

Audit and Standards Committee

Thursday 4 April 2019 at 2.00 pm

Meeting to be held in a Committee Room, Newcastle Civic Centre, Newcastle upon Tyne, NE1 8QH

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SUPPLEMENTAL AGENDA (1)

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Audit and Standards Committee

4 April 2019

Subject: Annual Governance Statement

Report of: Chief Internal Auditor – Newcastle City Council

Report Summary

This report presents the provisional outcome of the review of the Authority's governance and internal control arrangements from 2 November 2018 up to 31 March 2019.

A copy of the draft Annual Governance Statement (AGS) is provided at Appendix A

Recommendations

The Audit and Standards Committee is recommended to:

1. Agree the draft 2018/19 Annual Governance Statement narrative
2. Acknowledge that the Statement will be subject to further review in July 2019 following the completion of the external audit of the accounts and before it is signed by the Head of Paid Service and the Mayor

1. Background Information, Proposals and Timetable for Implementation

1.1 The Combined Authority has a statutory duty under the Accounts and Audit Regulations 2015 to do the following on an annual basis:

- Conduct a review of the effectiveness of its governance framework, including the system of internal control;
- Prepare an Annual Governance Statement; and
- Through a relevant committee review and approve the Annual Governance Statement

1.2 The final accounts and AGS will be approved by Cabinet at the July meeting. Audit and Standards Committee will see the final AGS prior to this. Therefore, Audit and Standards Committee are requested to consider the draft 2018/19 Statement at today's meeting, including the assurance framework.

1.3 Annual Governance Statement – 2018/19

The approach to produce the 2018/19 Statement is based on a framework of assurance from a number of areas and in preparing it, it will be necessary to review evidence from the following sources. This approach complies with the Chartered Institute of Public Finance and Accountancy's (CIPFA) recommended practice:

- Governance Arrangements e.g. the Authority's Constitution
- Assurance from the Statutory Officers, including the Monitoring Officer, Chief Finance Officer and Senior Information Risk Owner
- Members - Views of Audit and Standards Committee
- The views of Internal and External Auditors
- Risk Management process, particularly development of the Strategic Risk Register
- Performance Management - Outcomes reported during 2018/19
- Partnerships, including the North East Joint Transport Committee

1.4 Outcomes of the Review of Assurances

The review of the above areas is continuing, and the outcomes from this review will be reported to Audit and Standards Committee in July, before the Statement is finalised and included in the final accounts in July 2019.

2. Potential Impact on Objectives

2.1 No direct impact on objectives.

3. Key Risks

3.1 Risk management will be considered as part of the production of the Annual Governance Statement. There are no specific risk implications directly arising from this report

4. Financial and Other Resources Implications

4.1 This work to develop the Annual Governance Statement has been carried out by Newcastle City Council's Internal Audit Service under the SLA for 2018/19.

5. Legal Implications

5.1 There are no direct legal implications arising from this report.

6. Consultation/Engagement

6.1 The Head of Paid Service, Monitoring Officer and Chief Finance Officer have been consulted on the draft Statement.

7. Appendices

7.1 Appendix A – Draft Annual Governance Statement

8. Background Papers

8.1 None

9. Contact Officers

9.1 Philip Slater, Chief Internal Auditor
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Tel: 0191 2116511

10. Glossary

10.1 None

11. Sign-off

11.1 Head of Paid Service: Yes
Monitoring Officer: Yes
Chief Finance Officer: Yes

ANNUAL GOVERNANCE STATEMENT 2018/19

(2 November 2018 – 31 March 2019)



Annual Governance Statement 2018/19

Section 1	Introduction
Section 2	Scope of Responsibility
Section 3	The Purpose of the Governance Framework
Section 4	The Governance Framework
Section 5	Annual Review of Effectiveness of Governance Framework
Section 6	North East Joint Transport Committee and North East Combined Authority
Section 7	Significant Weaknesses in Governance and Internal Control
Section 8	Conclusion

Section 1: Introduction

This Annual Governance Statement provides an overview of how the North of Tyne Mayoral Combined Authority's governance arrangements have been operating since its establishment on 2 November 2018 and up to 31 March 2019.

Section 2: Scope Of Responsibility

The North of Tyne Mayoral Combined Authority (NTCA) was established on 2 November 2018, and brought together the three councils which serve Newcastle, North Tyneside and Northumberland.

NTCA was established to give effect to a "minded to" devolution deal which was agreed between the three councils, the North East Local Enterprise Partnership and central government. The devolution deal represents a significant shift of powers, funding and responsibility from central government to the local level. The deal enables the three councils to pursue through NTCA a shared ambition for an inclusive economy. NTCA does not replace the three constituent councils, nor does it take away any of their statutory powers.

NTCA's functions primarily relate to economic development, skills, housing and regeneration. Our vision is of a dynamic and more inclusive economy, one that brings together people and opportunities to create vibrant communities and a high quality of life, narrowing inequalities and ensure that all residents have a stake in our region's future.

We will work with the North East Combined Authority (NECA) on a number of areas to support the region, including transport.

All seven Local Authorities will remain members of the North East Local Enterprise Partnership to deliver the objectives of the regions Strategic Economic Plan, which is the

North East's plan for growing and developing a more productive, inclusive and sustainable regional economy.

NTCA is responsible for ensuring that its business is conducted in accordance with the law and proper standards. It is also responsible for ensuring that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised.

In discharging this overall responsibility, the Authority's Cabinet and Statutory Officers are responsible for putting in place proper arrangements (known as a Governance Framework) for:

- (i) the governance of our affairs and
- (ii) facilitating the effective exercise of our functions, including arrangements for the management of risk

In relation to (ii) the Authority has developed a system of internal control designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to:

- a) identify and prioritise the risks to the achievement of our, aims and objectives; and
- b) evaluate the likelihood of those risks being realised, the impact should they be realised, and to manage them efficiently, effectively and economically.

The Combined Authority has developed a Risk Management Strategy and Strategic Risk Register and once formally approved, will be reported to regular meetings of the Authority's Audit and Standards Committee. This information can be found under the [Audit and Standards Committee on the Authority's web-site](#).

Section 3: Purpose Of The Governance Framework

In addition to the above the Authority's Governance Framework comprises the systems, processes, culture, values and activities through which we are directed and controlled and through which we account to, engage with, creating the conditions of economic growth and regeneration. It enables us to monitor the achievement of the Authority's objectives and to consider whether those objectives have led to the delivery of appropriate services which represent value for money.

The Governance Framework has been in place from 2 November 2018 to the year ended 31 March 2019 and up to the date of approval of the Authority's Annual Report and Accounts.

This Annual Governance Statement meets the requirements of the Accounts and Audit Regulations 2015 (6) (1) to conduct a review of the effectiveness of the system of internal controls required by Regulation 3 and prepare an Annual Governance Statement.

Section 4: The Governance Framework

The core principals and outcomes of our Governance Framework are set out below and through these we will aim to provide strong governance to achieve our objectives:

1. Ensuring openness and comprehensive stakeholder engagement

1.1 We are clear on delivering the objectives of the Combined Authority and intended outcomes of our vision. Our six key pillars of ambition represent the most important groups, issues and goals that we will invest in to achieve a more prosperous and inclusive future.

1.2 There will be a Mayoral election on 2 May 2019. The Elected Mayor will chair the Cabinet and will have a number of specific powers and financial resources. Decisions by the Elected Mayor will be subject to scrutiny by the Overview and Scrutiny Committee and Cabinet.

1.3 Meetings, agendas and minutes are accessible via [NTCA's website](#).

1.4 We publish a register of key decisions to notify the public of the most significant decisions it is due to take. Details of each decision are included on the [Forward Plan](#) 28 days before the report is considered and any decision is taken. This allows an opportunity for people to find out about major decisions that NTCA is planning to take.

1.5 Transport is of strategic importance to the North East and together with the North East Combined Authority a [North East Joint Transport Committee](#) has been established bringing together members from both Combined Authorities, allowing effective decision making across the region to ensure that the local needs and transport priorities are delivered.

2. Developing the entity's capacity, including the capability of its leadership and the individuals within it

2.1 We have defined and documented in our [Constitution](#) the roles and responsibilities of Cabinet, Scrutiny and 'proper' officer functions (Head of Paid Service, Monitoring Officer, Chief Finance Officer), with clear delegation arrangements and protocols for effective communication. The collective and individual roles and responsibilities of the Cabinet, Members and Officers have been agreed by the Combined Authority.

3. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law

3.1 Our Constitution defines our standing orders, standing financial instructions, and scheme of delegation. These clearly define how decisions are taken and the processes and controls required to manage risks. We will ensure compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful. The Monitoring Officer advises on compliance with our policy framework, ensuring that decision making is lawful, fair and ethical. Our financial management arrangements conform to the CIPFA Statement on the Role of the Chief Finance Officer and are the responsibility of the Chief Finance Officer.

3.2 Codes of conduct are set out in the Constitution, defining standards of behaviour for Members and Officers working on behalf of the Authority. Audit and Standards Committee will

deal with issues of conduct and generally promote high standards among officers and members. The [Constitution is available on the NTCA website](#).

3.3 We ensure that there are effective arrangements for “Whistle-blowing” and for receiving and investigating complaints from the public. Administration of the Authority’s policies on anti-fraud and corruption is undertaken by Internal Audit. [Whistleblowing policy and procedure is at Part 5.5 of our Constitution](#)

3.4 A register of Members’ interests (including gifts and hospitality) is also maintained.

4. Determining the interventions necessary to optimise the achievement of the intended outcomes

4.1 Our scrutiny arrangements enhance accountability and transparency of decision making. The Overview and Scrutiny Committee acts in accordance with the principles of decision making as set out in our Constitution (Part 10) and will call-in decisions where there is evidence which suggests that the decision was not taken in accordance with the principles.

4.2 The Authority’s procurement procedures will be carried out in line with financial regulations set out in Part 4 of the Constitution.

5. Managing risks and performance through robust internal control and strong public financial management

5.1 Our Risk and Opportunity Management Policy and Strategy outlines our arrangements for managing risk. Risk management is an integral part of our decision-making processes. To inform decision making all committee reports include a section which highlights the key risks to the decisions or proposed recommendations and how they are being addressed.

5.2 A Data Protection Officer has been appointed who will be responsible for overseeing the Authority’s data protection strategy (once developed) and its implementation to ensure compliance with the General Data Protection Regulations.

5.3. The Audit and Standards Committee acts as principle advisory committee to NTCA, providing independent assurance on the adequacy of the risk management framework and internal control environment.

6. Defining outcomes in terms of sustainable economic social and environmental benefits

6.1 The North East LEP works with its partners, which includes both NTCA and NECA, to deliver the Strategic Economic Plan (SEP). The SEP was updated in January 2019 at a time of significant change for the global and national economy. New opportunities in technology and areas such as ageing, and the management of climate risks provide potential for economic growth.

6.2 [The Authority’s vision and its six key pillars of ambition](#) (priorities) represent the most important groups, issues and goals we will invest in, in order to achieve a more prosperous and inclusive future.

7. Implementing good practices to transparency, reporting and audit to deliver effective accountability

7.1 We publish details of [delegated decisions on our website](#).

7.2 We ensure that our Audit and Standards Committee undertakes the core functions identified in CIPFA's Audit Committees – Practical Guidance for Local Authorities 2013.

7.3 The Assurance Framework explains the arrangements for NTCA to:

- Demonstrate that arrangements are in place to ensure accountable and transparent decision-making
- Appraise projects and allocate funding; and
- Monitor and evaluate projects to ensure that they achieve value for money and projected outcomes

The Assurance Framework has been designed to meet the National Guidance for Single Pot Assurance Frameworks, issued by MHCLG for localities in receipt of a Single Pot as part of their Devolution Deals.

Section 5: Annual Review Of Effectiveness Of Governance Framework

We have a legal responsibility to conduct an annual review of the effectiveness of our governance framework, including the system of internal control.

The review is informed by:

- (a) An assessment of the Authority's Constitution, including its committee structure.
- (b) The views of the Internal and External Auditors and other External Inspectors.
- (c) Assurance from Statutory Officers, including the Monitoring Officer, Chief Finance Officer and Senior Information Risk Owner.
- (d) Activity of the Audit and Standards Committee, including ethical governance
- (e) Partnerships, including the North East Joint Transport Committee
- (f) The Risk Management process, particularly development of the Strategic Risk Register
- (g) Performance information which is reported to Cabinet and other meetings on a regular basis.

Detail of the outcomes from the review will be included in this section before the Annual Governance Statement is finalised in July 2019.

Section 6: North East Joint Transport Committee and North East Combined Authority

Regional transport is operated and governed by a newly formed North East Joint Transport Committee, bringing together the two Combined Authorities, which allows effective decision-making across the region to ensure that the local needs and transport priorities are delivered.

NECA as accountable body for the Joint Transport Committee and the functions delegated to it, are responsible for overseeing the legal and financial management of all regional transport resources, recognising that the assets are, in many cases jointly owned by the two Combined Authorities. NECA will also host the Regional Transport Team, including the newly appointed Proper Officer for Transport.

Section 7: Significant Weaknesses In Governance and Internal Control

The system of governance (including the system of internal control) can provide only reasonable and not absolute assurance that assets are safeguarded, that transactions are authorised and properly recorded, that material errors or irregularities are either prevented or would be detected within a timely period, that value for money is being secured and that significant risks impacting on the achievement of our objectives have been mitigated.

The review highlighted no significant weaknesses in governance or internal control from 2 November 2018 to 31 March 2019.

Section 8: Conclusion

We consider the governance and internal control environment operating from 2 November 2018 up to 31 March 2019 to provide reasonable and objective assurance that any significant risks impacting on the achievement of our principal objectives will be identified and actions taken to avoid or mitigate their impact.

This review has shown that the arrangements from 2 November 2018 up to 31 March 2019 are in place and operating as planned.

Head of Paid Service

Mayor of the North of Tyne Combined Authority

Full Name:

Full Name:

Signature:

Signature:

Date:

Date:

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4 April 2019

Subject: Code of Conduct for Members - Dispensations

Report of: John Softly, Interim Monitoring Officer

Report Summary

This report seeks the Committee's agreement to confirm the dispensations granted previously to the Authority's Cabinet Members and substitute Cabinet Members, together with the creation of an ad-hoc subcommittee to deal with future requests for dispensations.

Recommendation

The Committee is recommended:

- i. to grant the dispensations to Cabinet Members as set out in section 1.4;
- ii. to establish the ad-hoc subcommittee to deal with future requests for dispensations as described in section 2.1 of this report; and
- iii. to authorise the Interim Monitoring Officer, in consultation with the Chair (or, in his/her absence, the Vice Chair) to issue dispensations in the circumstances outlined in sections 1.4 and 2.2.

1. Background Information and Proposals

- 1.1 As Members are aware, the Authority's Code of Conduct provides that a Member's personal interest in a matter may preclude him or her from taking part in a decision of the Authority's Cabinet or other committee. In such circumstances, the Member must also leave the meeting.
- 1.2 However, as set out in Annex 4 to the Code of Conduct (now attached as Appendix A to this report), a dispensation may be granted to allow a Member to take part in a decision where he or she would otherwise be precluded from doing so. Under the Terms of Reference of this Committee set out in the Authority's Constitution (now attached as Appendix B to this report), the power to grant dispensations is delegated to this Committee.
- 1.3 At the previous meeting of this Committee in February 2019, it was agreed to delegate to the Interim Monitoring Officer, in consultation with the Chair, authority to grant dispensations to Cabinet Members (and substitute Cabinet Members) to allow them to take part in decisions which related to the constituent authority which

appointed them. This was in light of the provision in the statutory order which created the Authority which requires that a Cabinet Member appointed by each constituent authority must be present so that the Cabinet is quorate for the purposes of decision-making. Clearly, in the absence of such a dispensation, the Cabinet may have been inquorate for any decision which involved a constituent authority. The delegation agreed at the February meeting was solely for the purposes of the Cabinet meeting on 12 March 2019 and subject to a further report being brought to this Committee about such dispensations in the longer term.

- 1.4 It is now proposed that dispensations should be granted in the same terms to Cabinet Members and substitute Cabinet Members for a period of 18 months. This will cover the 19/20 municipal year and also the annual meeting at the beginning of 20/21. Assuming that the principle of such dispensations is agreed, it is also proposed that the Interim Monitoring Officer, in consultation with the Chair (or, in his/her absence, the Vice Chair), be authorised to issue similar dispensations during this period to any new or replacement Cabinet Member or substitute Cabinet Member who may be appointed during this period.

2. Arrangements for dealing with dispensations in the future

- 2.1 Given that this Committee is normally scheduled to meet quarterly, there is clearly the potential for a request for a dispensation to arise in between meetings of the Committee. In order to avoid unnecessary delay in dealing with such requests, the Committee may wish to establish an ad-hoc subcommittee (comprising the non-voting Chair and 3 members of the Committee) to deal with requests for dispensations when they arise. This is expressly provided for in the Committee's Terms of Reference (see Appendix B to this report). Any decisions of the Subcommittee would then be reported to the next meeting of the Committee.
- 2.2 Nevertheless, there may still be occasions (albeit rare) where the need for a dispensation may arise at a late stage in order to allow a meeting of the Cabinet (or other committee) to be quorate and it is not practicable to convene a meeting of the Subcommittee. In such limited circumstances, it is proposed that the Monitoring Officer, in consultation with the Chair (or, in his/her absence, the Vice Chair) shall be authorised to issue dispensations.

3. Potential Impact on Objectives

- 3.1 The proposals in this report are intended to facilitate effective decision-making by the Authority.

4. Key Risks

- 4.1 There are no key risks arising from this report.

5. Financial and Other Resources Implications

- 5.1 There are no direct financial or other resource implications arising from the recommendations set out in this report.

6. Legal Implications

6.1 The legal implications are set out in the body of the report.

7. Consultation/Engagement

7.1 The granting of dispensations is a matter for this Committee and the power to set up a subcommittee for these purposes is set out in the Committee's Terms of Reference which are part of the Constitution approved by Cabinet at its meeting in November 2018.

8. Appendices

8.1 Appendix A - Part 4 of the Authority's Code of Conduct for Members –
Dispensations Procedure
Appendix B – Terms of Reference of the Committee

9. Background Papers

8.1 None.

10. Contact Officer

10.1 John Softly, Interim Monitoring Officer, john.softly@newcastle.gov.uk
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Annex 4 to Code of Conduct

Dispensations Procedure

A Registerable Personal Interest may in relation to any item of business considered at any meeting of the Authority (including specifically in connection with an Authority budget setting meeting) mean that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied and require the Member to leave the meeting.

Under section 33(2) of the Localism Act 2011 a dispensation can be granted if, after having had regard to all relevant circumstances, the Authority:

- 1) considers that so many Members of the decision-making body have interests that require them not to take part in a matter that it would “impede the transaction of the business”. Effectively this means the decision-making body would be inquorate as a result;
- 2) without a dispensation, no member of the Cabinet would be able to participate on the matter;
- 3) considers that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter;
- 4) considers that granting a dispensation is in the interests of persons living in its area; and
- 5) considers that it is otherwise appropriate to grant a dispensation.

Members may be given a dispensation either to speak but not vote, or to speak and vote.

The Cabinet has delegated the granting of dispensations to the Audit and Standards Committee (see Responsibility for Functions - Part 2.7 Audit and Standards Committee).

A Member must complete a dispensations form explaining why a dispensation is appropriate and submit it to the Monitoring Officer. A report will be submitted to a meeting of the Audit and Standards Committee (or a sub-committee thereof) to determine what level of dispensation (if any) should be granted and for what duration; the duration must be specified and can be for up to four years.

The Member will receive notification of the decision of the Audit and Standards Committee within five working days of the committee meeting. Any dispensations must be declared by the Member at meetings where the dispensation applies.

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Terms of Reference

The following functions are the responsibility of the Audit and Standards Committee:

Audit

The Committee's core functions are:

1. At a strategic overview level, to review and scrutinise the Authority's financial affairs.
2. To review and assess the Authority's risk management, internal control and corporate governance arrangements.
3. To review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Authority's functions.
4. To make reports and recommendations to the Authority in relation to reviews conducted under 1 to 3 above.

To discharge these core functions, the Committee will:

- a. be satisfied that the Authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the Authority's objectives.
- b. in relation to the internal audit function:
 - i. oversee its independence, objectivity, performance and professionalism;
 - ii. support the effectiveness of the internal audit process,
 - iii. promote the effective use of internal audit within the assurance framework.
- c. consider the effectiveness of the Authority's risk management arrangements and the control environment; review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations.
- d. monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and managing the Authority's exposure to the risks of fraud and corruption.

- e. consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control.
- f. support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process.
- g. review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

Notes

- (i) The Committee's audit role is to review the relevant procedures of the Authority, and to maintain an overview on the framework of governance, risk management and control within the Authority, but not to make or review policy.
- (ii) For the avoidance of doubt, the Committee will review and scrutinise the Authority's financial affairs at a strategic overview level. Nothing in these terms of reference shall confer upon the Committee the power to regulate or control the finances of the Authority. Detailed reports on ongoing financial performance, budget setting and budget management, and requests to approve the financial statements shall be matters for the Cabinet.

Standards

1. To promote and maintain high standards of conduct by Authority members and co-opted members.
2. To ensure the Authority's members and co-opted members observe the Members' Code of Conduct.
3. To advise the Cabinet on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train the Authority members and co-opted members on matters relating to the Members' Code of Conduct and Disclosable Pecuniary Interests.
6. To grant dispensations to the Authority members and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
7. To monitor complaints received by the Authority in respect of Member conduct.

8. To review the Whistleblowing Policy and recommend any changes to the Monitoring Officer for consideration by the Cabinet.
9. To conduct hearings following investigation and determine complaints made against members and co-opted members (including requests for review).
10. Where a member or co-opted member is found to have failed to comply with the Code of Conduct to take such action as may be necessary to promote and maintain high standards of conduct, in accordance with the powers available to the Committee.
11. To review the assessment criteria for complaints against members and co-opted members (included in the Authority's adopted local arrangements) as it considers appropriate from time to time and recommend any changes to the Monitoring Officer for consideration by the Cabinet.
12. To undertake such further functions as may be the responsibility of the Committee under the Combined Authority's adopted local arrangements in relation to the handling of complaints against members and co-opted members.
13. To appoint when required a Sub-committee to conduct hearings and determine complaints of breaches of the Code of Conduct for Members and for granting dispensations for members with registerable and non-registerable personal interests to enable Members to participate and vote at committee meetings.

Notes for Information:

- a. The Localism Act 2011 requires the Authority to appoint at least one Independent Person for their views to be sought and taken into account before the Audit and Standards Committee makes its decision on an allegation about a Member's conduct which has been investigated and at other times when considered appropriate. An Independent Person's views may also be sought by a Member who is the subject of a misconduct complaint. NTCA will appoint 2 Independent Persons for these purposes.
- b. The Members' Code of Conduct and all codes and protocols can be found in Part 5 of this Constitution.

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