

**REPUBLIQUE
DE
VANUATU**

JOURNAL OFFICIEL



**REPUBLIC
OF
VANUATU**

OFFICIAL GAZETTE

12 MARS 2012

NO. 9

12 MARCH 2012

NOTIFICATION OF PUBLICATION

ORDER

TRADEMARKS ACT NO. 1 OF 2003

- ESTABLISHMENT OF INTELLECTUAL PROPERTY OFFICE ORDER NO. 24 OF 2012
- TRADEMARKS APPLICATION FORMS REGULATION ORDER NO. 25 OF 2012

DECENTRALIZATION ACT [CAP 230]

- INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE SANMA LOCAL GOVERNMENT COUNCIL ORDER NO. 26 OF 2012
- INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE PENAMA LOCAL GOVERNMENT COUNCIL ORDER NO. 27 OF 2012
- INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE MALAMPA LOCAL GOVERNMENT COUNCIL ORDER NO. 28 OF 2012
- INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE TORBA LOCAL GOVERNMENT COUNCIL ORDER NO. 29 OF 2012

- INSTRUMENT OF APPOINTMENT OF PERSON TO INQUIRE INTO CERTAIN MATTERS OF THE SANMA LOCAL GOVERNMENT COUNCIL ORDER NO. 30 OF 2012
- INSTRUMENT OF APPOINTMENT OF PERSON TO INQUIRE INTO CERTAIN MATTERS OF THE PENAMA LOCAL GOVERNMENT COUNCIL ORDER NO. 31 OF 2012
- INSTRUMENT OF APPOINTMENT OF PERSON TO INQUIRE INTO CERTAIN MATTERS OF THE MALAMPA LOCAL GOVERNMENT COUNCIL ORDER NO. 32 OF 2012

**TELECOMMUNICATIONS AND
RADIOCOMMUNICATIONS REGULATION ACT
NO. 30 OF 2009.**

- NOTICE FOR SUSPENSION (REVOCATION)
ORDER NO. 33 OF 2012

LEGAL NOTICE

INSURANCE ACT NO. 54 OF 2005

- PROPOSED ACQUISITION OF AN INSURER
NOTICE NO. 11 OF 2012



REPUBLIC OF VANUATU

TRADEMARKS ACT NO. 1 OF 2003

Establishment of the Intellectual Property Office Order No. 24 of 2012

In exercise of the powers conferred on me by paragraph 110 (2)(f) of the Trademarks Act No. 1 of 2003, I, the Honourable VANUAROROA HAM LINI, Minister of Trade, Tourism and Industry, make the following Order.

1 Definitions

In this Order:

“Act means the Trademarks Act No. 1 of 2003;

Registrar has the same meaning given to it under the Act.”

2 Establishment of Office

The Vanuatu Intellectual Property Office is established within the Ministry of Trade, Tourism and Industry.

3 Functions of the Office

The functions of the Office are as set out in the Schedule.

4 Commencement

This Order is taken to have commenced on 1 December 2011.

Made at Port Vila this 6th day of MARCH, 2012.


Honourable VANUARO BOALIMENE
Minister of Trade, Tourism and Industry



SCHEDULE

FUNCTIONS OF THE OFFICE

- 1 To provide administrative support to the Registrar in carrying out his or her functions under the Act or any other Act.
- 2 To facilitate payments of fees prescribed under the Act or any other Act.
- 3 Such other functions as may be prescribed by the Act or any other Act.



REPUBLIC OF VANUATU

TRADEMARKS ACT NO. 1 OF 2003

Trademarks Application Forms Regulation Order No. 25 of 2012

In exercise of the powers conferred on me by subsection 110(1) of the Trademarks Act No. 1 of 2003, I, the Honourable HAM LINI VANUAROROA, Deputy Prime Minister and Minister of Trade, Tourism and Industry, make the following Order.

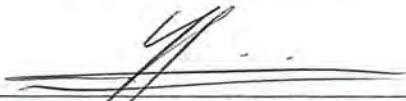
1 Application forms

The Application forms prescribed under subsections 16(2), 30(2), 48(2), 59(2), 67(2), 68(2), and sections 38, 87 and 97 of the Trademarks Act No. 1 of 2003 are set out in the Schedule.

2 Commencement

This Regulation commences on the day on which it is made.

Made at Port Vila this 6th day of MARCH, 2012.


Honourable Ham Lini VANUAROROA
Deputy Prime Minister and Minister of
Trade, Tourism and Industry



SCHEDULE

TRADEMARKS APPLICATION FORMS



Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 16(2)

Application for registration of a Trademark

Name:

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Address:

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Telephone:

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Email Address:

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Description of goods and /or Services involved:

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Number of persons applying:

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Representation of the Trademarks:

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Date & Place of application:

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Signature of applicant(s):

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Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 30(2)

Notice of Opposition

Name of Applicant:

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Address:

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Email:

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Telephone:

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Grounds for Opposition:

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Date of Filing:

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Signature of Applicant:

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Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 38

Application to amend Application to Registration of Trademarks

Name of Applicant:

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Address:

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.....

Email:

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Telephone:

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Classification of Goods /Services:

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Particulars of

Amendment:.....

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.....

Date of Filing:

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Signature of Applicant:

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Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 48(2)

Application to Renew Registration

Name of Applicant:

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Address:

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Email:

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Telephone:

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Classification of Goods /Services:

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Particulars of Renewal:

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Date of Filing:

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Signature of Applicant:

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Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 59(2)

Application for Removal for non use

Name of Applicant:

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Address:

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Classification of Goods /Services:

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Registered No:

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Particulars of goods or/and Services:

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Grounds for the application under s 59 (5) (a) or (5)(b):

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Date of Filing:

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Signature of Applicant:

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Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 67(2)

Application to Record an Assignment or a Transmission

Name of Applicant:

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Address:

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Email:

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Telephone :

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Description of Goods or/and Services:

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Particulars of Assignment or Transmission:

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Date of Filing:

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Signature of Applicant:

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Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 68(2)

Application to Register an Assignment or a Transmission

Name of Applicant:

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Address:

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Email:

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Telephone:

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Description of Goods or/and Services:

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Particulars of Assignment or Transmission to be registered:

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Date of Filing:

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Signature of Applicant:

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Vanuatu Intellectual Property Office
Ministry of Trade, Tourism & Industry

TRADEMARKS APPLICATION FORM

s. 87

Section 87 – Application for registration of a collective trademark

Name of Applicants:

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Number of Applicants:

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Address:

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Email:

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Telephone:

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Classification of Goods /Services:

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Representation of trademark:

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Description of Goods or/and Services

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Date of Filing:

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Signature of Applicant:

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Signature of Applicant:

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REPUBLIC OF VANUATU

DECENTRALIZATION ACT [CAP 230]

INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE SANMA LOCAL GOVERNMENT COUNCIL ORDER NO. 26 OF 2012

In exercise of the powers conferred on me by paragraph 18(L) (1) (c) and paragraph 18L (3) (a) of the Decentralization Act [CAP 230], I, the Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs, make the following Order.

1 Suspension of the Exercise of the Powers

The exercise of the powers of the SANMA Local Government Council is suspended.

2 Period of suspension

The suspension under clause 1 takes effect on the day on which this instrument comes into force and expires on the 30th of June, 2012.

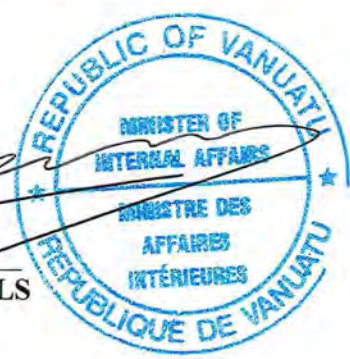
3 Conferral of the exercise of the powers of the Council

The exercise of the powers of the Council so suspended under clause 1 is conferred upon Mr LUKE SHEM, being a Public Servant.

4 Commencement

This Order comes into force on the day on which it is made.

Made at Port Vila this 9th day of MARCH 2012

Honourable GEORGE ANDRÉ WELLS
Minister of Internal Affairs



REPUBLIC OF VANUATU

DECENTRALIZATION ACT [CAP 230]

INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE PENAMA LOCAL GOVERNMENT COUNCIL ORDER NO. 27 OF 2012

In exercise of the powers conferred on me by paragraph 18(L) (1) (c) and paragraph 18L (3) (a) of the Decentralization Act [CAP 230], I, the Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs, make the following Order.

1 Suspension of the Exercise of the Powers

The exercise of the powers of the PENAMA Local Government Council is suspended.

2 Period of suspension

The suspension under clause 1 takes effect on the day on which this instrument comes into force and expires on the 30th of June, 2012.


3 Conferral of the exercise of the powers of the Council

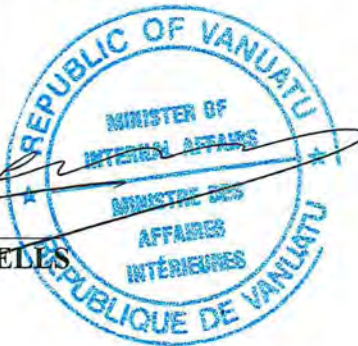
The exercise of the powers of the Council so suspended under clause 1 is conferred upon Mr SHEDRACK WELEGTABIT, being a Public Servant.

4 Commencement

This Order comes into force on the day on which it is made.

Made at Port Vila this 9th day of March, 2012


Honourable **GEORGE ANDRE WELLES**
Minister of Internal Affairs





REPUBLIC OF VANUATU

DECENTRALIZATION ACT [CAP 230]

INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE MALAMPA LOCAL GOVERNMENT COUNCIL ORDER NO. 28 OF 2012

In exercise of the powers conferred on me by paragraph 18(L) (1) (c) and paragraph 18L (3) (a) of the Decentralization Act [CAP 230], I, the Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs, make the following Order.

1 Suspension of the Exercise of the Powers

The exercise of the powers of the MALAMPA Local Government Council is suspended.

2 Period of suspension

The suspension under clause 1 takes effect on the day on which this instrument comes into force and expires on the 30th of June, 2012.

3 Conferral of the exercise of the powers of the Council

The exercise of the powers of the Council so suspended under clause 1 is conferred upon Mr JOE MASSING, being a Public Servant.

4 Commencement

This Order comes into force on the day on which it is made.

Made at Port Vila this 9th day of MARCH, 2012


Honourable **GEORGE ANDRE WELLS**
Minister of Internal Affairs





REPUBLIC OF VANUATU

DECENTRALIZATION ACT [CAP 230]

INSTRUMENT OF SUSPENSION OF THE EXERCISE OF POWERS BY THE TORBA LOCAL GOVERNMENT COUNCIL ORDER NO. 29 OF 2012

In exercise of the powers conferred on me by paragraph 18(L) (3) (a) of the Decentralization Act [CAP 230], I, the Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs, make the following Order.

1 Suspension of the Exercise of the Powers

The exercise of the powers of the TORBA Local Government Council is suspended.

2 Period of suspension

The suspension under clause 1 takes effect on the day on which this instrument comes into force and expires on the 30th of June, 2012.

3 Conferral of the exercise of the powers of the Council

The exercise of the powers of the Council so suspended under clause 1 is conferred upon Mr IAN ABBIL, being a Public Servant.

4 Commencement

This Order comes into force on the day on which it is made.

Made at Port Vila this 07th day of March, 2012


Honourable **GEORGE ANDRE WELLS**
Minister of Internal Affairs





REPUBLIC OF VANUATU

DECENTRALIZATION ACT [CAP 230]

INSTRUMENT OF APPOINTMENT OF PERSON TO
INQUIRE INTO CERTAIN MATTERS OF THE
SANMA LOCAL GOVERNMENT COUNCIL
ORDER NO. 30 OF 2012

In exercise of the powers conferred on me by paragraph 18L (1) (c) of the Decentralization Act [CAP 230], I, the Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs make the following Order.

1 Appointment

PIERRO WILLIE is appointed to inquire into certain matters of the Sanma Local Government Council for a period of 1 week commencing from the date on which this Order is made.

2 Terms of Reference

The Terms of Reference of the persons appointed under clause 1 are set out in the Schedule.

3 Commencement

This Instrument of Appointment comes into force on the day on which it is made.

Made at Port Vila this 9th day of March, 2012


Honourable GEORGE ANDRE WELLS
Minister of Internal Affairs

Instrument of Appointment of person to Inquire into certain matters of the Sanma Local Government Council Order No. 30 of 2012



SCHEDULE

TERMS OF REFERENCE OF THE INQUIRER TO INQUIRE INTO CERTAIN MATTERS OF THE SANMA LOCAL GOVERNMENT COUNCIL

1 Objective

The objective of the Inquiry is to inquire into, ascertain and report whether the financial transactions of the SANMA Local Government Council has been carried out in accordance with :

- (a) the Decentralization Act [CAP 230];
- (b) the Local Government Councils (Financial Instructions);
- (c) the ministerial instructions;
- (d) the relevant accounting standards.

2 Inquiry Report

The inquirer is to prepare a report of the results of this inquiry to the Minister of Internal Affairs on or before 7 April 2012.

3 Extension of inquiry

Where the results of the inquiry indicate that the inquiry should be expanded to areas other than financial transactions, the inquirer may request that the inquiry be extended into such areas.

4 Scope of inquiry

- (1) The inquiry is to be carried out in accordance with the relevant standards of accounting and will include such tests and controls as the inquirer considers necessary under the circumstances.
- (2) The inquiry is to cover the activities carried out in all of the Council's premises.

5 Procedure when conducting inquiry

In carrying the inquiry, the inquirer must observe the following:

- (a) Whether the Collecting Revenue Budget for a financial year has been met;
- (b) Whether the Council has been receiving dividends from a company for the past 10 years;
- (c) Whether transfer of funds from expenditure code to another or if expenditure code has overspent its allocated fund has been approved and endorsed by the Minister;

- (d) Whether any payment made to any Councilor, staff and suppliers of goods and services is in accordance with the Financial Instructions guidelines and the Council's accounting policies.
- (e) Whether expenditure on procurement of goods under the development fund have the necessary supporting documentation and the establish criteria have been incurred accordance within the provisions of the Financial Instructions and accounting policies and reaches the intended recipient together with its monitoring;
- (f) Whether goods and services procured by the Council , are supported by valid orders, receipts and invoices and are recorded correctly in the Books of Account;
- (g) Whether the imprest given to staffs and Councilors have been retired in accordance to Financial Instructions and accounting policies;
- (h) Whether the Council has the ability to settle its creditors in due course as provided for under the Financial Instructions and Accounting Policies;
- (i) Whether all debts or monies owed to the Council has been collected and recorded as required by the Financial Instructions and Accounting Policies;
- (j) Whether the Council has maintained three Bank accounts as provided by the Act;
- (k) Whether bank accounts opened and kept in the name of the Council are reconciled at least once a month against financial records in the Treasury section;
- (l) Whether management accounts are produced for the Secretary General and the Council Members on a monthly basis and represent a true position of the Council's financial position;
- (m) Whether financial records have been prepared in accordance with consistently applied relevant Accounting Policies and gives a true and fair view of the financial position of the Council;
- (n) Whether documentation is filed promptly in easily identifiable and accessible locations for accounts verification;
- (o) Whether payroll records (which are records that also contain full information on conditions of service, position description, entitlements and leave records), are kept up to date in a safe and secure place, that is, in a location that affords confidentiality;
- (p) Whether payments made to staff are in accordance with their conditions of service and are made against time sheets approved by their authorized manager or supervisor whose responsibility it is to check the entries for accuracy and

applicability. Overtime, advances and other emoluments are recorded and calculated and conform to approval standards;

- (q) Whether annual accounts are prepared for audit in the timeframe designated by the Finance Instructions; and
- (r) Whether any payment made to any Councilor is in accordance with the Financial Instructions, guidelines and Ministerial instructions.

6 Coverage

The inquirer is to have free and uninhibited access to all documents within the Council including areas under the jurisdiction of the Council in order to assist the inquirers in verifying the following:

- (a) Whether the necessary supporting documents, records, invoices etc have been kept within the Books of Accounts;
- (b) Whether the Standard Books of Accounts such as Cash Book, Bank Book, Journal, Ledger, stock register, fixed assets register etc are Maintained;
- (c) Whether the physical verification of Council assets has been carried out and reconciled at least once in each year;
- (d) Whether the verification that the valuations of properties on which the Council levies business License are regularly updated and that record keeping and invoicing of the business License is carried out in an efficient and timely manner;
- (e) Whether the cash and Bank payments to suppliers, contractors, various institutes etc. and receipt of funds from various sources are properly made and that discounts given are given with the appropriate authority and are correctly recorded;
- (f) Whether the adjustment of suppliers part supply against their bills, if any have been correctly controlled and accounted for;
- (g) Whether the expenditure limits are documented and adhered to at all times;
- (h) Whether the process of tender evaluation and award of work to Contractors, Consultants or other parties are as per prescribed in the procedures;
- (i) Whether the supervision of the work awarded to contractors, consultants or other parties is carried out and assessed on a continuing basis, and at the completion of the work an evaluation is carried out and recorded by the person responsible for overseeing the work;

- (j) Whether the recommendations to Treasury for payment of bills are on prescribed documents which clearly define the interim and period to date claims against the total expenditure to be incurred;
- (k) Whether the interest accrued on loans and overdrafts received are accurately recorded on a monthly basis in the Accounts; and
- (l) Whether care is taken to ensure that information used for Financial Budgets, Forecasts, Cash Flow Forecasts or other financial estimates is compiled after carefully assessing and assembling all of the known and calculated financial information required to produce the best information possible. Future potential or contingent liabilities are included as a notation.

7 Management Letter

- (1) In addition to the inquiry report as provided under clause 2 of the Order, the inquirer must prepare a management letter in which he is:
 - (a) provide comments and observations, if any, on the accounting records, systems and controls that were examined during the course of the inquiry;
 - (b) identify specific deficiencies and areas of weakness, if any, in systems and controls and make recommendations for their improvement;
 - (c) report on the degree of compliance with the financial or internal control procedures as documented in the Financial Instructions and Ministerial instructions;
 - (d) communicate matters that have come to attention during the inquiry which might have a significant impact on the financial functions of the Council including:
 - (i) the competency of the current Treasury section in terms of its ability to produce financial reports to the standard required by the Financial Instructions and relevant Accounting Standards; or
 - (ii) the current hardware used by the Treasury section; or
 - (iii) the current software systems used by the Treasury section.
 - (e) bring to attention any other matter that the inquirer considers pertinent.
- (2) The observations in the management letter must be accompanied by suggested recommendations from the inquirer and Management comments on the observations or recommendations from the Management.

8 Access

The inquirer is to have access to all legal documents, correspondences, Financial Instructions, Ministerial instructions, notices and any other information deemed necessary by the inquirer.



REPUBLIC OF VANUATU

DECENTRALIZATION ACT [CAP 230]

**INSTRUMENT OF APPOINTMENT OF PERSON TO
INQUIRE INTO CERTAIN MATTERS OF THE
PENAMA LOCAL GOVERNMENT COUNCIL
ORDER NO. 31 OF 2012**

In exercise of the powers conferred on me by paragraph 18L (1) (c) of the Decentralization Act [CAP 230], I, the Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs make the following Order:

1 Appointment

PIERRO WILLIE is appointed to inquire into certain matters of the Penama Local Government Council for a period of 1 week commencing from 19 March 2012.

2 Terms of Reference

The Terms of Reference of the persons appointed under clause 1 are set out in the Schedule.

3 Commencement

This Instrument of Appointment comes into force on the day on which it is made.

Made at Port Vila this 27th day of March, 2012


Honourable GEORGE ANDRE WELLS
Minister of Internal Affairs



Instrument of Appointment of person to Inquire into certain matters of the Penama Local Government Council Order No.31 of 2012

SCHEDULE

TERMS OF REFERENCE OF THE INQUIRER TO INQUIRE INTO CERTAIN MATTERS OF THE PENAMA LOCAL GOVERNMENT COUNCIL

1 Objective

The objective of the Inquiry is to inquire into, ascertain and report whether the financial transactions of the PENAMA Local Government Council has been carried out in accordance with :

- (a) the Decentralization Act [CAP 230];
- (b) the Local Government Councils (Financial Instructions);
- (c) the ministerial instructions;
- (d) the relevant accounting standards.

2 Inquiry Report

The inquirer is to prepare a report of the results of this inquiry to the Minister of Internal Affairs on or before 7 April 2012.

3 Extension of inquiry

Where the results of the inquiry indicate that the inquiry should be expanded to areas other than financial transactions, the inquirer may request that the inquiry be extended into such areas.

4 Scope of inquiry

- (1) The inquiry is to be carried out in accordance with the relevant standards of accounting and will include such tests and controls as the inquirer considers necessary under the circumstances.
- (2) The inquiry is to cover the activities carried out in all of the Council's premises.

5 Procedure when conducting inquiry

In carrying the inquiry, the inquirer must observe the following:

- (a) Whether the Collecting Revenue Budget for a financial year has been met;
- (b) Whether the Council has been receiving dividends from a company for the past 10 years;
- (c) Whether transfer of funds from expenditure code to another or if expenditure code has overspent its allocated fund has been approved and endorsed by the Minister;

- (d) Whether any payment made to any Councilor, staff and suppliers of goods and services is in accordance with the Financial Instructions guidelines and the Council's accounting policies.
- (e) Whether expenditure on procurement of goods under the development fund have the necessary supporting documentation and the establish criteria have been incurred accordance within the provisions of the Financial Instructions and accounting policies and reaches the intended recipient together with its monitoring;
- (f) Whether goods and services procured by the Council , are supported by valid orders, receipts and invoices and are recorded correctly in the Books of Account;
- (g) Whether the imprest given to staffs and Councilors have been retired in accordance to Financial Instructions and accounting policies;
- (h) Whether the Council has the ability to settle its creditors in due course as provided for under the Financial Instructions and Accounting Policies;
- (i) Whether all debts or monies owed to the Council has been collected and recorded as required by the Financial Instructions and Accounting Policies;
- (j) Whether the Council has maintained three Bank accounts as provided by the Act;
- (k) Whether bank accounts opened and kept in the name of the Council are reconciled at least once a month against financial records in the Treasury section;
- (l) Whether management accounts are produced for the Secretary General and the Council Members on a monthly basis and represent a true position of the Council's financial position;
- (m) Whether financial records have been prepared in accordance with consistently applied relevant Accounting Policies and gives a true and fair view of the financial position of the Council;
- (n) Whether documentation is filed promptly in easily identifiable and accessible locations for accounts verification;
- (o) Whether payroll records (which are records that also contain full information on conditions of service, position description, entitlements and leave records), are kept up to date in a safe and secure place, that is, in a location that affords confidentiality;
- (p) Whether payments made to staff are in accordance with their conditions of service and are made against time sheets approved by their authorized manager or supervisor whose responsibility it is to check the entries for accuracy and

applicability. Overtime, advances and other emoluments are recorded and calculated and conform to approval standards;

- (q) Whether annual accounts are prepared for audit in the timeframe designated by the Finance Instructions; and
- (r) Whether any payment made to any Councilor is in accordance with the Financial Instructions, guidelines and Ministerial instructions.

6 Coverage

The inquirer is to have free and uninhibited access to all documents within the Council including areas under the jurisdiction of the Council in order to assist the inquirers in verifying the following:

- (a) Whether the necessary supporting documents, records, invoices etc have been kept within the Books of Accounts;
- (b) Whether the Standard Books of Accounts such as Cash Book, Bank Book, Journal, Ledger, stock register, fixed assets register etc are Maintained;
- (c) Whether the physical verification of Council assets has been carried out and reconciled at least once in each year;
- (d) Whether the verification that the valuations of properties on which the Council levies business License are regularly updated and that record keeping and invoicing of the business License is carried out in an efficient and timely manner;
- (e) Whether the cash and Bank payments to suppliers, contractors, various institutes etc. and receipt of funds from various sources are properly made and that discounts given are given with the appropriate authority and are correctly recorded;
- (f) Whether the adjustment of suppliers part supply against their bills, if any have been correctly controlled and accounted for;
- (g) Whether the expenditure limits are documented and adhered to at all times;
- (h) Whether the process of tender evaluation and award of work to Contractors, Consultants or other parties are as per prescribed in the procedures;
- (i) Whether the supervision of the work awarded to contractors, consultants or other parties is carried out and assessed on a continuing basis, and at the completion of the work an evaluation is carried out and recorded by the person responsible for overseeing the work;

- (j) Whether the recommendations to Treasury for payment of bills are on prescribed documents which clearly define the interim and period to date claims against the total expenditure to be incurred;
- (k) Whether the interest accrued on loans and overdrafts received are accurately recorded on a monthly basis in the Accounts; and
- (l) Whether care is taken to ensure that information used for Financial Budgets, Forecasts, Cash Flow Forecasts or other financial estimates is compiled after carefully assessing and assembling all of the known and calculated financial information required to produce the best information possible. Future potential or contingent liabilities are included as a notation.

7 Management Letter

- (1) In addition to the inquiry report as provided under clause 2 of the Order, the inquirer must prepare a management letter in which he is:
 - (a) provide comments and observations, if any, on the accounting records, systems and controls that were examined during the course of the inquiry;
 - (b) identify specific deficiencies and areas of weakness, if any, in systems and controls and make recommendations for their improvement;
 - (c) report on the degree of compliance with the financial or internal control procedures as documented in the Financial Instructions and Ministerial instructions;
 - (d) communicate matters that have come to attention during the inquiry which might have a significant impact on the financial functions of the Council including:
 - (i) the competency of the current Treasury section in terms of its ability to produce financial reports to the standard required by the Financial Instructions and relevant Accounting Standards; or
 - (ii) the current hardware used by the Treasury section; or
 - (iii) the current software systems used by the Treasury section.
 - (e) bring to attention any other matter that the inquirer considers pertinent.
- (2) The observations in the management letter must be accompanied by suggested recommendations from the inquirer and Management comments on the observations or recommendations from the Management.

8 Access

The inquirer is to have access to all legal documents, correspondences, Financial Instructions, Ministerial instructions, notices and any other information deemed necessary by the inquirer.



REPUBLIC OF VANUATU

DECENTRALIZATION ACT [CAP 230]

INSTRUMENT OF APPOINTMENT OF PERSON TO
INQUIRE INTO CERTAIN MATTERS OF THE
MALAMPA LOCAL GOVERNMENT COUNCIL
ORDER NO. 32 OF 2012

In exercise of the powers conferred on me by paragraph 18L (1) (c) of the Decentralization Act [CAP 230], I, the Honourable GEORGE ANDRE WELLS, Minister of Internal Affairs make the following Order:

1 Appointment

PIERRO WILLIE is appointed to inquire into certain matters of the Malampa Local Government Council for a period of 1 week commencing from 26 March 2012.

2 Terms of Reference

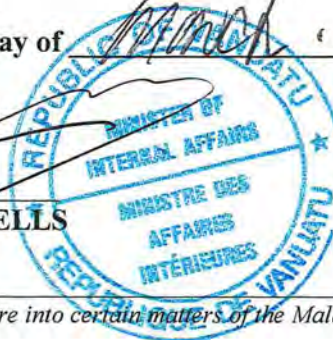
The Terms of Reference of the persons appointed under clause 1 are set out in the Schedule.

3 Commencement

This Instrument of Appointment comes into force on the day on which it is made.

Made at Port Vila this 9th day of March, 2012


Honourable GEORGE ANDRE WELLS
Minister of Internal Affairs



Instrument of Appointment of person to inquire into certain matters of the Malampa Local Government Council Order No 32 of 2012

SCHEDULE

TERMS OF REFERENCE OF THE INQUIRER TO INQUIRE INTO CERTAIN MATTERS OF THE MALAMPA LOCAL GOVERNMENT COUNCIL

1 Objective

The objective of the Inquiry is to inquire into, ascertain and report whether the financial transactions of the MALAMPA Local Government Council has been carried out in accordance with :

- (a) the Decentralization Act [CAP 230];
- (b) the Local Government Councils (Financial Instructions);
- (c) the ministerial instructions;
- (d) the relevant accounting standards.

2 Inquiry Report

The inquirer is to prepare a report of the results of this inquiry to the Minister of Internal Affairs on or before 7 April 2012.

3 Extension of inquiry

Where the results of the inquiry indicate that the inquiry should be expanded to areas other than financial transactions, the inquirer may request that the inquiry be extended into such areas.

4 Scope of inquiry

- (1) The inquiry is to be carried out in accordance with the relevant standards of accounting and will include such tests and controls as the inquirer considers necessary under the circumstances.
- (2) The inquiry is to cover the activities carried out in all of the Council's premises.

5 Procedure when conducting inquiry

In carrying the inquiry, the inquirer must observe the following:

- (a) Whether the Collecting Revenue Budget for a financial year has been met;
- (b) Whether the Council has been receiving dividends from a company for the past 10 years;
- (c) Whether transfer of funds from expenditure code to another or if expenditure code has overspent its allocated fund has been approved and endorsed by the Minister;

- (d) Whether any payment made to any Councilor, staff and suppliers of goods and services is in accordance with the Financial Instructions guidelines and the Council's accounting policies.
- (e) Whether expenditure on procurement of goods under the development fund have the necessary supporting documentation and the establish criteria have been incurred accordance within the provisions of the Financial Instructions and accounting policies and reaches the intended recipient together with its monitoring;
- (f) Whether goods and services procured by the Council , are supported by valid orders, receipts and invoices and are recorded correctly in the Books of Account;
- (g) Whether the imprest given to staffs and Councilors have been retired in accordance to Financial Instructions and accounting policies;
- (h) Whether the Council has the ability to settle its creditors in due course as provided for under the Financial Instructions and Accounting Policies;
- (i) Whether all debts or monies owed to the Council has been collected and recorded as required by the Financial Instructions and Accounting Policies;
- (j) Whether the Council has maintained three Bank accounts as provided by the Act;
- (k) Whether bank accounts opened and kept in the name of the Council are reconciled at least once a month against financial records in the Treasury section;
- (l) Whether management accounts are produced for the Secretary General and the Council Members on a monthly basis and represent a true position of the Council's financial position;
- (m) Whether financial records have been prepared in accordance with consistently applied relevant Accounting Policies and gives a true and fair view of the financial position of the Council;
- (n) Whether documentation is filed promptly in easily identifiable and accessible locations for accounts verification;
- (o) Whether payroll records (which are records that also contain full information on conditions of service, position description, entitlements and leave records), are kept up to date in a safe and secure place, that is, in a location that affords confidentiality;
- (p) Whether payments made to staff are in accordance with their conditions of service and are made against time sheets approved by their authorized manager or supervisor whose responsibility it is to check the entries for accuracy and

applicability. Overtime, advances and other emoluments are recorded and calculated and conform to approval standards;

- (q) Whether annual accounts are prepared for audit in the timeframe designated by the Finance Instructions; and
- (r) Whether any payment made to any Councilor is in accordance with the Financial Instructions, guidelines and Ministerial instructions.

6 Coverage

The inquirer is to have free and uninhibited access to all documents within the Council including areas under the jurisdiction of the Council in order to assist the inquirers in verifying the following:

- (a) Whether the necessary supporting documents, records, invoices etc have been kept within the Books of Accounts;
- (b) Whether the Standard Books of Accounts such as Cash Book, Bank Book, Journal, Ledger, stock register, fixed assets register etc are Maintained;
- (c) Whether the physical verification of Council assets has been carried out and reconciled at least once in each year;
- (d) Whether the verification that the valuations of properties on which the Council levies business License are regularly updated and that record keeping and invoicing of the business License is carried out in an efficient and timely manner;
- (e) Whether the cash and Bank payments to suppliers, contractors, various institutes etc. and receipt of funds from various sources are properly made and that discounts given are given with the appropriate authority and are correctly recorded;
- (f) Whether the adjustment of suppliers part supply against their bills, if any have been correctly controlled and accounted for;
- (g) Whether the expenditure limits are documented and adhered to at all times;
- (h) Whether the process of tender evaluation and award of work to Contractors, Consultants or other parties are as per prescribed in the procedures;
- (i) Whether the supervision of the work awarded to contractors, consultants or other parties is carried out and assessed on a continuing basis, and at the completion of the work an evaluation is carried out and recorded by the person responsible for overseeing the work;

- (j) Whether the recommendations to Treasury for payment of bills are on prescribed documents which clearly define the interim and period to date claims against the total expenditure to be incurred;
- (k) Whether the interest accrued on loans and overdrafts received are accurately recorded on a monthly basis in the Accounts; and
- (l) Whether care is taken to ensure that information used for Financial Budgets, Forecasts, Cash Flow Forecasts or other financial estimates is compiled after carefully assessing and assembling all of the known and calculated financial information required to produce the best information possible. Future potential or contingent liabilities are included as a notation.

7 Management Letter

- (1) In addition to the inquiry report as provided under clause 2 of the Order, the inquirer must prepare a management letter in which he is:
 - (a) provide comments and observations, if any, on the accounting records, systems and controls that were examined during the course of the inquiry;
 - (b) identify specific deficiencies and areas of weakness, if any, in systems and controls and make recommendations for their improvement;
 - (c) report on the degree of compliance with the financial or internal control procedures as documented in the Financial Instructions and Ministerial instructions;
 - (d) communicate matters that have come to attention during the inquiry which might have a significant impact on the financial functions of the Council including:
 - (i) the competency of the current Treasury section in terms of its ability to produce financial reports to the standard required by the Financial Instructions and relevant Accounting Standards; or
 - (ii) the current hardware used by the Treasury section; or
 - (iii) the current software systems used by the Treasury section.
 - (e) bring to attention any other matter that the inquirer considers pertinent.
- (2) The observations in the management letter must be accompanied by suggested recommendations from the inquirer and Management comments on the observations or recommendations from the Management.

8 Access

The inquirer is to have access to all legal documents, correspondences, Financial Instructions, Ministerial instructions, notices and any other information deemed necessary by the inquirer.



REPUBLIC OF VANUATU

TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS REGULATION ACT NO. 30 OF 2009

Notice For Suspension (Revocation) Order No. 33 of 2012

In exercise of the powers conferred on me by subsection 15(8) of the Interpretation Act [CAP 132], I, the Honourable MELTEK SATO KILMAN LIVTUVANU, Prime Minister and Minister responsible for Information and Communications Technology (“ICT”), of which Telecommunications and Radiocommunications are a part of, make the following Order.

1 Revocation

The Notice for Suspension of the Regulator made on 10 February 2012 is revoked.

2 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 8th day of March, 2012.



Honourable Meltek Sato Kilman LIVTUVANU
Prime Minister



PROPOSED ACQUISITION OF AN INSURER

(Insurance Act No.54 of 2005)

NOTICE NO. 11 OF 2012

Pursuant to Section 85(2) of the Insurance Act, QBE Insurance (Vanuatu) Limited ('QBE') and AFA Limited ('AFA') hereby notify policyholders and the public of the following details:

- i) QBE and AFA have agreed commercial terms for the acquisition of AFA's general insurance business by QBE
- ii) This acquisition is a transfer of business as defined in section 84 of the Insurance Act and therefore requires approval of the Reserve Bank of Vanuatu
- iii) Any person whose interests are affected by this acquisition may, within 30 days of this notice, make written representation to the Reserve Bank of Vanuatu about this acquisition
- iv) QBE will make formal application to the Reserve Bank of Vanuatu within 14 days of this notice for approval of this acquisition in accordance with the provisions of Section 85 of the Insurance Act
- v) Subject to receipt of all necessary regulatory approvals by Reserve Bank of Vanuatu and Vanuatu Investment Promotion Authority the proposed completion date of the acquisition is 30 April, 2012

Following the completion of the acquisition all policyholders of AFA will retain their current policy on exactly the same terms and conditions until the renewal date at which time they will be offered cover under a QBE policy.

QBE Insurance (Vanuatu) Limited.
La Casa D'Andrea Building
Lini Highway, Port Vila

AFA Limited
B&P House
Lini Highway, Port Vila