

*Public Finances (Management)*

**PART II. - RESPONSIBILITY FOR FINANCIAL  
MANAGEMENT.**

**3. RESPONSIBILITIES OF THE MINISTER.**

- (1) The Minister is responsible for -
  - (a) the supervision of the finances of the State so as to ensure that a full accounting is made to the Parliament of all transactions involving public moneys; and
  - (b) the supervision of the finances of public bodies; and
  - (c) the formulation of the National Budget and overseeing its implementation on behalf of the National Government.

(2) As soon as practicable after the end of the first, second and third quarters of each fiscal year, the Minister shall publish in the National Gazette a summarized statement of the receipts and expenditure of the Public Account during the fiscal year up to the end of that quarter.

(3) As soon as practicable after the end of each fiscal year, the Minister shall cause to be prepared a detailed statement of the receipts and expenditure of the Public Account during the fiscal year, and shall send it to the Auditor-General.

**4. RESPONSIBILITIES OF THE DEPARTMENTAL HEAD OF THE  
DEPARTMENT RESPONSIBLE FOR FINANCIAL MANAGEMENT.**

(1) The Departmental Head of the Department responsible for financial management has control and direction of all matters relating to the management of the financial affairs of the State, subject to specific directions given to him by the Minister.

(2) In the implementation of the functions specified in Subsection (1), the Departmental Head of the Department responsible for financial management may consult with the Departmental Heads of the Department of the Prime Minister, the Department responsible for planning matters and the Department responsible for personnel management.

(3) The Departmental Head of the Department responsible for financial management may require Departmental Heads to submit financial reports on such matters and at such intervals as he determines.

(4) A Departmental Head who fails to submit a financial report when required to do so under Subsection (3) is guilty of an offence under Section 112.

**5. RESPONSIBILITIES OF HEADS OF DEPARTMENTS.**

(1) Each Departmental Head is responsible for ensuring that, in relation to the Department of which he is Head -

- (a) the provisions of this Act are complied with; and

- (b) all accounts and records relating to the functions and operations of the Department are properly maintained; and
- (c) all necessary precautions are taken to safeguard the collection and custody of public moneys; and
- (d) all expenditure is properly authorized and applied to the purposes for which it is appropriated; and
- (e) there is no overcommitment of funds and a review is undertaken each month to ensure that there is no over-expenditure or overcommitment and the collection of public moneys is according to approved plans and estimates; and
- (f) all expenditure is incurred with due regard to economy, efficiency and effectiveness and the avoidance of waste; and
- (g) all necessary precautions are taken to safeguard stores and other property of the State; and
- (h) any fee, charge or tax imposed by legislation for which the Department is responsible is collected promptly and to the fullest extent; and
- (i) any fee, charge or tax imposed by legislation for which the Department is responsible is reviewed at least once in each year in order to establish
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  - (i) whether the level of such fee, charge or tax is adequate; and
  - (ii) whether such fee, charge or tax should be increased and, if so, by what amount, and
 that financial reports on reviews and such other matters are submitted to the Departmental Head of the Department responsible for financial management in the format specified in the Financial Instructions; and
- (j) information required by the Public Accounts Committee is submitted to that Committee accurately and promptly; and
- (k) advice on financial management is given to the Minister politically responsible for the Department; and
- (l) proper estimates in respect of collection and expenditure of public moneys are prepared in a form specified in the Financial Instructions; and
- (m) as soon as practicable after the end of each quarter of each fiscal year he submits to the Departmental Head of the Department responsible for financial management a report on financial management in a form specified in the Financial Instructions.

(2) The responsibility of a Departmental Head under Subsection (1) is not derogated or reduced by reason of any delegation of functions by him to another person.

(3) A Departmental Head is liable to imposition of surcharge under Section 102 and levy of penalty for an offence under Section 112 in addition to disciplinary action under the Public Service General Orders for improper discharge of responsibility under Subsection (1).

**6. ACCOUNTABLE OFFICERS.**

(1) A person who -  
(a) is an officer; or  
(b) authorizes the collection or payment of public moneys or accounts for stores, whether or not he is an officer,  
is an accountable officer for the purposes of this Act.

(2) An accountable officer shall comply with the provisions of this Act in respect of all matters for which he is responsible and for all public moneys and stores in his possession or under his control, and shall duly account for them.

**7. RESPONSIBILITY OF PUBLIC OFFICE-HOLDER IN RELATION TO COLLECTION OF REVENUE.**

It is the duty of each public office-holder responsible for the collection of revenue to ensure that such revenue is collected promptly and to the fullest extent and paid into the Public Account forthwith.

**8. FINANCE INSPECTORS.**

The Departmental Head of the Department responsible for financial management may appoint an officer or person to be a finance inspector for the purposes of this Act.

**9. POWERS OF DEPARTMENTAL HEAD.**

(1) The Departmental Head of the Department responsible for financial management has power to direct –  
(a) full and free access at all reasonable times to all accounts and records of accountable officers that relate, directly or indirectly, to—  
(i) the collection, receipt, expenditure or issue of public money; and  
(ii) the receipt, custody, disposal, issue or use of stores or other property of the State,  
and to inspect and inquire into and call for any information arising from those accounts and records; and  
(b) where he has reason to believe that an accountable officer has been or may have been in breach of this Act or the *Organic Law on Provincial Governments and Local-level Governments*, the summary suspension of that accountable officer from all financial duties and responsibilities; and  
(c) the establishment of internal audit units and audit committees in national Departments, Public Bodies, Provincial Governments, Local-level Governments or other entities that receive grants from the State and is subjected to be audited by the Auditor-General; and  
(d) the laying out of the functions and the responsibilities of the Internal Audit Unit and the Audit Committee in accordance with the Finance Instructions issued from time to time by the Departmental Head responsible for finance matters in accordance with Section 117; and  
(e) a Departmental Head, Provincial Administrator, head of the Public Body or other entity that receive grants from the State and subjected to

be audited by the Auditor-General to be responsible for ensuring the Internal Audit Units and Audit Committees are effectively functioning; and

- (f) a Departmental Head, Provincial Administrator, Head of the Public Body or other entity that receive grants from the State and subjected to be audited by the Auditor-General, to ensure the Internal Audit and Audit Committees findings and recommendations are seen to be implemented and complied with.

(2) A person, who fails to comply with a direction under Subsection (1)(e) or (f) is subject to such disciplinary action under any Act as is deemed appropriate by the Departmental Head responsible for financial management.

***(Section 9 repealed and replaced by No. 25 of 2004)***