



# The Kiribati Gazettes 2018

## **I**nside this issue!

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**From August to December 2018  
(Part C)**

REPUBLIC OF KIRIBATI

(No. of 2018)



I assent,

Beretitenti

*C/11/* 2018

AN ACT

entitled

**AN ACT TO MAKE PROVISION FOR THE PROTECTION OF PUBLIC HIGHWAYS;  
ESTABLISHMENT OF A LICENCING AUTHORITY AND FOR CONNECTED  
PURPOSES**

Commencement

2018

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

**PART I - Preliminary**

**Short title**

1. This Act may be cited as the *Public Highways Protection Act 2018*.

**Commencement**

2. This Act commences on a date to be appointed by the Minister by notice.

## **Definitions**

3. In this Act unless the context otherwise requires –

“Authority” means the Kiribati Land Transport Authority established under section 4 of this Act;

"council" means a Local Government Council established under the *Local Government Act 1984*;

“Chief Executive Officer” means a Chief Executive Officer appointed by the Board of the Authority pursuant to section 7;

“fund” means Kiribati Land Transport Authority Development Fund;

“Minister” means the Minister responsible for the Kiribati Land Transport authority;

"Ministry" means the Ministry responsible for the Kiribati Land Transport authority;

“motorbike” has the same meaning under section 4 of the *Traffic Act 2017*;

"police officer" has the meaning assigned to it under section 6 (2) of the *Police Service Act 2008*;

"public highway" means any road designated a highway by order made under section 10 of the *State Acquisition of Lands Ordinance Cap 95* by the Minister responsible for that law and includes any sealed feeder roads, footpath, footway, bridle path as well as any bridge, drain, causeway, kerb or gutter formed or used, or being formed or used, in conjunction with such road.

## **PART II – KIRIBATI LAND TRANSPORT AUTHORITY**

### **Establishment of the Kiribati Land Transport Authority**

4. (1) There is hereby established a Kiribati Land Transport Authority for Kiribati (hereinafter referred to as "the Authority").

### **Incorporation of the Kiribati Land Transport Authority (the “Authority”)**

5. The Authority

(a) is a body corporate with perpetual succession;

(b) shall have a seal;

(c) may enter into contracts;

(d) may sue and be sued in its corporate name;

(e) may open one or more accounts in its own name; and

(f) for the purposes of its functions, has all the powers, functions, duties and responsibilities of a corporation.

### **Board of the “Authority”**

6. (1) The Authority shall be governed by a Board of Directors, which shall consist of five (5) members – a Chairperson, Vice Chairperson and three (3) other members to be appointed by the Minister.

(2) When the Board appoints a Chief Executive Officer, he or she shall be regarded as a Secretary to the Board and as a nonvoting member of the Board.

(3) Vacancies in the membership of the Board shall be filled in the same manner as the original appointment.

(4) Members of the Board shall be paid a sitting allowance at such rate endorsed by the Minister.

### **Chief Executive Officer and staff.**

7. (1) The Authority shall appoint a Chief Executive Officer who shall report on operational matters directly to the Board of the Authority.

(2) The Chief Executive Officer shall be responsible for the daily operations and affairs of the Authority, the administration of its budget and for supervision of other employees of the Authority.

(3) The Chief Executive Officer may hire with approval from the Board such additional staff as may be necessary to carry out the responsibilities of the Authority.

(4) The Chief Executive Officer and other staff of the Authority shall be compensated as determined by the Board.



## **Powers and functions of the Authority**

8. (1) Subject to the provisions of this Act the Authority shall –
- (a) consider and advise the Minister on any matter relating to public highways in Kiribati referred to the Authority by the Minister;
  - (b) ensure that all public highways are free from encroachment and other acts likely to damage highways or otherwise adversely affect the safety or use of public highways;
  - (c) ensure that the public highways are continually maintained throughout;
  - (d) perform all functions of a licensing authority as specified in section 9;
  - (e) prohibit, restrict, control or regulate in a manner prescribed by the Minister –
    - (i) the excavation, digging, opening up, formation or construction or laying of any drain, sewer or electric power cables or lines in or on any public highway;
    - (ii) the dumping of rubbish or litter of any kind on any public highway;
    - (iii) any activity or any act of commission or omission which may, or is calculated or likely to damage, obstruct, hinder or prevent the free passage of any person or vehicle on any public highway;
  - (f) at the request of any council, to advise or assist such council with regard to any matter relating to any road whether such road is a public highway or not; and
  - (g) assist other authorities in prohibiting, restrict, control or regulate speeding and reckless usage of the highway.
- (2) Notwithstanding the provisions of subsection (1) the Authority may authorise any person in writing to do any of the acts mentioned under subsection (1)(e)(i), (ii) and (iii) of this section upon such terms and conditions as the Authority thinks fit.
- (3) Subject to any provisions of this Act, no person shall without the consent of the Authority in writing –

(a) form, dig or open any drain or sewer in or on any public highway;

(b) remove or cause to be removed, from any public highway any sand, soil, stone, gravel or other matter used, or to be used in the formation of such public highway;

(c) break up or otherwise damage any public highway;

(d) wilfully obstruct or hinder or prevent the free passage of any person or vehicle on any public highway; or

(e) deposit rubbish or litter of any kind on any public highway.

(4) Any person who contravenes any of the provisions of subsection (3) commits an offence and shall be liable upon conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(5) In addition to the penalty referred to in subsection (4) above the court may order such person to repair, dispose of, or make good the acts or omissions which constituted the offence or pay the cost of such repairs or of making good such acts or omissions.

(6) Notwithstanding the provisions of any other law, a police officer or any person authorised in writing by the Authority may arrest without a warrant any person who commits or has committed an offence under this Act.

(7) Where a person is arrested under subsection (6) such person shall be taken without delay to the nearest police station and handed over to the police officer in charge of such station.

### **Licensing Authority**

9. (1) The Authority shall perform all functions of a licensing authority for the area of South Tarawa and Betio and any other area(s) to be determined from time to time by the Minister by notice.

(2) The functions include the following:

(a) to register all classes of motor vehicles;

(b) to issue all classes of driver's licences;

(c) to keep a register of motor vehicles registered by the Authority;

- (d) to keep a register of driver's licences issued by the Authority;
- (e) to undertake investigations into persons applying for all types of driver's licences with Councils as to their suitability to be issued a licence;
- (f) to share information with other Authorities on vehicle registration and the details of driver's licences;
- (g) to employ qualified mechanics to perform Roadworthy Certificate Inspection;
- (h) to keep a list of registered mechanics who are approved to perform Roadworthy Certificate Inspection;
- (i) to receive all applications relating to the registration of a vehicle and for a driver's license;
- (j) to keep a list of registered formal driving schools and professional driving instructors, whether they be within the Authority or approved external providers; and
- (k) all other functions and duties of a licensing authority listed under the *Traffic Act 2017* including those to be determined from time to time by the Minister by notice.

#### **Functions and duties of the Authority under the Traffic Act 2017**

10. (1) Any functions and duties of a licensing authority listed under the *Traffic Act 2017* shall be handled and processed by the Authority for the designated areas pursuant to section 9 (1) above in accordance with the provisions of that law.

(2) Any breach of the *Traffic Act 2017* that are related with the functions and duties of the Authority shall be dealt with in accordance with the provisions of that law.

#### **Review of the Authority's decision**

11. (1) Any person aggrieved by the decision of the Authority may apply to the Magistrates Court for a review of the Authority's decision.

(2) The Court may:



- (a) affirm the decision; or
- (b) vary the decision and substitute the decision; or
- (c) overturn the decision and make another decision; or
- (d) remit the decision to the Authority to make a decision on the basis of the Court's reasons.

### **PART III - KIRIBATI LAND TRANSPORT AUTHORITY DEVELOPMENT FUND**

#### **Development Fund**

12. (1) There is hereby established a Fund which shall be referred to as the Kiribati Land Transport Authority Development Fund

(2) There shall be paid into this Fund:

- (a) Any money appropriated by the Government of Kiribati for the purposes of this Act;
- (b) Any money received pursuant to any levies, fees or charges on licences or any other fee authorized by this Act or regulations promulgated hereunder; and
- (c) Any other money payable under any other law into the Fund.

#### **Kiribati Land Transport Authority Development Fund Fees and Charges**

13. (1) The Board, may impose by regulation fees and charges on driving and vehicle licences for the benefit of the fund referred to in section 12 (1) –

- (a) in respect of different classes of vehicles to be paid by vehicle operators;
- (b) in respect of capacity engine of vehicles to be paid by vehicle operators;
- (c) registration of new vehicles;
- (d) in respect of applications for driving licences;
- (e) renewal of registration and driving licences; and



(f) customized and personalized number plates.

(2) Fees and charges may be prescribed for –

(a) the rate payable by operators or owners of vehicles for different classes of licenses applied for;

(b) the registration of new vehicles;

(c) application for driving licences; and

(d) the renewal fees.

(3) Persons exempted from paying fees and charges –

(a) Government officers entitled to government cars;

(b) official drivers appointed by the Government for such purposes; and

(c) any other persons exempted by the Authority.

### **Purpose and Administration of the Fund**

14. (1) Money may be paid out of the Fund for the purpose of protecting and developing the Highways in Kiribati and for all other purposes of the Authority as provided for in this Act and regulations adopted hereunder.

(2) Where any money is borrowed or any advance, grant, contribution, gift or other assistance is received for a specific purpose or subject to any condition, it may be expended or used only for that purpose or subject to those conditions.

(3) No money shall be withdrawn from the Fund except with authority and signature of the Chairperson and two other Board members, who shall satisfy themselves that the withdrawal is made in accordance with this Act and any other applicable law.

(4) A delegation to expend money out of the fund is given to the Chief Executive Officer and the Chairperson or two other Board members designated by the Board.

(5) The Chief Executive Officer shall submit a budget of revenues and expenditure with respect to each financial year, and any proposed revision to that budget, to the Board for review and approval.

## **Accounts and Records**

15. (1) The Authority shall open a bank account or accounts with a bank approved by the Board for such purpose.

(2) The Chief Executive Officer shall maintain proper accounts and records, to the satisfaction of the Board, of;

(a) The Kiribati Land Transport Authority Development Fund

(b) The disposition of money out of the Fund; and

(c) The property and financial transactions of the Authority generally.

(3) The accounts and records referred to in subsections 15 (1) and (2) of this section shall be audited by the Auditor-General.

## **Annual Report**

16. (1) Within 3 months after the end of each financial year, the Authority must submit to the Auditor-General an annual report containing –

(a) its' audited balance sheet;

(b) its' audited income statement;

(c) An audited cash flow statement;

(d) A note to describe assets and liabilities;

(e) A report on the affairs and activities of the Authority during the preceding financial year; and

(f) Any other information as the Minister may specify in writing.

(2) The Minister must lay copies of the Authority's annual report to Parliament as soon as possible and in accordance with Parliament Rules of Procedure.

(3) A copy of the report of the Authority referred to in subsection (1) (e) must always be kept in a safe and secure location for the life of the Authority.

(4) Notwithstanding any of the other provisions of this section, the Minister may at any time, require the Authority to submit to him a report in such manner and for such matters as he thinks necessary.

## **PART IV – MISCELLANEOUS**

### **Regulations**

17. (1) The Minister may make regulations prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, and without limiting the generality of subsection (1) the Minister may make regulations with regard to –

- (a) the matters specified in section 8(1)(e)(i), (ii) and (iii) of this Act;
- (b) the manner in which the authorisation mentioned in section 8(2) of this Act may be made; and
- (c) the form and the procedure in which an application for authorisation under section 8(2) of this Act may be made.

### **Repeal**

18. The *Public Highways Protection Act 1989* is hereby repealed.

### **Consequential amendment**

19. Section 7(2) of the *Traffic Act 2017* is amended by inserting a new subsection immediately after to be read as follows, “The Kiribati Land Transport Authority as established under section 4 of the *Public Highways Protection Act 2018* is a designated licensing authority for the area of South Tarawa and Betio and any other area(s) to be determined from time to time by notice by the Minister responsible for the Kiribati Land Transport Authority”.

### **Transitional**

20. Nothing in this Act shall in any way invalidate actions and decisions made by the Highway Authority before the commencement of this Act.



## EXPLANATORY MEMORANDUM

Part I deals with the Preliminary matters and contains the short title of the Act, the commencement and the definitions of the terms used in the Act. This Act applies to Highways in Kiribati.

Part II establishes the Kiribati Land Transport Authority which is a body corporate with perpetual succession with a seal and can sue and be sued in its own name. As usual there is a Board to govern the operations of the Authority. The CEO and other staff are appointed to assist the Board and the Authority to carry out functions and responsibilities stated in the Act.

Functions and powers of the Authority are listed in sections 8, 9 and 10 and the Authority has a major function of protecting and developing the Highway. This part also laid out processes by which a person or bodies need to comply with when dealing with Highways. Further the Authority is given the power to deal with registration of vehicles and issue of driving licences as a designated licensing authority for South Tarawa and Betio and for other area(s) to be later designated to it. The fees and charges to be collected from the licence and registrations are to be deposited to the Authority's Development Fund for the maintenance and repair of the Highway and for other purposes as agreed to by the Board. Section 11 provides that any person aggrieved by the decision of the Authority can apply to the Magistrate Court for a review.

Part III deals with the establishment of the Development Fund of the Authority known as the Kiribati Land Transport Authority Development Fund. Maintenance in the Kiribati context is a stagnant process which most often comes at a later stage when the project or material object has fallen apart or cannot be maintained at all. With this concept in mind this Act put in place the Fund to continue the feasibility of the Highways and to ensure that there is funding available for maintenance and repair.

Part IV is the last part which deals with miscellaneous matters and mainly covers the power of the Minister to make regulations, the consequential amendment to the *Traffic Act 2017* and the repeal of the *Public Highways Protection Act 1989*. In this part, the Act also allows for prior actions and decisions made by the Highway Authority before the commencement of this Act to remain valid.



## **CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU**

This printed impression of the Public Highways Protection Act 2018 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 30<sup>th</sup> August 2018 and is found by me to be a true and correctly printed copy of the said Bill.

**Eni Tekanene**  
**Clerk of the Maneaba ni Maungatabu**

## **CERTIFICATE OF THE SPEAKER OF THE MANEABA NI MAUNGATABU**

I certify that the above Act was on the 30<sup>th</sup> August 2018 passed by the Maneaba ni Maungatabu on a Certificate of Urgency under section 68(3)(a) of the Constitution.

**Hon. Tebuai Uaai**  
**Speaker of the Maneaba ni Maungatabu**

Published by exhibition at the Maneaba ni Maungatabu this ..... day of ..... 2018.

.....  
**Eni Tekanene**  
**Clerk of the Maneaba ni Maungatabu**



I assent,

Beretitenti

**AN ACT**

entitled

**AN ACT TO PRESCRIBE THE NUMBER OF JUDGES OF THE HIGH COURT,  
THEIR APPOINTMENT, SALARIES, ALLOWANCES AND OTHER  
CONNECTED PURPOSES**

Commencement:

23/02/2017

**WHEREAS** the Judiciary of Kiribati is by the Constitution independent of the Executive and the Legislature in the exercise of its judicial functions.

**MADE** by the Maneaba ni Maungatabu and assented to by the Beretitenti

**PART I - Preliminary**

**Short Title**

1. This Act may be cited as the High Court Judges (Salaries and Allowances) Act.

**Interpretation**

2. Unless the context provide otherwise:-

I-Kiribati has the same meaning provided under the Citizenship Ordinance (CAP. 8A).

Medical Officer: an officer appointed under the Medical Services Act

Minister: means the Minister responsible for the administration of this Act.

Workmen compensation: means any injury sustained in the course of and arising out of the nature of the work. It includes accident that happened in the course of attending and returning from work.

## **Part II – Judges of the High Court**

### **Number of other Judges**

3. There shall be not less than two nor more than five other Judges appointed to the High Court of Kiribati.

### **Qualifications to the High Court**

4. Pursuant to the provision of the Constitution, a person may be appointed under this section as a Judge if that person has the following qualifications or experience:-

- a). has been a Judge in another Commonwealth Jurisdictions, and, or
- b). has been a barrister or solicitor for a period of not less than 5 years.

Provided that having been qualified under this provision and without prejudice, special consideration may be afforded where possible to an I-Kiribati.

## **Part III – Tenure and Removal from Office**

### **Tenure of Office**

5. (1). Pursuant to section 83 (1) of the Constitution, the tenure of office for the judges of the High Court shall be subject to the appointment.

(2). Where the appointment was made for a fixed period, the appointment may be further extended provided the appointee's age during the period of appointment does not exceed 65 years.

### **Removal from office**

6. Pursuant to section 83 (2) of the Constitution, a Judge may be removed from office on the following grounds:-

- a). for inability to discharge the functions of the office;
- b). misbehaviour.

Provided that a Judge shall only be removed or suspended by the Beretitenti following the requirement of section 83(3), 83(4) and 85(5) of the Constitution.

## **Part IV – Salaries and Allowances**

### **Salaries and Duty Allowances**

7. (1). The Minister, acting in accordance with the advice of the Cabinet, may by regulations prescribe the:-

- a). annual salary;



- b). an appointment grant;
- c). entertainment allowance;
- d). a judiciary special security allowance;
- e). a judiciary extra duty allowance.

that shall be paid to the holder of an office specified in the Schedule.

(2). The regulation shall be reviewed once every three years, provided that the salaries and allowance shall not be reviewed to the disadvantage of the holder of the office.

### **Workmen Compensation**

8. The Chief Justice and all Judges shall be entitled to a Workmen Compensation in the case of:-

- a). personal injury in the sum of not more than \$10,000
- b). partial incapacitation in the sum of not more than \$25,000
- b). in the case of loss of life in the sum of not more than \$50,000.00

### **Housing Allowance**

9. The Chief Justice and all Judges shall be entitled to a free Government housing, including free water and electricity during his service as a Judge.

Provided that if any Judge is not allocated Government housing, he shall be entitled to such housing allowance not less than a subsidised rate for a Grade "B" government housing as the Minister shall, with the approval of the Cabinet, from time to time determine.

### **Transport Allowances**

10. The Chief Justice and all Judges shall be entitled to a free government transport, including fuel, and a driver.

### **Security Allowances**

11. The Government shall be responsible for providing adequate security to the office holders specified in the Schedule at the resident and office compound.

### **Medical Entitlement**

12. The Chief Justice and all Judges shall be entitled to free medical services. Where overseas medical treatment is recommended by a Medical Officer, the Government shall bear the cost of such treatment.



## **Benefits under the National Condition of Services**

13. The holder of the office specified in the Schedule shall be entitled to all benefits available to the public officers under the National Condition of Services or other regulations which are not covered under this Act.

### **Spouse Travelling Allowance**

14. (1). The spouse of the Judge shall be entitled to accompany the office holder once every two years to attend any official trip and to a per diem allowance equal to 50% payable to the Judge.

(2). The spouse of the Judge is entitled to accompany the Judge on an official internal trip and having the same per diem entitlement.

### **Telecommunication Allowance**

15. The Chief Justice and Puisne Judge is entitled to a telecommunication allowance.

### **Payments charged on Consolidated Fund**

16. All payments required by virtue of the provisions of this Act shall be charged to the Consolidated Fund.

### **Regulations**

18. The Minister, acting in accordance on the advice of Cabinet, may make regulations in respect of the terms and conditions of service and allowances of the holder of an office specified in the Schedule.

## **SCHEDULE** (Section 3)

Chief Justice  
Puisne Judge  
President Court of Appeal  
Justice of Appeal

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## EXPLANATORY MEMORANDUM

The purpose of the Act is to provide for the prescribed number of judges of the High Court in light of the Constitution requirement. In the common law jurisdictions (Commonwealth Countries), salaries and allowances of judges of the Judiciary are provided by legislation. This allows for the independence and impartial of the Judiciary.

Section 1 and 2 of the Act provides for the short title and the interpretation clause.

Section 3 provides the prescribed number of the judges by a minimum of 2 and a maximum of 5.

Section 4 provides the qualification of the judges including their level of experience.

Section 5 and 6 deals with the tenure of office and the disciplinary grounds that may result in the removal of an office holder under the Act and the Constitution.

Section 7 to section 15 further provides other type of allowances that the officer holder is entitled to.

Section 16 provides that all payment are to be charged to the Consolidated Fund.

Section 17 provides powers for the Minister to make regulations for the terms, condition and allowances of an office holder.

.....  
Hon Natan Teewe

Minister for Justice

**CERTIFICATE OF THE CLERK OF THE MANEABA NI  
MAUNGATABU**

This printed impression of the Judges (Salaries and Allowance) Act 2017 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 18th December 2017 and is found by me to be a true and correctly printed copy of the said Bill.

**Eni Tekanene**  
**Clerk of the Maneaba ni Maungatabu**

**CERTIFICATE OF THE SPEAKER OF THE MANEABA NI  
MAUNGATABU**

I certify that the above Bill, was on 18th December 2017 passed by the Maneaba ni Maungatabu upon a Certificate of Urgency under section 68(3)(a) of the Constitution.

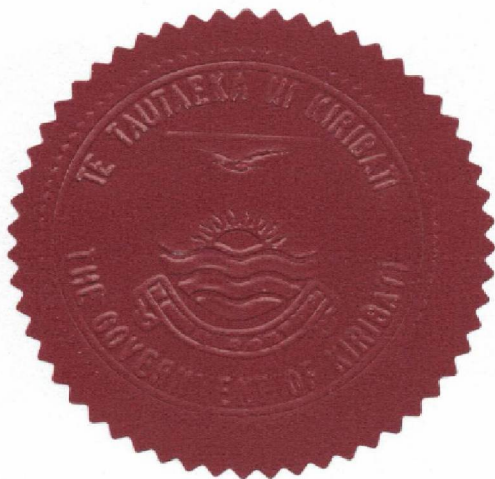
.....  
**Hon. Tebuai Uai**  
**Speaker of the Maneaba ni Maungatabu**

Published by exhibition at the Maneaba ni Maungatabu this 07 day of  
January 2018.

**Eni Tekanene**  
**Clerk of the Maneaba ni Maungatabu**

THE REPUBLIC OF KIRIBATI

(not 2 of 2018)



I assent,

Beretitenti

3/12/2018

An ACT

entitled

**AN ACT TO ESTABLISH A SPECIAL FUND TO ENSURE THE SUSTAINABILITY  
OF THE SANITATION SERVICE IN SOUTH TARAWA**

Commencement date:

2018

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

**PART I**

**PRELIMINARY**

**1 Short title**

This Act may be cited as the Special Fund (Sanitation Maintenance Fund) Act 2018.

**2. Interpretation**

**In this Act, unless the context otherwise requires —**

**“Deposits”** refer to the tariffs levied to consumers for all related sanitation services

**“sanitation services”** means sewerage disposal services and activities that ensure the sustainability of the infrastructure, this include but are not limited to user education and awareness on the use of the services, maintenance of plant and vehicles allocated for maintenance of the sewerage system and administration costs related to the provision of the



service;

“SMF” mentioned in this Act refers to Sanitation Maintenance Fund.

“the Board” means the Public Utilities Board.

“the Minister” means the Minister for Finance.

“the Special Fund” means the Special Fund established pursuant to section 3.

### **3. Establishment of the Special Fund**

A Special Fund, to be known as the Sanitation Maintenance Fund, shall be established in accordance with section 107(2) of the *Constitution* and section 13 of the *Public Finances (Control and Audit) Ordinance*.

## **PART II - DEPOSITS**

### **4. Power to levy Deposits for sanitation services**

(1) In accordance with the *Public Utilities Ordinance*, the Board shall have the exclusive right to perform functions relating to disposal of sewerage and supply and provision of sewerage and services incidental thereto, and to charge consumers for such performances, disposal, supply, provision, services and otherwise. Such charges shall be fixed by order of the Board in accordance with its powers under the *Public Utilities Ordinance*.

(2) Deposits levied under subsection (1) of this section are not required to be laid before the Maneaba ni Maungatabu.

## **PART III FINANCIAL PROVISIONS**

### **5. Payments into the Special Fund**

There shall be paid into the Special Fund:

- (a) any monies appropriated by the Maneaba ni Maungatabu for the purposes of the Fund;
- (b) any monies received from outside Kiribati for the purposes of the Fund;
- (c) any monies collected as Deposits under this Act and any orders or regulations prescribed for the provision of sanitation services; and
- (d) any other money lawfully available to the Fund.

### **6. Payments out of the Special Fund**

(1) There shall be paid out of the Special Fund:

(a) the amount of any expenditure by the Board on the costs of maintaining sanitation services and authorized in the yearly SMF Operation and Maintenance Plan and SMF Budget;

(b) the amount of expenditure to be determined by the Board with the concurrence of the Minister responsible for public utilities, subject to the approval of the Minister for the administration and carrying into effect of the provisions of this Act.

(2) No money shall be paid out of the Special Fund except in accordance with a Warrant under the hand of the Minister authorising the Accountant General to issue the money to the Board's finance responsible for operating the Fund.

## **7. Control of the Special Fund**

(1) In the performance of his functions under this Part and under section 13 of the *Public Finance (Control and Audit) Ordinance* in relation to the Special Fund, the Minister shall use his best endeavours to manage the Special Fund in such a way that, taking one year with another, the income of the Special Fund is not less than sufficient to meet its outgoings including depreciation charges.

(2) The Minister may direct that the Fund shall be wound up.

## **8. Annual reports**

(1) The Minister shall, before the end of each financial year, submit to the Maneaba ni Maungatabu –

(a) a statement showing the estimated income and expenditure of the Special Fund for the current financial year; and

(b) estimates of the income and expenditure of the Special Fund for the next financial year.

(2) The Minister shall, within six months after the end of each financial year, lay before the Maneaba ni Maungatabu a report dealing generally with the operations of the Special Fund during the preceding financial year and containing the audited statement of accounts for that financial year.

# **PART IV**

## **SUPPLEMENTARY PROVISIONS**

## **9. Offences**

Any person who –

(a) wilfully refuses, or without reasonable excuse neglects or fails to pay a Deposit, or wilfully avoids payment of any Deposit which he is required to pay under this Act or order or regulations for sanitation services; or

(b) contravenes any provisions of this Act

shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$1000 and in default of payment of such fine, to imprisonment for a term not exceeding 2 years.

## **10. Civil proceedings**

Without prejudice to any proceedings under section 9, any Deposit which remains unpaid after it has become due for payment shall be summarily recoverable by the Republic from the person liable to pay the Deposit as a civil debt.

## **Special Fund (Sanitation Maintenance Fund) Act 2018**

### **EXPLANATORY MEMORANDUM**

This Act seeks to empower the Public Utilities Board to perform its functions relating to disposal of sewerage and supply, provision of sewerage and services and to charge consumers for the services performed.

Section 4 of the Act imposes the exclusive right to the Public Utilities Board pursuant to section 17 of the *Public Utilities Ordinance* and the *Public Utilities Amendments Acts of 1999 (Act No. 4)* and *1983 (Act No. 3)* to regulate and perform the functions stipulated in this Act relating to disposal of sewerage and other services incidental thereto.

Sections 5, 6 and 7 establish a Special Fund (outside the Consolidated Fund) into which shall be paid, among others, all deposits collected in respect of the services relating to sewerage. All monies required for the expenditure of the sewerage services can be paid out of the Special Fund subject to the approval of the Minister of Finance. Payments out of the Fund can only be made by a Warrant signed by the Minister for finance authorizing the Accountant General to issue the money to the Board. The Minister for finance is also responsible for the overall control of the Special Fund in accordance with section 13 of the Public Finance Act and the preparation of the Annual report as stipulated in section 8 of this Act.

Sections 9 and 10 are supplementary provisions relating to the offences and civil proceedings for non-compliance of the provisions of the Act.

Hon. Ruateki Tekaiara

Minister of Infrastructure and Sustainable Energy

2018



## **CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU**

This printed impression of the Special Fund (Sanitation Maintenance Fund) Act has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 19th November 2018 and is found by me to be a true and correctly printed copy of the said Bill.

**Eni Tekanene**

**Clerk of the Maneaba ni Maungatabu**

Published by exhibition at the Maneaba ni Maungatabu this <sup>3</sup>..... day of  
DECEMBER..... 2018.

**Eni Tekanene**

**Clerk of the Maneaba ni Maungatabu**