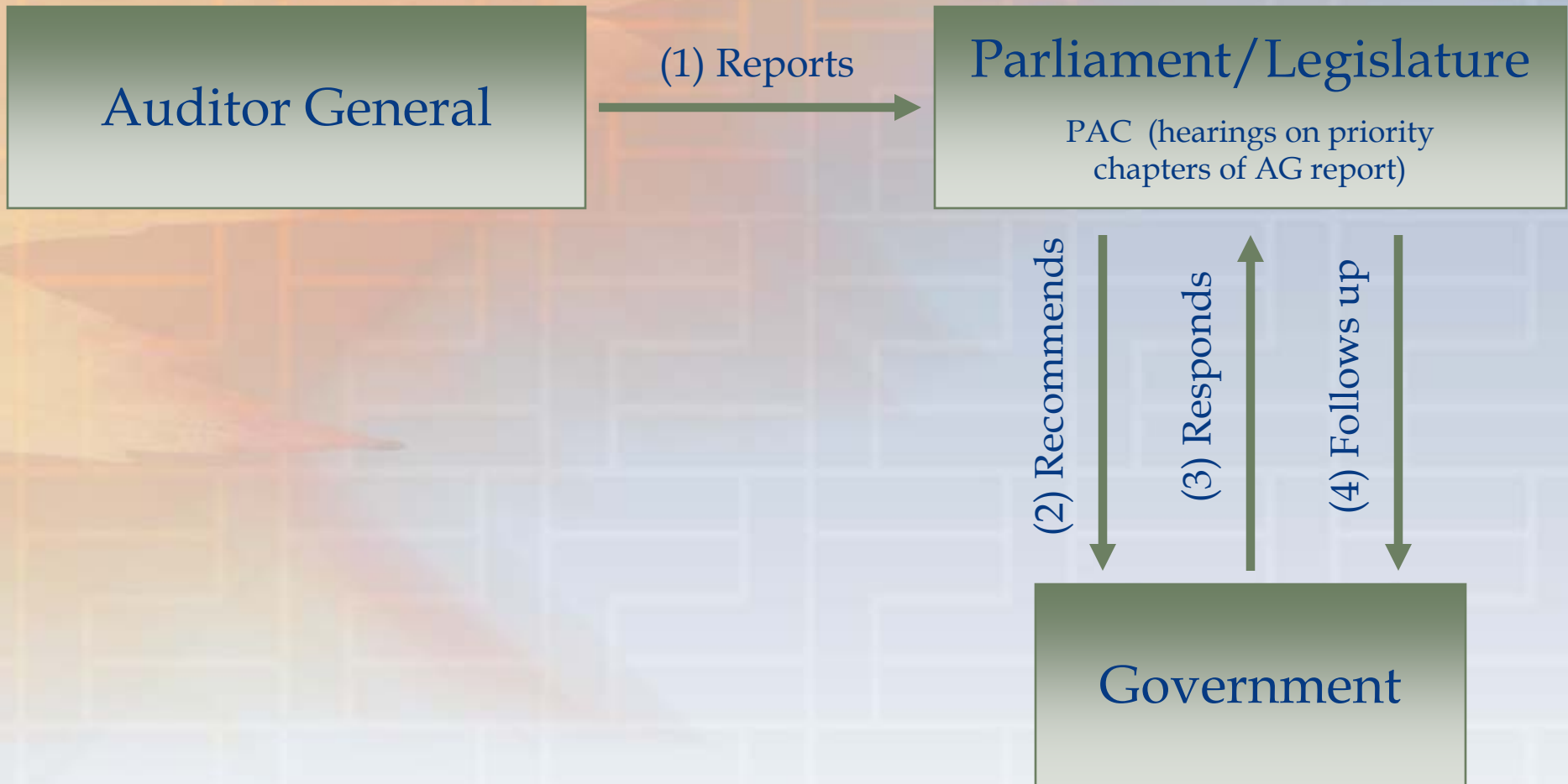


# **UNIT 3 - Tabling, PAC Hearings and Reporting, Recommendations and Follow-up**

# An effective PAC in the Westminster System



# Auditor General Tabling Process

- ❖ AG report often laid with the Speaker when legislature is not in session
- ❖ Permanent referral to PAC an important provision
- ❖ Opposition Chairman can ensure that AGs report does not “get lost”
- ❖ Some Auditor Generals will hold a press conference to highlight report findings (allows AG to get message out directly and avoid distortion of message by both politicians and media)
- ❖ Some Auditor Generals will hold advance briefings (known as a lock up) for members of parliament and/or media in advance of tabling
- ❖ If legislature in session during report tabling, opposition can raise key report findings in Question Period/Question Time
- ❖ Media coverage of press conference and Question Period/Question Time can spark additional media interest
- ❖ PAC can then hold hearings on key issues raised by Auditor General

# Prerequisites for an Effective Committee

- ❖ Meeting with sufficient frequency?
- ❖ Power to call meetings?
- ❖ Meetings outside of the legislative session?
- ❖ Sufficient budget resources?
- ❖ Sufficient staff / technical capacity?
- ❖ Is the PAC chaired by an opposition member?
- ❖ Are AG reports permanently referred to the PAC?
- ❖ Is there committee staff?
- ❖ Is PAC membership proportionate to party membership in the House?
- ❖ Is PAC able to choose topics of investigation without government interference?

# Planning (1): PAC Preparation for Hearings

Before the hearing:

- ❖ PAC can set a strategy
  - Get agreement on the issue
  - Explore seriousness of the consequences of the issue
  - Explore ways of dealing with the issue
  - Get acceptance of responsibility for taking action
  
- ❖ Obtain an up-to-date status report from auditee
  - Reduces chances of incomplete information at a public hearing
  
- ❖ Staff can provide a briefing
  - Staff can help by preparing relevant questions, or arranging in-camera briefings from the legislative auditor or other experts

Source: *Preparation for Hearings and Frequently Asked Questions*, Parliamentary Oversight - Committees and Relationships ~ A Guide to Strengthening Public Accounts Committees, CCAF-FCVI (2006).

# Planning (2)

- ❖ Need to ensure committee meets its legislative mandate and terms of reference.
- ❖ Need to ensure that the work of the committee proceeds efficiently , effectively and on a timely basis.
- ❖ Need to prioritize the work to make the best use of the committee's time.
- ❖ Need committee members to agree on how agenda will be set and followed at the PAC meetings.

# Planning (3): Agenda Setting Options

- (1) Strike a Planning Committee:
  - Would typically includes a sub group of the committee, including chair and vice chair.
  - Would meet outside of regular committee meetings to review outstanding work and determine what is of the greatest priority to the PAC and what order the reports/issues should be addressed.
  - Support for setting the agenda can come from the support staff to the committee, as well as the Auditor General and senior public servant.
  - An Agenda would be proposed for 3-4 meetings at a time, and tabled for full committee review and adoption.

# Planning (4): Agenda Setting Options

## (2) Time Allocation Method:

- PAC members would be allocated specific time blocks at PAC meetings.
- Ensures all members have an opportunity to raise issues of importance to them.
- Must still ensure that outstanding work is dealt with and that the committee meets its legislative mandate and terms of reference including the production of its own reports.
- Need to plan well ahead such that members have sufficient notice and are well prepared.

# Planning (5): Auditor General as a Resource

- ❖ The Auditor General is an important resource in the planning of the PAC agenda.
- ❖ Auditor General can advise what is the outstanding work from his office and what is felt to be the highest priority.
- ❖ Auditor General can also speak to which reports should be considered together. Because e.g. they deal with similar issues.
- ❖ Also can advise on reports to be formally followed up and audit plans for the future.
- ❖ This is all helpful in setting the PAC agenda.

# Planning (6): Auditor General as a Resource

- ❖ A senior public servant e.g. Comptroller General may also assist the committee in planning and carrying out its work.
- ❖ A key role here is speaking to the status of past issues e.g. what is being done to address past reports.
- ❖ Also can help ensure that government witnesses are arranged and well prepared for the committee.
- ❖ The PAC must ultimately, however, set its own agenda and priorities based on their views and the advice they may have received.

# Planning (7)- Selection of Witnesses

Witnesses are:

- ❖ Usually selected by PAC on the advice of legislative auditor or the government's Chief Financial Officer
- ❖ Expected to contribute to the understanding of the issue under investigation
- ❖ Subject to provisions of freedom of information and privacy legislations
- ❖ Bound to answer all questions that PAC thinks it is appropriate to ask

Source: *Guide for Witnesses, Parliamentary Oversight - Committees and Relationships ~ A Guide to Strengthening Public Accounts Committees*, CCAF-FCVI (2006).

# PAC Hearing (1): Advice to PAC Members

During the hearing:

- ❖ Stay within the scope of the committee enquiry
- ❖ Private, secret or sensitive testimony
  - Witnesses should be informed, prior to giving evidence, that they have right to be heard in private or secret
- ❖ Look out for jargon and bafflegab
  - Familiarize with common abbreviations in advance
- ❖ Be aware of delaying tactics
  - Avoid detailed background or explanations
- ❖ Be persistent
  - Ensure witnesses do not provide vague answers
- ❖ Be specific

Source: *Preparation for Hearings and Frequently Asked Questions*, Parliamentary Oversight - Committees and Relationships ~ A Guide to Strengthening Public Accounts Committees, CCAF-FCVI (2006).

# PAC Hearing (2): Constructive Non-Partisanship

- ❖ Are Ministers barred as members of the Committee?
- ❖ Are ministers barred as witnesses in most circumstances?
- ❖ Does the committee strive for consensus on all significant issues in their reports?
- ❖ Does committee issue unanimous reports?
- ❖ Is there close working relationship between members of various political parties?
- ❖ Does the chair act independently of party pressure?

# PAC Hearing (3): Other Criteria for Holding an Effective Hearing

- ❖ Is there a planning or steering committee?
- ❖ Does the PAC give priority to most recent reports?
- ❖ Power to call witnesses and send for records?
- ❖ Access to Cabinet documents or departmental reports?
- ❖ Advance briefing materials to members?
- ❖ Are hearings open to public?
- ❖ Is Accounting Officer appearing before PAC?
- ❖ Is PAC able to investigate past and present public expenditures
- ❖ Are minutes of proceedings and transcript of evidence made available widely?

# PAC Hearing (4): Preparing the Report

- ❖ Reports are best prepared soon after the PAC concludes an enquiry
- ❖ Reporting on completion of each enquiry has the advantage of speedier implementation
- ❖ Report preparation involves in-camera discussions prior to formal approval at public hearing
- ❖ Report-writing process can be efficient if PAC has set objectives for inquiry in advance
- ❖ Staff usually prepare the report for the PAC members to review
- ❖ Report sections include: Summary of conclusions and recommendations; Background; Findings, observations, conclusions; Recommendations; References and Annexes, if necessary

Source: *Guidance on Reporting and Follow-up*, Parliamentary Oversight - Committees and Relationships ~ A Guide to Strengthening Public Accounts Committees, CCAF-FCVI (2006).

# PAC Hearing (5): Issuing recommendations

- ❖ Most PAC recommendations are taken from Auditor General reports, although PAC can add recommendations where deemed appropriate
- ❖ While not all PACs issue recommendations, doing so compels the government to take corrective action
- ❖ In some cases, PAC recommendations require approval of entire legislature, in other cases the recommendations simply need to be tabled in the legislature.
- ❖ Many legislatures set fixed time periods in which the government is compelled to respond to the PAC's recommendations

# PAC: Follow-up Process

- ❖ Given absence of PAC sanctioning powers, follow-up can provide an opportunity for PACs to press government on whether recommendations have been implemented
- ❖ Implementation of recommendations is an essential element of government's accountability to the legislature
- ❖ Implementation of PAC recommendations is an important measure of the committee's usefulness and effectiveness
- ❖ Formal procedures should be developed that includes a follow-up schedule
- ❖ Chair usually sends follow-up letter to departments and the Clerk ensures that a response is received
- ❖ PAC can hold additional hearing to examine why follow-up has not taken place
- ❖ Auditor General can provide status reports on extent of implementation of recommendations as input to PAC

# PAC: Other Criteria for Reporting and Follow-up

- ❖ Does the PAC issue reports to the Legislature?
- ❖ Does the PAC have the power to issue recommendations?
- ❖ Is there a formal follow-up process in place?
- ❖ Can the PAC initiate inquiries outside of business referred by Legislature?
- ❖ Does PAC have a media strategy?
- ❖ Does PAC issue press releases?
- ❖ Does PAC issue reports on matters that it has inquired into?
- ❖ Does it formulate recommendations and publish conclusions?
- ❖ Are reports made widely available?