



## **CHAPTER 15.19**

# **AUDIT ACT**

### **Revised Edition**

Showing the law as at 31 December 2006

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **AUDIT ACT**

Act 26 of 1988 in force 14 January 1989



## CHAPTER 15.19

### AUDIT ACT

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## CHAPTER 15.19

### AUDIT ACT

(Act 26 of 1988)

AN ACT to revise and consolidate, the law relating to the office of the Director of Audit of Saint Lucia and to provide for related matters.

Commencement [14 January 1989]

#### 1. SHORT TITLE

This Act may be cited as the Audit Act.

#### 2. INTERPRETATION

In this Act—

“**Constitution**” means the Constitution of Saint Lucia;

“**Director of Audit**” means the Director of Audit of Saint Lucia appointed under section 90 of the Constitution;

“**Government company**” means—

- (a) companies under the control and supervision of Government;
- (b) companies in which Government holds stock, shares or bonds; or
- (c) companies or institutions in which Government has a financial interest;

“**Minister**” means the Minister responsible for Finance;

“**public body**” means the Government, a Government Ministry, the Governor General, the Parliament of Saint Lucia, and any person appointed by the Parliament of Saint Lucia under the Constitution;

“**public monies**” means—

- (a) all revenues or monies raised or received for the purposes of the Government;

- (b) any other monies or funds held, whether temporarily or otherwise, by any public officer in his or her official capacity either alone or jointly with any other person whether or not that other person is a public officer;

“**public officer**” means a person holding or acting in any public office;

“**statutory body**” means any corporation, company, board, commission, authority or other body established by or under an Act to provide goods or services to the public and which meets one or more of the following conditions—

- (a) all or part of its appropriations for operating purposes are provided under that heading in the budgetary estimates tabled in the Parliament;
- (b) the Cabinet or a Minister appoints at least  $\frac{1}{2}$  of its members or directors;
- (c) at least  $\frac{1}{2}$  of its operating expenses are borne directly by the Consolidated Fund or by other funds administered by a public body, or by both at the same time.

### 3. APPOINTMENT

- (1) The Director of Audit shall be appointed under section 90 of the Constitution.
- (2) The Director of Audit shall perform his or her duties on a full-time basis and shall not, while he or she holds that office, hold any other office of emolument.
- (3) In the exercise of his or her functions under this Act, the Director of Audit shall not be under the control or direction of any other person or authority.

### 4. SALARY

The salary and allowances paid to the holder of the office of the Director of Audit shall be determined and administered as prescribed by section 82 of the Constitution.

## 5. DUTIES

- (1) The Director of Audit is the auditor of the public accounts of Saint Lucia, and as such shall make such examinations and enquires as he or she considers necessary to enable him or her to report as required by this Act.
- (2) The public accounts of Saint Lucia include the accounts of public bodies, statutory bodies and Government companies.
- (3) The Director of Audit shall examine the several financial statements required by section 14(2) of the Finance (Administration) Act to be included in the public accounts and any other statement that the Minister may present for audit and shall express his or her opinion as to whether they present fairly information in accordance with stated accounting policies of the Government and on a basis consistent with that of the preceding year together with any reservations he or she may have.

## 6. REPORTING

- (1) The Director of Audit shall submit a report at least once a year to the Minister for transmission to the House of Assembly—
  - (a) on the work of his or her office; and
  - (b) on whether, in carrying on the work of his or her office in the discharge of his or her duties, he or she received all the information, reports and explanations he or she required.
- (2) Each report of the Director of Audit under subsection (1) shall call attention to anything that he or she considers to be of significance and of a nature that should be brought to the attention of the House of Assembly, including any cases in which he or she has observed that—
  - (a) accounts have not been faithfully and properly maintained or public monies have not been fully accounted for or paid, where so required by law, into the Consolidated Fund;
  - (b) essential records have not been maintained or the rules and procedures applied have been insufficient to safeguard and control public property to secure an effective check on the assessment, collection and proper

allocation of the revenue and to ensure that expenditure have been made only as authorised;

- (c) money has been expended without due regard to economy (the acquisition, at the lowest cost and at the appropriate time, of human and material resources in appropriate quantity and quality) or efficiency (the conversion, in the best ratio, of resources into goods and services); or
- (d) satisfactory procedures have not been established to measure and report on the effectiveness of programmes (the achievement, to the best degree, of the objectives or other intended effects of a programme, an organisation or any activity), where such procedures could appropriately and reasonably be implemented.

## **7. SUBMISSION OF REPORT**

- (1) An annual report on the public accounts by the Director of Audit to the House of Assembly shall be submitted to the Minister within a period of 6 months after the close of each financial year and the Minister shall lay each such report before the House of Assembly after receipt thereof by him or her or, if the House of Assembly is not sitting, on the first day next thereafter that the House of Assembly is sitting.
- (2) If the Minister fails to lay a report before the House of Assembly in accordance with the provisions of subsection (1), the Director of Audit shall transmit copies of that report to the Speaker who shall, as soon as practicable, present them to the House of Assembly.
- (3) The Minister may by direction in writing addressed to the Director of Audit extend the period within which such reports shall be transmitted, and any direction so given shall be laid before the House of Assembly after transmittal to the Director of Audit or, if the House of Assembly is not sitting, on the first day next thereafter that the House of Assembly is sitting.

## **8. SPECIAL REPORTS**

- (1) The Director of Audit may, at anytime, submit a special report to the Minister on any matter of importance or urgency that, in



his or her opinion, should not be deferred until the presentation of his or her annual report.

- (2) The Minister shall lay each such report before the House of Assembly after receipt thereof by him or her.
- (3) If the Minister fails to lay a report before the House of Assembly in accordance with the provisions of subsection (2) the Director of Audit shall transmit copies to the Speaker who shall, as soon as practicable, present them to the House of Assembly.

## **9. MISAPPROPRIATION**

Whenever it appears to the Director of Audit that any public money or other public property has been misappropriated by any person, he or she shall report the circumstances of the case to the Director of Public Prosecutions and the Director of Finance.

## **10. REQUEST BY THE MINISTER**

The Director of Audit may, if in his or her opinion such an assignment does not interfere with his or her primary responsibilities, whenever the Minister or such officer authorised by him or her so requests, inquire into and report on any matter relating to the financial affairs of Saint Lucia or to the public property or to inquire into and report on any person or organisation that has received aid from the Government or in respect of which aid from the Government is sought.

## **11. DIRECTION BY PARLIAMENT**

The Director of Audit shall exercise such other functions in relation to the accounts of the Government or the accounts of other bodies, Government companies or organisations established by law for public purposes as may be prescribed by or under any law enacted by Parliament.

## **12. ADVISORY POWERS**

The Director of Audit may advise appropriate officers and employees in the public service of matters discovered in his or her examinations and, in particular, may draw any such matter to the attention of

officers and employees engaged in the conduct of the business of the Ministry of finance.

### **13. ACCESS TO INFORMATION**

The officers, employees, directors, executive officers and any other persons associated with any public body, statutory body or Government company shall allow the Director of Audit upon request, to have free access to and make copies of all registers, reports, documents or data in whichever form, relevant to the work of the Director of Audit under the law and furnish him or her or a representative designated by him or her in writing, with any relevant information or explanation which he or she may require. This section shall prevail over any subsequent general law or Act to the contrary, unless that law or Act expressly states that it applies despite this section.

### **14. PREMISES AND EQUIPMENT**

In order to carry out his or her duties more effectively, the Director of Audit may station in the premises occupied by any public body, statutory body or Government company any person employed in or by his or her office and the public body, statutory body or Government company shall provide the necessary office accommodation for any person so stationed.

### **15. SECURITY AND SECRECY**

The Director of Audit shall require every person employed in his or her office who is to carry out an audit of a public body, statutory body or Government company under this Act to comply with any security requirements applicable to, or any oath of secrecy required to be taken by persons employed in that body, authority or organisation.

### **16. OTHER AUDITOR**

(1) Despite section 5(1), the Director of Audit is not required to audit the books and accounts of a statutory body or Government company for which another auditor is appointed in accordance with the provisions of its constituting Act or of the Act that governs its operations and may, in order to fulfil his or her responsibilities as the auditor of the accounts of Saint Lucia,

- rely on the report of the duly appointed Auditor of the body or company.
- (2) The auditor of the books and accounts of a statutory body or Government company, other than the Director of Audit, must provide to the latter, with dispatch, a copy of—
    - (a) the annual financial statements of the body or company;
    - (b) his or her report on these statements; and
    - (c) any other report he or she makes to the Board of Directors, the executive or the management of the body or company, as the case may be, on his or her finding and recommendations.
  - (3) The auditor mentioned in subsections (1) and (2) shall make available to the Director of Audit, on request, the working papers, and other reports and documents in respect of his or her audit as well as any other information and explanation which the Director of Audit may require in respect of that audit and its results.
  - (4) When the Director of Audit is of the opinion that the information, explanations, documents and reports provided by the Auditor mentioned in subsections (1) and (2) are insufficient or that additional audit work should be carried out, he or she may conduct or cause to be conducted such additional audit or investigation as he or she considers necessary of the books, accounts and operations of the body or company.

## **17. DIRECT ACCESS TO STATUTORY BODIES**

- (1) The Director of Audit may request a statutory body or Government company to obtain and furnish to him or her such information and explanations from its present or former directors, officers, employees, agents and auditors or those of any of its subsidiaries as are, in his or her opinion, necessary to enable him or her to fulfil his or her responsibilities as the auditor of the accounts of Saint Lucia.
- (2) If, in the opinion of the Director of Audit, a statutory body or Government company, in response to a request made under subsection (1), fails to provide any or sufficient information or explanations, he or she may so advise the Minister, who shall thereupon direct the officers of the body or company to furnish

the Director of Audit with such information and explanations and to give him or her access to those records, documents, books, accounts and vouchers of the body or company or any of its subsidiaries access to which is, in the opinion of the Director of Audit, necessary for him or her to fulfil his or her responsibilities as the auditor of the accounts of Saint Lucia.

## **18. ESTIMATES**

The Director of Audit may submit a special report to the Minister for transmission to the House of Assembly in the event that amounts provided for his or her office in the annual estimates submitted to Parliament are, in his or her opinion, inadequate to enable him or her to fulfil the responsibilities of his or her office. The Minister shall lay any such report before the House of Assembly within 7 days of receipt thereof by him or her or, if the House of Assembly is not sitting, on the first day next thereafter that the House of Assembly is sitting.

## **19. PERSONS TO SIGN OPINION OR REPORT**

The Director of Audit may, in writing, authorise one of his or her deputies or any other member of his or her senior staff to sign on his or her behalf any opinion that he or she is required to give and any report of the Director of Audit other than the report on the annual financial statements and the reports he or she submits to the Minister for onward transmission to the House of Assembly and any person so signing an opinion or report shall indicate beneath his or her signature, his or her position in the office of the Director of Audit and the fact that he or she is signing on behalf of the Director of Audit.