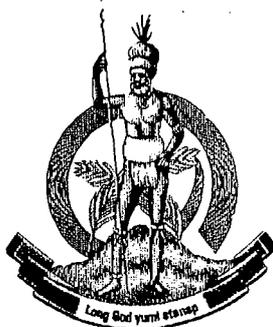


**REPUBLIQUE  
DE  
VANUATU  
JOURNAL OFFICIEL**



**REPUBLIC  
OF  
VANUATU  
OFFICIAL GAZETTE**

1 DECEMBRE 2010

EXTRAORDINARY GAZETTE  
NUMERO SPECIAL  
NO. 22

1 DECEMBER 2010

**NOTIFICATION OF PUBLICATION**

**ORDERS**

**MUNICIPALITIES ACT [CAP 126]**

- INSTRUMENT OF SUSPENSION OF THE LUGANVILLE MUNICIPAL COUNCIL AND APPOINTMENT OF LCM COMMISSIONER AND COMMISSION MEMBERS ORDER NO. 86 OF 2010
- INSTRUMENT OF APPOINTMENT OF PERSON TO EXERCISE POWERS OF THE LUGANVILLE MUNICIPAL COUNCIL ORDER NO. 87 OF 2010.



## **REPUBLIC OF VANUATU**

### **MUNICIPALITIES ACT (CAP 126)**

#### **Instrument of Suspension of the Luganville Municipal Council and Appointment of LCM Commissioner and Commission Members**

**Order No. 86 of 2010**

In exercise of the powers conferred on me by paragraphs 61(3) (a) of the Municipalities Act (CAP 126), I, the Honorable Moana Carcasses KALOSIL, Minister of Internal Affairs having appointed a person to make an inquiry under paragraphs 61 (1) (a) and (b) of the Act make the following instrument;

#### **1. Suspension of Luganville Municipal Council**

SUSPEND the exercise by the Council of all the powers conferred upon the Council by this Act or any other Act

The Suspension takes effect on the Date on which this instrument is made and ceases to have effect on the date on which the result of the Luganville Municipal Council election, that is due to be held not earlier than 30 days and not later than 60 days after the end of the term of the Council, is published in the Gazette.

#### **2. Conferral of the exercise of the power of the Council to certain persons**

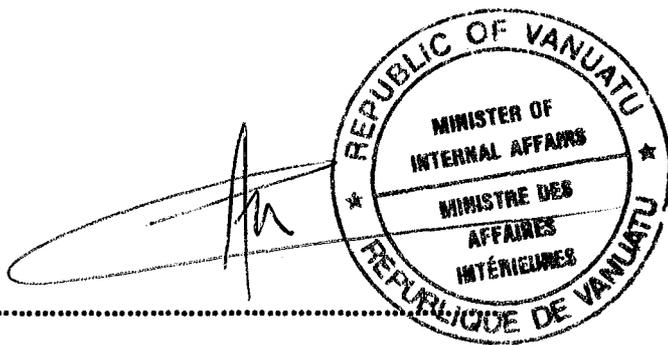
The exercise of the power of the Council is conferred upon the following persons

(a) Commissioner: Mr. Phatu Lui NUVOKO

**Members:**

- (b) Alain MAHIT
- (c) Mr. Kevin ANDERSON
- (d) Dr. Voccor TIMOTHY
- (e) Mr. KUVU NOEL
- (f) Mr. Morris EMBOE
- (g) DLA Representative

Made at Port Vila this 26 day of November, 2010



**Honorable Moana Kalosil CARCASSES**  
**Minister of Internal Affairs**



## **REPUBLIC OF VANUATU**

### **MUNICIPALITIES ACT (CAP 126)**

#### **Instrument of Appointment of person to exercise powers of the Luganville Municipal Council**

##### **Order No. 87 of 2010**

In exercise of the powers conferred on me by paragraphs 61(3) (a), (b) and (c) of the Municipalities Act (CAP 126), I, the Honorable Moana Carcasses KALOSIL, Minister of Internal Affairs make the following appointment;

#### **1. Appointment**

Mr. Phatu Lui NUVOKO ('Mr. Phatu') is appointed to exercise the powers of the Luganville Municipal Council so suspended under section 61 (3) (a) of the Municipal Act (CAP 126)

#### **2 Period of appointment**

The period of appointment commences on the date on which the Minister suspends the current Luganville Municipal Council and ends on the date on which the results of the Luganville Municipal Council election, that is due to be held not earlier than 30 days and not later than 60 days after the end of the term of the Council, is published in the Gazette.

#### **3 Monthly allowance**

Mr. Phatu is entitled to VT 200,000 per month inclusive of Vanuatu National Provident Fund contribution plus VT 25,000 per month housing allowance.

#### **4. Payment of allowance**

The allowance referred to in clause 3 is payable from the date on which this order is made.

#### **5 Use of Council Vehicle**

Mr. Phatu is to have access to the cars of the Luganville Municipal Council for the purposes associated with carrying out the powers of the Council. Where no vehicle is provided, the council is responsible to provide fuel for the use of private owned vehicle

**6 Other benefits, allowances and entitlements**

No other benefits, allowances or entitlements including sitting allowance are to be paid to Mr. Phatu during his term of office other than those referred to under clauses 3 and 5 of this instrument.

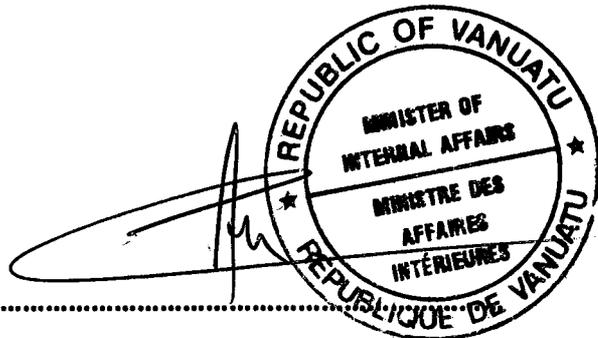
**7 Commencement**

This Instrument of Appointment commences on the day on which it is made.

**8. Term of Reference.**

The term of reference of person appointed under clause 1 are set out in the annex attached to this instrument

Made at Port Vila this 26 day of NOVEMBER 2010



**Honorable Moana Kalosil CARCASSES**  
**Minister of Internal Affairs**

# **Term of Reference for the persons to exercise powers of the Luganville Municipal Council**

## **1. Background**

The Luganville Municipal Council was established under CAP 126 of the Municipal Act. The general duties and powers of the council are stated in section 25 to 26 (1) of the Municipal Act (CAP 126), which reads , 'subject to and in accordance with the provisions of this Act relating to duties of the council, it shall be the duty of the council to control, manage and administer the municipality; to safeguard public health; to develop, control and manage land taken on lease from any statutory land authority including and housing estates thereon; and to administer education, medical and health services as the Minister may after consultation with the responsible Minister by Order declare.

The past references to its performance proves otherwise, ie that the Luganville Municipal Council failed to provide its paramount functions as stipulated in the Act and underwent numerous investigations and suspensions.

## **2 Objectives**

The main objective of your (Commissioner) assignment is to ensure Luganville Municipal Council is well managed financially and administratively so that it performs its functions efficient and effectively.

## **3. Members of Commission**

The appointed Commission to exercise power of the Luganville Municipal Council will be chaired by a Commissioner, Mr. Phatu Lui NUVOKO former Commissioner of Vanuatu Police Force. And the Committee will comprise of the following:

Commissioner – Mr. Phatu Lui NUVOKO

Member – Mr. Kevin ANDERSON

Member – Mr. Kuvu NOEL

Member – Mr. Alain Mahit

Member – Mr. Morris IMBOE

Member – Dr. Voccor TIMOTHY

Member – DLA Representative

#### 4. Meetings

The Commission should provide high level guidance to ensure that the Luganville Municipal Council achieves its objectives. The Commission shall meet once in every month. The period of engagement commences on the date on which the Minister suspends the current Luganville Municipal Council and ends on the date on which the results of the Luganville Municipal Council election, that is due to be held not earlier than 30 days and not later than 60 days after the end of the term of the Council, is published in the Gazette.

#### 5. Quorum

A minimum of four members of the commission is required for the meeting to be recognized as an authorized meeting for the recommendations or resolutions to be valid.

#### 6. Functions

The commission should ensure that the following tasks are carried during their term of engagement;

#	Tasks	Time frame
1	Familiarize with Luganville Municipal physical Settings, administrative and financial systems, measures and controls, Council minutes and resolutions	1 <sup>st</sup> -7 <sup>th</sup> /12/10
2	Consult recent investigation reports, audit reports and other financial reports on Luganville Municipal Council	
3	<b>Prioritise Council expenditures</b> to reduce the Council debts	8 <sup>th</sup> -10 <sup>th</sup> /12/10
4	Identify specific deficiencies and areas of weakness (if any) in systems and controls and <b>re-design a Cash flow plan</b> for the duration of your engagement	13 <sup>th</sup> -24 <sup>th</sup> /12/10
5	<b>Negotiate external funding</b> to assist the council with the cost of operation and servicing of debts	On going
6	<b>Develop a plan</b> on how to recover overdue property tax	3 <sup>rd</sup> - 7 <sup>th</sup> /01/11
7	<b>Conduct consultation with all interested stakeholders</b> on how to revalue all properties in Luganville Municipal Town	10-21 <sup>st</sup> /01/11
8	<b>Compile listing</b> of Council's inventory	Feb-March 2011

<b>9</b>	<b>Ensure Council employees are paid on time</b>	<b>Every month</b>
<b>10</b>	<b>Ensure the balance sheet is reconciled on monthly basis</b>	<b>Every month</b>
<b>11</b>	<b>Ensure all financial documents and other confidential information are filed and locked up in a secured place</b>	<b>On going</b>
<b>12</b>	<b>Ensure Council accounts are audited by an independent auditor</b>	<b>By end of May 2011</b>
<b>13</b>	<b>Evaluate current contracts and if need be terminate contracts that are reached in a nontransparent fashion</b>	<b>24-31<sup>st</sup> /01/11</b>
<b>14</b>	<b>Facilitate through Corporate Service Unit, Ministry of Internal Affairs the recruitment of the Council's Town Clerk and Accountant</b>	<b>Depending on CSU, MOIA</b>
<b>15</b>	<b>Hold monthly management and staff meetings</b>	<b>Once every month</b>

## **7 Expected outputs**

- A Cash Flow Plan developed for the duration of engagement
- Council receives external funding to assist with its operations and servicing of its debts
- A plan developed on how to recover debts owed to the Council
- A consultation report on how to revalue all properties in Luganville Municipal Town
- A list of Councils inventory compiled
- External auditor's report completed
- Monthly progressive reports
- End of term or completion report

## **8 Reporting**

- Submit minutes of monthly management and staff meetings to the Minister and the department of Local Authorities;
- Submit monthly progressive reports and financial reports to the Minister and the Department of Local Authorities;
- Submit a completion or end of term report to the Minister and the department of Local Authorities;