produce any document specified in the subpoena on the grounds that the matter is of a private nature and does not affect the subject of enquiry, such refusal shall be reported by the committee to the Council of State and the said Council may thereupon either excuse the witness from attending or answering the question or producing the document or may order that he be required to attend or to answer the question or to produce the document.

(6) Any person who wilfully and corruptly gives before the Committee a false answer to any question which may be put to him in the course of examination in terms of this section shall be guilty of an offence and liable on conviction to the penalties which may be imposed by law for perjury.

SELECT COMMITTEE ON PUBLIC ACCOUNTS DECREE, 1990

(7) The laws relating to privilege as observed by the Supreme Court of Ciskei shall be observed by the Committee in the examination of witnesses under this section.

(8) (a) A witness who replies fully and faithfully to all questions put to him under this section shall be entitled on application to receive a certificate under the hand of the chairman or the vice-chairman of the Committee, as the case may be stating that he did so answer all such questions.

(b) Upon the mere production of such certificate in any court of law in any civil or criminal proceedings (other than on a charge of perjury) for anything said by such witness in such examination or for any act or thing done by him before that time and revealed by his evidence, such court shall stay such proceedings (which shall thereupon be deemed to have been finally determined) and may at its discretion award to such witness the expenses incurred by him as a result of such proceedings.

4. Evidence elsewhere of proceedings before the Council of State or the Committee. - No member of the Council of State or the Committee or any other person employed to take or to record minutes of the evidence given before the Council of State or the Committee shall testify elsewhere as to the contents of such evidence or of any document laid before the Council of State or the Committee, or in relation to any proceedings or examination before the Council of State or the Committee, without first having obtained the special leave of the Council of State.

5. Contraventions or contempts and punishments. - (1) The following shall constitute a contravention or contempt for the purposes of this Decree —

(a) disobedience to any order made or subpoena issued by the Committee for attendance before the Committee or the production of any document except where the person concerned has been excused from such attendance or other compliance in terms of section 3 (5);

(b) refusing to be examined before or to answer any lawful and relevant question put by the Committee unless such refusal has been excused in terms of section 3 (5) or is otherwise justified under the law relating to privilege;

(c) tampering with, deterring, threatening, beguiling or in any other way unduly influencing any witness in regard to evidence to be given by him before the Committee;

(d) presenting to the Committee any false, untrue, fabricated or falsified document with intent to deceive;

(e) prevarication or other misconduct as a witness before the Committee.

(2) Any person adjudged guilty of a contravention or contempt as hereinbefore defined may be sentenced to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

6. Allowances. - Allowances shall be payable to the members of the Committee in respect of travelling and subsistence on a basis to be laid down from time to time by the Director-General of the Office of the Council of State with the concurrence of the Treasury.

7. Short title. - This Decree shall be called the Select Committee on Public Accounts Decree, 1990.

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