

[Legal Notice No. 205]

PROVINCIAL GOVERNMENT ACT 1997

(No. 7 of 1997)

ORDER

CARETAKER ADMINISTRATION OF CHOISEUL

I, Hon. Rollen Seleso, Minister for Provincial Government and Institutional Strengthening, by order under section 47 of the *Provincial Government Act 1997* (Act No. 7 of 1997):

- (a) specify that there is to be no election of the Provincial Assembly of the Choiseul Province following the dissolution of the Assembly on 13 June 2022 before 14 December 2022; and
- (b) appoint the Provincial Secretary of Choiseul Province as Caretaker Administrator of the Province; and
- (c) require that, until the election of the Provincial Assembly is held on 14 December 2022 or other appointed date, the Provincial Secretary:
 - (i) oversees the affairs of the Province, including its financial management; and
 - (ii) in doing so, complies with the guidelines specified in the Schedule.

SCHEDULE

(Paragraph (c)(ii))

**GUIDELINES FOR CARETAKER ADMINISTRATION
OF CHOISEUL PROVINCE**

1. There must be a Caretaker Administration in Choiseul Province until the election of the Provincial Assembly on 14 December 2022 or other appointed date.
2. The Caretaker Administration must be led by the Provincial Secretary of Choiseul Province.
3. There shall be no Executive Caretaker mode in Choiseul Province until the formation of the new Provincial Executive after the election on 14 December 2022 or other appointed date.
4. During this period the Provincial Secretary supported by the Deputy Provincial Secretary and other provincial officials must comply with the following:

- (a) service delivery to the Province must continue uninterrupted;
- (b) the provincial Budget approved by the Provincial Assembly in March 2022 must be expended;
- (c) because there was no supplementary Budget appropriated by the province, the spending must be within the annual Budget 2022/2023;
- (d) as the Caretaker Administration is not an elected body, it cannot assume the role of either the Provincial Executive or the Provincial Assembly specified in section 36(1) and (2) of Act;
- (e) the Chart of accounts for the provincial Budget referred to in subparagraph (b) must be applied without deviations until the new Provincial Assembly is elected and convenes a meeting to revise the annual Budget;
- (f) the Caretaker Administration cannot spend any additional revenue that may be generated by the revenue division over and above the current approved revenue projection unless it is appropriated by the Provincial Assembly as required by section 13(1) of the Financial Management Ordinance 2018;
- (g) any donated funds or transfers paid into the provincial accounts are provincial funds and, if they were not included in the annual Budget 2022/2023 they must not be expended until there is a Provincial Assembly appropriation for that fund (Part 1, section 3 of Financial Management Ordinance 2018);
- (h) budget heads that are already exhausted must not be overspent until a revision takes place;
- (i) because there is no Provincial Executive to approve any virements, there must be no virements (and this will ensure compliance to section 36(2) of the Act);
- (j) capital development project implementation must continue as approved in the annual Budget for 2022/23;
- (k) since variations lead to virements, which would require Provincial Executive and Assembly decisions, the Caretaker Administration must not apply any variation until the members of the Provincial Assembly are elected (and this will ensure adherence to sections 9(3), 15, 16 and 17 of the Financial Management Ordinance 2018);
- (l) during the Caretaker Administration period:
 - (i) the Caretaker Administration must avoid any major or significant recruitment that would require endorsement by the Provincial Executive; and
 - (ii) the Provincial Secretary and the provincial administration may

only recruit casual workers if budgeted for under the annual Budget 2022/2023;

- (m) the Caretaker Administration must not make political statements against the Provincial Executive whose term ended on 13 June 2022 or any future Provincial Executive;
- (n) the Caretaker Administration must not make any payments or pay accounts for the Provincial Assembly or the Provincial Executive whose term ended on 13 June 2022 other than for expenditure incurred before 13 June 2022;
- (o) the Provincial Tender Board must continue to issue contracts and award tenders for continuation of the implementation of Provincial Capacity Development Fund projects and other capital development projects;
- (p) the Caretaker Administration must inform the Ward Development Committees that the members of the Provincial Assembly ceased to be members of those Committees on and from 13 June 2022;
- (q) Ordinances made before 13 June 2022 must be implemented;
- (r) the Provincial Accounting Specialists must present their fortnightly briefing to the Provincial Secretary and the Expenditure Committee;
- (s) for the Provincial Government to meet the minimum conditions of reporting, the monthly report, which before 13 June 2022 would have been given to the Provincial Treasurer, must be given to the Provincial Secretary.

Dated this twenty-fourth day of June 2022.

HON. ROLLEN SELESO
MINISTER FOR PROVINCIAL GOVERNMENT AND
INSTITUTIONAL STRENGTHENING

[Legal Notice No. 206]

PROVINCIAL GOVERNMENT ACT 1997
(No. 7 of 1997)

ORDER
CARETAKER ADMINISTRATION OF WESTERN PROVINCE

I, Hon. Rollen Seleso, Minister for Provincial Government and Institutional Strengthening, by order under section 47 of the *Provincial Government Act 1997* (Act No. 7 of 1997):

- (a) specify that there is to be no election of the Provincial Assembly of

Western Province following the dissolution of the Assembly on 13 June 2022 before 14 December 2022; and

- (b) appoint the Provincial Secretary of Western Province as Caretaker Administrator of the Province; and
- (c) require that, until the election of the Provincial Assembly is held on 14 December 2022 or other appointed date, the Provincial Secretary:
 - (i) oversees the affairs of the Province, including its financial management; and
 - (ii) in doing so, complies with the guidelines specified in the Schedule.

SCHEDULE

(Paragraph (c)(ii))

GUIDELINES FOR CARETAKER ADMINISTRATION OF WESTERN PROVINCE

1. There must be a Caretaker Administration in Western Province until the election of the Provincial Assembly on 14 December 2022 or other appointed date.
2. The Caretaker Administration must be led by the Provincial Secretary of Western Province.
3. There shall be no Executive Caretaker mode in Western Province until the formation of the new Provincial Executive after the election on 14 December 2022 or other appointed date.
4. During this period the Provincial Secretary supported by the Deputy Provincial Secretary and other provincial officials must comply with the following:
 - (a) service delivery to the Province must continue uninterrupted;
 - (b) the provincial Budget approved by the Provincial Assembly in March 2022 must be expended;
 - (c) because there was no supplementary Budget appropriated by the province, the spending must be within the annual Budget 2022/2023;
 - (d) as the Caretaker Administration is not an elected body, it cannot assume the role of either the Provincial Executive or the Provincial Assembly specified in section 36(1) and (2) of Act;
 - (e) the Chart of accounts for the provincial Budget referred to in subparagraph (b) must be applied without deviations until the new Provincial Assembly is elected and convenes a meeting to revise the annual Budget;
 - (f) the Caretaker Administration cannot spend any additional revenue that may be generated by the revenue division over and above the current

approved revenue projection unless it is appropriated by the Provincial Assembly as required by section 13(1) of the Financial Management Ordinance 2018;

- (g) any donated funds or transfers paid into the provincial accounts are provincial funds and, if they were not included in the annual Budget 2022/2023 they must not be expended until there is a Provincial Assembly appropriation for that fund (Part 1, section 3 of Financial Management Ordinance 2018);
- (h) budget heads that are already exhausted must not be overspent until a revision takes place;
- (i) because there is no Provincial Executive to approve any virements, there must be no virements (and this will ensure compliance to section 36(2) of the Act);
- (j) capital development project implementation must continue as approved in the annual Budget for 2022/23;
- (k) since variations lead to virements, which would require Provincial Executive and Assembly decisions, the Caretaker Administration must not apply any variation until the members of the Provincial Assembly are elected (and this will ensure adherence to sections 9(3), 15, 16 and 17 of the Financial Management Ordinance 2018;
- (l) during the Caretaker Administration period:
 - (i) the Caretaker Administration must avoid any major or significant recruitment that would require endorsement by the Provincial Executive; and
 - (ii) the Provincial Secretary and the provincial administration may only recruit casual workers if budgeted for under the annual Budget 2022/2023;
- (m) the Caretaker Administration must not make political statements against the Provincial Executive whose term ended on 13 June 2022 or any future Provincial Executive;
- (n) the Caretaker Administration must not make any payments or pay accounts for the Provincial Assembly or the Provincial Executive whose term ended on 13 June 2022 other than for expenditure incurred before 13 June 2022;
- (o) the Provincial Tender Board must continue to issue contracts and award tenders for continuation of the implementation of Provincial Capacity Development Fund projects and other capital development projects;
- (p) the Caretaker Administration must inform the Ward Development Committees that the members of the Provincial Assembly ceased to be members of those Committees on and from 13 June 2022;

- (q) Ordinances made before 13 June 2022 must be implemented;
- (r) the Provincial Accounting Specialists must present their fortnightly briefing to the Provincial Secretary and the Expenditure Committee;
- (s) for the Provincial Government to meet the minimum conditions of reporting, the monthly report, which before 13 June 2022 would have been given to the Provincial Treasurer, must be given to the Provincial Secretary.

Dated this twenty-fourth day of June 2022.

HON. ROLLEN SELESO
MINISTER FOR PROVINCIAL GOVERNMENT AND
INSTITUTIONAL STRENGTHENING
