

LAWS OF THE REPUBLIC OF KIRIBATI  
REVISED EDITION 1981

CHAPTER 79

PUBLIC FINANCE (CONTROL AND AUDIT)

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## SCHEDULES

**An Ordinance to provide for the control and management of the Consolidated Fund and public finances of Kiribati, for the collection, issue and payment of public moneys, for the audit and examination of public accounts and of the accounts of statutory bodies, and for other purposes connected therewith and incidental thereto**

18 of 1976  
L.N. 5/80  
2 of 1981  
12 of 1981

*Commencement: 29 December 1976*

## PART I

## PRELIMINARY

1. This Ordinance may be cited as the Public Finance (Control and Audit) Ordinance. Short title

2. In this Ordinance unless the context otherwise requires— Interpretation  
“accountable officer” means any public officer, including an accounting officer, concerned in or responsible for the collection, receipt, custody, issue or payment of public moneys, stores, stamps, investments, securities or negotiable instruments whether the same are the property of the Republic or on deposit with or entrusted to the Republic or to any public officer in his official capacity either alone or jointly with any other public officer or any other person;

“accounting officer” means any public officer appointed under the provisions of this Ordinance and charged with the duty of accounting for any service in respect of which moneys have been appropriated;

“Crown Agents” means the Crown Agents for Overseas Governments and Administrations;

“Heads of Expenditure” or “Heads” means the total sum applied to and appropriated for any purpose specified therein by an Appropriation Ordinance or by a Supplementary Appropriation Ordinance;

“public moneys” include—

(a) all revenue or other moneys raised or received for the purposes of the Government;

(b) any other moneys or funds held, whether temporarily or otherwise, by any public officer in his official capacity either alone or jointly with any other person, whether a public officer or not;

“public officer” means a person employed for a salary or wages in the public service;

“public store” means all chattels of whatsoever nature the property of the Republic or in the possession of or under the control of the Government;

## PART II

### PUBLIC FINANCE

#### *The Consolidated Fund*

Consolidated  
Fund moneys  
to be kept  
with specified  
banks

3. All sums accounted for in the Consolidated Fund shall be kept with such bank or banks as the Minister shall from time to time determine:

Provided that this section shall not apply to moneys invested under the provisions of section 6.

Revenues  
and other  
moneys to be  
paid into  
Consolidated  
Fund and

4. (1) Subject to section 11 all revenues and other moneys raised or received for the purpose of the Government shall be paid into the Consolidated Fund.

(2) For the avoidance of doubt it is hereby declared that the reference to moneys raised or received for the purpose of the Government does not include moneys received on deposit.

5. (1) The Minister shall authorise the Chief Accountant from time to time on his requisitions, if satisfied of the correctness thereof, to issue from the Consolidated Fund the sums falling due for payment during the financial year for statutory expenditure. Payments

(2) On the coming into operation of an Appropriation Ordinance or a Supplementary Appropriation Ordinance the Minister shall authorise the Chief Accountant by General Warrant under his hand to issue from the Consolidated Fund such sums as may have been applied to the service of the financial year by any such Appropriation Ordinances.

(3) Notwithstanding the issue of a General Warrant, it shall be within the discretion of the Minister to limit or suspend at any time any expenditure (not being statutory expenditure) with or without cancellation of the Warrant if in his opinion financial exigencies or the public interest so require.

6. (1) The Minister may authorise the investment of moneys forming part of the Consolidated Fund in— Investment of moneys

- (a) cash; or
- (b) stocks and bonds of, or guaranteed by, the Government of Kiribati and approved by the Maneaba ni Maungatabu, or stocks and bonds of other Governments or internationally reputable financial and business organisations (including state, city and local Governments); or
- (c) shares quoted in a Stock Exchange that is approved by the Minister of Finance for the purpose; or
- (d) short-term deposits not exceeding twelve months with a Bank whether in Kiribati or elsewhere, approved by the Minister for the purpose; or
- (e) the joint Consolidated Fund administered by the Crown Agents; or
- (f) in such investment or investments authorised for the investment of property in the hands of trustees by any law for the time being in force or in any combination of them and not otherwise save and except as authorised by resolution of the Maneaba ni Maungatabu; or
- (g) semi-Government securities including promissory notes and approved by the Minister; or
- (h) Australian Wheat Board promissory notes and approved by the Minister; or
- (i) Bank Accepted and/or Bank endorsed Bills and approved by the Minister; or

- (j) lodgement of deposits with official money market dealers and approved by the Minister; or
- (k) lodgement on an unsecured basis with selected finance companies, merchant banks and industrial companies and approved by the Minister.

(2) All investments made under this Section together with any interest received therefrom shall form part of the Consolidated Fund.

(3) A resolution for the purposes of section 6 (1) may be either general or specific.

(4) Notwithstanding anything in the preceding provisions of this section, no investment or money standing to the credit of the Consolidated Fund shall be made otherwise than through—

- (a) a member of a Stock Exchange that is approved for the purpose by the Minister of Finance; or
- (b) a recognised business manager appointed by the Minister of Finance for the purpose; or
- (c) the Chief Accountant acting on the instructions of the Minister.

(5) ~~Nothing in this section affects any investment of money standing to the credit of the Fund as at the effective date of commencement of this Act, but no such money may be reinvested otherwise than in accordance with this Section.~~

(6) The expenses of the management and operation of the Consolidated Fund shall be paid out of the said Fund.

Advances

7. (1) Subject to this section, the Minister may, by Advances Warrant under his hand, authorise the Chief Accountant to make disbursements of moneys forming part of the Consolidated Fund or of other public moneys for the purpose of making advances—

- (a) on behalf of, and recoverable from other Governments;
- (b) to, or on account of, any Special Fund where such advances are recoverable before the close of the financial year in which such advances are made;
- (c) to public officers for such purposes and on such terms and conditions as may be prescribed from time to time;
- (d) to meet expenditure authorised by a Loan Ordinance in anticipation of the receipt of any instalment of the loan authorised by such Ordinance;
- (e) in accordance with a specific agreement, to agents appointed by the Government to perform functions on its behalf;

(f) for such other purposes and subject to such terms and conditions as the Minister may from time to time approve.

(2) The total of the sums issued and disbursed for the purpose of making advances shall not exceed in aggregate at any one time after deducting repayments an amount of \$500,000.

8. Every appropriation by the Maneaba ni Maungatabu of public moneys for the service of any financial year shall lapse and cease to have any effect at the close of that financial year; and any moneys issued from the Consolidated Fund but not spent shall be repaid to the Consolidated Fund.

Moneys issued but not spent to be repaid to the Consolidated Fund

9. (1) The provisions of this section take effect for the purposes of section 109 (4) of the Constitution.

Contingencies Warrants

(2) Upon being satisfied that due to exceptional circumstances which could not have been foreseen an urgent need for expenditure has arisen—

(a) for which no provision exists or for which the existing provision is insufficient; and

(b) for which funds cannot be provided under section 23; and

(c) which cannot be deferred without detriment to the public interest;

the Minister may by a Contingencies Warrant under his hand and in anticipation of the grant of an appropriation by the Maneaba ni Maungatabu authorise an advance from the Consolidated Fund to meet that need and shall, forthwith, report his action and the reasons therefor to the Cabinet:

Provided that the total of the sums so authorised to be advanced in anticipation of the grant of an appropriation shall not exceed at any one time an amount of \$250,000.

(3) Where any advance is made from the Consolidated Fund under the provisions of this section a supplementary estimate of the sum required for the service for which such advance was made shall be presented to the Maneaba ni Maungatabu at its sitting next following the date on which the Contingencies Warrant was issued and shall be included in a Supplementary Appropriation bill for appropriation.

(4) Upon the grant of an appropriation to meet the expenditure in respect of which an advance was made from the Consolidated Fund, the Contingencies Warrant authorising such advance shall cease to have effect and the advance shall be deemed to have been made for the purpose of the grant and shall be accounted for accordingly.

*Other Public Funds*Development  
Fund

**10.** (1) The Development Fund shall consist of the following moneys—

- (a) such moneys as may be appropriated by law for the purpose of the Development Fund;
- (b) moneys received from any other government, body or person as grants made to the Government for development purposes;
- (c) moneys received from the proceeds of loans raised for development purposes by or on behalf of the Government;
- (d) moneys received by way of interest or dividend on any investment or loan of any moneys belonging to the Development Fund;
- (e) moneys earned by or received in reimbursement of any project financed wholly or in part from the Development Fund;

Provided that the moneys referred to in paragraph (b), (d) or (e) may in any case be paid into the Consolidated Fund or such other public fund as the Minister may in each case designate.

(2) The Development Fund is a Special Fund.

Operation of  
the  
Development  
Fund  
Schedule 2

**11.** (1) The Development Fund shall be operated in accordance with the Rules set out in Schedule 2.

(2) The Beretitenti, acting in accordance with the advice of the Cabinet, may by order amend the Rules set out in Schedule 2.

(3) The Minister shall cause a copy of every order made under subsection (2) to be laid before the Maneaba ni Maungatabu at its sitting next following the date on which the order comes into operation.

(4) Subject to the provisions of this section and of any other law for the time being in force moneys forming part of the Development Fund which are not required for immediate use for development purposes may be invested in like manner to that permitted by section 6 in respect of the Consolidated Fund.

(5) All investments made under subsection (4) shall form part of the Development Fund.

Special Funds  
Schedule 1

**12.** The Special Funds set out in Schedule 1 shall be deemed to have been established by law and the balance standing to the credit of each such Special Fund at the close of account on the coming into operation of this Ordinance shall be deemed to have



been appropriated by the Maneaba ni Maungatabu to the purposes specified in respect of each such Special Fund.

**13.** (1) Whenever financial provision for the establishment of Special Funds is made in accordance with section 107 (2) of the Constitution, the Chief Accountant shall establish Special Funds to which moneys appropriated shall be credited and from which moneys may be expended for the purposes for which the Special Funds were established. Management  
of Special  
Funds

(2) The Minister shall, subject to the provisions of this section, have the management of Special Funds established or deemed to have been established in accordance with section 12 and for such purposes may—

- (a) authorise the investment of moneys standing to the credit of Special Funds in—
- (i) cash; or
  - (ii) stocks and bonds of, or guaranteed by, the Government of Kiribati and approved by the Maneaba ni Maungatabu, or stocks and bonds of other Governments or internationally reputable financial and business organisations (including state, city and local Governments); or
  - (iii) shares quoted in a Stock Exchange that is approved by the Minister of Finance for the purpose; or
  - (iv) short-term deposits not exceeding twelve months with a Bank whether in Kiribati or elsewhere, approved by the Minister for the purpose; or
  - (v) the joint Consolidated Fund administered by the Crown Agents; or
  - (vi) in such investment or investments authorised for the investment of property in the hands of trustees by any law for the time being in force or in any combination of them and not otherwise save and except as authorised by resolution of the Maneaba ni Maungatabu; or
  - (vii) semi-Government securities including promissory notes and approved by the Minister; or
  - (viii) Australian Wheat Board promissory notes and approved by the Minister; or
  - (ix) Bank accepted and/or Bank endorsed Bills and approved by the Minister; or
  - (x) freehold property and leasehold property of which

the unexpired term at the time of investment is not less than 60 years, whether in Kiribati or elsewhere;

- (b) direct that any Special Fund shall be wound up;
- (c) make rules subject to the approval of the Maneaba ni Maungatabu for the control and operation of Special Funds.

(3) Where the Minister directs that any Special Fund shall be wound up, after all liabilities of such Fund have been paid, the Fund shall be closed accordingly and the balance of moneys standing to the credit of such Fund shall be paid into the Consolidated Fund.

### PART III

#### CONTROL AND MANAGEMENT OF PUBLIC FINANCE

##### *Control by the Minister*

Duties of  
Minister

14. (1) The Minister shall so supervise the finances of the Government as to ensure that a full account is made to the Maneaba ni Maungatabu and for such purposes shall, subject to the provisions of this Ordinance, have the management of the Consolidated Fund, the Development Fund and Special Funds and the supervision, control and direction of all matters relating to the financial affairs of the Government.

(2) In the discharge of the duties imposed upon him by subsection (1) the Minister—

- (a) shall take all proper steps to ensure that any regulations made or directions and instructions given pursuant to the provisions of section 19 are brought to the notice of all persons directly affected thereby but subject as aforesaid and notwithstanding the provisions of section 17 of the Interpretation and General Clauses Ordinance the Minister shall not be bound to cause such regulations to be published by exhibition or to be printed in the *Gazette*;
- (b) shall be entitled to inspect all offices and shall be given access at all times thereto and shall be given all available information he may require with regard to the moneys and property specified in section 16 and to all documents and records in respect thereof so far as may be necessary for the purpose of compliance with subsection (1).

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(3) The Minister may delegate by writing under his hand all or any of the powers conferred upon him.

**15.** The Chief Accountant, in the discharge of his duties as the officer charged with the management and operation of the Government's accounting organisation and central treasury, and without prejudice to the generality of those duties and the powers of the Minister under section 14 to direct him, shall—

Duties of  
Chief  
Accountant

- (i) ensure the maintenance of a system that brings promptly and properly to account all moneys received and paid by the Government;
- (ii) refuse payment on any voucher wrong or insufficient in content, or that contravenes any regulations, directions or instructions properly made or given under this or any other Ordinance for the management of public moneys, or that is in his opinion in any other way unacceptable as a charge on the public moneys;
- (iii) report to the Minister in writing any apparent defect in departmental control of revenue, expenditure, cash, stamps and other property of the Republic that may be brought to his notice;
- (iv) ensure, in so far as it is practicable, that adequate provision is made for the safe custody of public moneys and stamps and the control of property of the Republic.

**16.** Every accounting officer and every accountable officer shall obey all regulations made and directions or instructions given under sections 14 and 19 and all instructions that may from time to time be issued by the Chief Accountant in respect of the custody and handling of and the accounting for public moneys, public stores, stamps, investments, securities or negotiable instruments whether the property of the Republic or on deposit with or entrusted to the Republic or to any public officer in his official capacity either alone or jointly with any other public officer or any other person.

Accounting  
officers and  
accountable  
officers to  
obey regula-  
tions and  
directions

#### *Control of Expenditure*

**17.** (1) An accounting officer shall be appointed in respect of each Head of Expenditure for each financial year to control and account for the expenditure of moneys applied to that Head by any Appropriation Ordinance.

Accounting  
officers

(2) An accounting officer shall be personally accountable for all public moneys received, collected or disbursed and for all public stores received, held or disposed of by or on account of the

department or service for which the Head for which he is the accounting officer is provided.

(3) An accounting officer may, and shall if so required by the Minister, define in writing the extent to which the powers and duties conferred or imposed upon him may be exercised or performed on his behalf by any public officer under his control and give such directions as may be necessary to secure the proper exercise or performance of such powers and duties.

Disbursement of and accounting for expenditure on the Consolidated Fund services

18. (1) In this section the expression "Consolidated Fund services" means the services of Government the expense of which is charged on or payable from the Consolidated Fund under or by virtue of any law other than an Appropriation Ordinance, but including this Ordinance.

(2) Subject to section 5, the disbursement of moneys provided in any financial year to meet expenditure on the Consolidated Fund services shall be controlled and accounted for by the Chief Accountant.

Power to make regulations and give directions

19. The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations and, subject to the regulations, the Minister may give such directions and instructions as may appear to him to be necessary or expedient for carrying out the intent and purposes of this Ordinance and for the safety, economy and advantage of the public revenue and public property:

Provided that such regulations, directions and instructions as are in force for like purposes at the coming into operation of this Ordinance shall continue in force so far as they are applicable until superseded or cancelled by regulations, directions or instructions made or given under this section.

Saving in relation to trusts

20. Nothing in this Ordinance shall extend to, abridge or alter the terms of any trust or shall be construed as authorising the making of any regulations or the giving of any directions or instructions requiring any person to obey such regulations, directions or instructions in relation to moneys held on trust which contravene or are inconsistent with the terms of such trust.

#### *General*

Existing investments to be part of Consolidated Fund Schedule 1

21. All investments held by or on behalf of the Republic on the date of coming into operation of this Ordinance shall, if the same are not held on account of the Special Funds set out in Schedule 1, be deemed to have been made out of moneys issued

from the Consolidated Fund and shall be deemed to form part of the Fund and, notwithstanding that such investments are not such as may be made under section 6, may be retained.

22. (1) The Republic shall not borrow money except in accordance with the provisions of a written law. Restrictions  
on borrowing

(2) The powers conferred by any general or specific Loans Ordinance or by an Appropriation Ordinance to borrow money by means of advances from a bank or from the Crown Agents may be exercised by means of a fluctuating overdraft or by borrowing on loan account and in any case either upon the security of assets charged or against a guarantee or unsecured.

(3) Except as otherwise provided by or under any other law for the time being in force any money borrowed by the Republic shall be paid into and form part of the Consolidated Fund or such other public fund as the Minister may in each case designate and shall be available in any manner in which the Consolidated Fund or such other public fund, as the case may be, is available.

(4) An account set up by an advance made in accordance with a specific agreement under section 7 (1) (e) may be overdrawn in accordance with that agreement but shall be promptly reimbursed by the Chief Accountant.

(5) Except as otherwise provided by or under any other law for the time being in force the principal money and all interest and other charges on any money borrowed by the Government, and the interest upon any account overdrawn under subsection (4), shall be charged upon and paid out of the Consolidated Fund or such other public fund of Kiribati as the Minister may in each case designate without further appropriation than this Ordinance.

23. (1) If in the opinion of the Minister the exigencies of the public service render it necessary or expedient to vary the sum assigned to any purpose within any head of expenditure shown in the estimates of expenditure for any financial year, or to make provision for a new purpose within such head, he may direct by means of a Virement Warrant under his hand that there shall be applied in aid of any purpose for which the sum assigned may be deficient or in aid of any new purpose a further sum out of any surplus arising on any sum assigned to any other purpose within the same head: Reallocations  
within Heads  
of Expendi-  
ture

Provided that—

- (i) the sum appropriated to any head by the Appropriation Ordinance and by any Supplementary Appropriation Ordinance is not thereby exceeded; and

(ii) any new purpose to which any sum is assigned shall be within the ambit of the relevant head.

(2) Any Virement Warrant issued under subsection (1) shall be laid before the Maneaba ni Maungatabu at its sitting next following the date on which such Virement Warrant was signed.

(3) Nothing in this section shall be construed as permitting the avoidance of any financial regulations which may for the time being be in force governing issues from funds of the United Kingdom.

## PART IV

### DEPOSITS

Deposits

**24.** Any moneys, not being money raised or received for the purposes of the Government which may be deposited with the Chief Accountant or with any other public officer authorised by the Chief Accountant or by regulations made under this Ordinance to receive the same (such moneys being hereinafter referred to as deposits), shall not form part of the Consolidated Fund and except as provided in this Part shall not be applied in any way for the purposes of Government.

Investment of deposits

**25. (1)** The Minister may authorise the investment of deposits in like manner to that provided by section 6 (1) in respect of the Consolidated Fund.

(2) Any interest or dividend received in respect of deposits invested in accordance with subsection (1) shall be paid into the Consolidated Fund.

Deposits may be used to finance advances

**26.** Subject to the provisions of this section, the Minister may authorise the Chief Accountant to use deposits for the purpose of making advances for all or any of the purposes specified in section 7 (1):

Provided that deposits shall not be so used where the advance in question is repayable or recoverable as the case may be after the close of the financial year in which such advance is made.

Unclaimed deposits

**27.** Any deposit which is unclaimed for 5 years shall be paid into the Consolidated Fund for the public purpose of the Government:

Provided that if any person entitled thereto shall subsequently prove to the satisfaction of the Chief Accountant his claim to any

such deposit the Chief Accountant shall thereupon refund to such person his deposit.

28. Subject to the provisions of this Part, the Chief Accountant is hereby authorised to administer and, in appropriate cases, to refund deposits to the person or persons entitled to them.

Chief Accountant to administer deposits and make refunds

## PART V

### POWERS AND DUTIES OF THE DIRECTOR OF AUDIT

29. The Director of Audit shall, on behalf of the Maneaba ni Maungatabu examine, inquire into and audit the accounts of the Chief Accountant and of accounting officers and of all accountable officers.

Duties of Director of Audit

30. (1) In the exercise of his duties to audit, inquire into and examine accounts the Director of Audit may, *inter alia*—

Powers of Director of Audit

- (a) call upon any officer for any explanations and information which the Director of Audit may require in order to enable him to discharge his duties;
- (b) authorise any person publicly carrying on the profession of accountant or any public officer to conduct on his behalf any inquiry, examination or audit and such person or officer shall report thereon to the Director of Audit;
- (c) without the payment of any fee cause search to be made in and extracts to be taken from any book, document or record pertaining to matters of finance or accounts in any public office;
- (d) lay before the Attorney-General a case in writing as to any question regarding the interpretation of any Ordinance or regulation concerning the powers of the Director of Audit or the discharge of his duties, and the Attorney-General shall give a written opinion upon such question.

(2) In the exercise of his duties the Director of Audit or any person duly authorised by him in writing shall have access to all records, books, vouchers, documents pertaining to matters of finance and accounts, and to all cash, stamps, securities, stores or other property of the Republic of any kind whatsoever in the possession of any public officer.

(3) In exercising his powers of audit and examination of accounts, the Director of Audit shall satisfy himself—

- (a) that all reasonable precautions have been taken to

safeguard the collection and custody of revenue and that the Ordinances, directions and instructions relating thereto have been duly observed;

- (b) that all moneys which have been appropriated and disbursed have been applied to the purposes for which they were appropriated, and that the expenditure conforms to the authority which governs it;
- (c) that all public moneys other than those which have been appropriated have been dealt with in accordance with proper authority;
- (d) that all reasonable precautions have been taken to safeguard the receipt, custody, issue and proper use of cash, stamps, securities and stores and that the regulations, directions and instructions relating thereto have been duly observed; and
- (e) that adequate regulations, directions or instructions exist for the guidance of accounting officers and accountable officers.

Director of Audit not to be required to undertake pre-audit or any duties incompatible with his office

31. (1) The Director of Audit shall not be required to undertake any examination of accounts in the nature of a pre-audit if he would be precluded thereby from full criticism of any accounting transaction whether or not such transaction had been duly recorded.

(2) The Director of Audit shall not be required to undertake any duties outside those pertaining to his office if in his opinion such duties are incompatible with the responsibilities and duties of that office.

Staff and delegation of functions

32. Anything which may be done by the Director of Audit under the authority of this Ordinance, other than certifying and reporting on accounts, may be done by any officer of his staff so authorised by him.

Examination of accounts of expenditure

33. (1) Every account to which this Ordinance applies (which expression shall include every account of public moneys and every account referred to in Part VII) shall be subject to examination by the Director of Audit, and in the examination of such accounts the Director of Audit shall satisfy himself that the money expended has been applied to the purpose or purposes for which appropriation has been made by the Maneaba ni Maungatabu and for which the heads of expenditure approved by the Maneaba ni Maungatabu were intended to provide and that the expenditure conforms to the authority which governs it.



(2) The Director of Audit after satisfying himself that the vouchers have been examined and certified as correct by the accounting officer, may, in his discretion and having regard to the character of the departmental examination, in any particular case admit the sums so certified without further evidence of payment in support of the charges to which they relate.

(3) If at any time it appears to the Director of Audit that any expenditure included in any account is unsupported by the authority of the Minister, he shall report to the Minister any expenditure which appears upon the examination to have been incurred without such authority, and any such unauthorised expenditure shall, unless sanctioned by the Minister be regarded as not being properly chargeable to a Head of Expenditure and shall be so reported to the Maneaba ni Maungatabu which may resolve in terms of Part VIII that it be written off unless it may be recoverable.

(4) The Director of Audit shall report to the Maneaba ni Maungatabu any important change in the extent or character of any examination made by him.

34. In his examination of any account the Director of Audit may, in cases where the accuracy and propriety of the payment is not in doubt, admit and allow any voucher supporting such payment notwithstanding that such voucher is defective in some particular.

Defective vouchers may be admitted and allowed

35. In the event that any voucher—

(a) has been lost or inadvertently destroyed; or

(b) is not admitted or allowed by the Director of Audit under section 34;

Vouchers which are lost, destroyed or not allowed under section 31

the Minister may, if upon due inquiries he is satisfied as to the accuracy and propriety of the payment and as to the circumstances of such defect, loss or destruction, authorise the payment to stand charged in the accounts.

36. (1) The accounts of the receipt of revenue by the Departments of Government and the accounts of every receiver of money which is by law payable to the Government shall be subject to examination by the Director of Audit in order to ascertain that adequate regulations and procedure have been framed to secure an effective check on the assessment, collection, and proper allocation of revenue, and the Director of Audit shall satisfy himself that any such regulations and procedure are being duly carried out.

Examination of accounts of receipts of revenue

(2) The Director of Audit shall make such examination as he thinks fit with respect to the correctness of the sums brought to account in respect of such revenue as aforesaid, and shall, together with his report on the appropriation accounts of the departments concerned, present to the Maneaba ni Maungatabu a report on the results of any such examination.

Examination  
of any other  
accounts

37. (1) The accounts of all accountable officers and any other such accounts, whether relating directly to the receipt or expenditure of public funds or not shall be subject to examination by the Director of Audit.

(2) The Director of Audit shall examine any such accounts so required to be examined by him as aforesaid with as little delay as possible, and when the examination of each account has been completed shall sign a certificate to the account recording the result of his examination, and a copy of the account so certified shall be sent to the Minister together with the report presented under section 33.

Examination  
of stores  
accounts

38. (1) Stores accounts shall be kept in all cases where, in the opinion of the Chief Accountant, the receipt, expenditure, sale, transfer or delivery of any securities, stamps, provisions, or stores the property of any Government department is of sufficient amount or character to require the keeping of such accounts, and the Director of Audit may examine any such accounts so required to be kept in order to ascertain that adequate regulations have been made for control and stocktaking, and that the regulations are duly endorsed and that any requirements of the Minister have been complied with.

(2) The Director of Audit shall report to the Maneaba ni Maungatabu the result of any such examination.

## PART VI

### THE AUDIT AND EXAMINATION OF PUBLIC ACCOUNTS

Annual  
accounts

39. (1) Within a period of 6 months (or such longer period as may be prescribed) after the end of each financial year there shall be transmitted to the Director of Audit by the Chief Accountant accounts showing fully the financial position at the end of the year, which shall include—

- (i) a balance sheet;
- (ii) a statement of receipts and payments, by Heads, and other receipts and payments;

- (iii) a comparative statement of actual and estimated revenue, by subheads;
  - (iv) a comparative statement of actual and estimated expenditure, by subheads;
  - (v) a statement of Special Funds' balances, by annual and aggregate receipts and payments;
  - (vi) a statement of other ledger balances;
  - (vii) a statement of balances on advances account from the Consolidated Fund, analysed under the several categories set out in section 14 (1);
  - (viii) a statement of balances on advances accounts from deposits;
    - (ix) a statement of balances on deposit accounts;
    - (x) a statement of contingent liabilities;
    - (xi) a statement of investments, showing the funds on behalf of which such investments have been made;
    - (xii) a statement of outstanding loans made from the Consolidated Fund by annual and aggregate receipts and payments;
  - (xiii) a statement of the Public Debt;
  - (xiv) a statement of arrears of revenue, by subheads;
  - (xv) tabulated summaries of unallocated stores and manufacturing accounts;
  - (xvi) a statement of the balance on Development Fund account by annual and aggregate receipts and payments;
  - (xvii) a statement of balances on suspense account;
  - (xviii) a statement of unauthorised expenditure by subhead showing the provision as at 31st December, the expenditure for the year and the excess of expenditure over provision;
  - (xix) a statement of balances on remittance account.
- (2) Within a period of 6 months after the close of such period of account as may be prescribed by any law relating thereto, or in the absence of such law, such period of account as the Chief Accountant may appoint—
- (a) any officer administering a Special Fund; and
  - (b) any officer administering any trust or other fund or account not provided for in this section, if so directed by the Minister,
- shall prepare, sign and transmit to the Director of Audit an

account of such fund or account relating to the period of account in such form as the Chief Accountant may from time to time require.

Notification of irregularities to Chief Accountant

**40.** If at any time it appears to the Director of Audit that any irregularities have occurred in the receipt, custody, issue or expenditure of public moneys or in the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other property of the Republic, or in the accounting for the same, he shall immediately bring the matter to the notice of the accounting officer concerned and the Chief Accountant.

Special report by the Director of Audit

**41.** The Director of Audit may at any time, if he considers it desirable, send a special report on any matter concerning his powers and duties under this Ordinance to the Speaker to be laid before the Maneaba ni Maungatabu.

## PART VII

### EXAMINATION AND AUDIT OF THE ACCOUNTS OF STATUTORY CORPORATIONS, BOARDS, COMMISSIONS AND BODIES

Preparation and examination of trading accounts, etc.

**42.** (1) There shall be prepared in each financial year, in such form and by such statutory corporations, boards, commissions and bodies (whether corporate or unincorporated) as the Director of Audit may from time to time direct and approve, statements of account showing the income and expenditure of any trading or commercial services conducted by them or by any of them, together with such balance sheets and statements of profit and loss and particulars of costs as the Director of Audit may require.

(2) All such accounts shall be transmitted to the Director of Audit and presented to the Maneaba ni Maungatabu on or before the dates specified in that behalf by orders made under this Ordinance.

(3) All such accounts as aforesaid shall be examined by the Director of Audit on behalf of the Maneaba ni Maungatabu and in his examination he shall have regard to any programmes of works which may have been laid before the Maneaba ni Maungatabu and he shall certify and report on such accounts to the Maneaba ni Maungatabu and shall send a copy of his report to the Minister of Finance.

(4) Every such account shall in every year until it is wound up be examined by the Director of Audit in such manner as he, in his

discretion, thinks proper with a view to ascertaining whether the operations on and the transactions in connection with the account have been in accordance with the provisions of this Part of this Ordinance and he shall certify to the Maneaba ni Maungatabu whether in his opinion, having regard to the result of the examination, the operations on the transactions in connection with the account have or have not been in accordance with the provisions of this Part of this Ordinance.

(5) Without limiting the generality of this section, this Part shall apply to any corporate body established by law to any company which is a subsidiary of any such corporate body and, if the Maneaba ni Maungatabu by resolution so directs, to any board, body or commission which is not so established—

- (a) which is in receipt of a contribution from public funds; or
- (b) the operations of which may under the Ordinance establishing the same, or under any Ordinance relating thereto, impose or create a liability upon public funds.

(6) For the purposes of this Part a company is a subsidiary of another if that other is a member of it and controls the composition of the board of directors or holds more than half in nominal value of its equity share capital, or the first mentioned company is a subsidiary of any company which is that other's subsidiary.

43. (1) On receipt of any report of the Director of Audit as required by section 42, the Minister shall obtain the observations of the corporation, statutory board, body or commission on any matter, to which attention has been called by the Director of Audit in such report and such observations shall be laid before the Maneaba ni Maungatabu with the said report:

Minister to obtain observations on report of Director of Audit

Provided that if such observations have not been received within 42 days of them being requested by the Minister, he may lay the report before the Maneaba ni Maungatabu without such observations.

(2) If the Minister fails within a reasonable time to lay the report of the Director of Audit before the Maneaba ni Maungatabu the Director of Audit shall transmit a copy of such report to the Speaker.

44. Any corporation and any statutory board, body or commission the accounts of which are audited by the Director of Audit under the provisions of section 37 shall in respect of such audit pay such fee as may, with the concurrence of the Minister previously obtained, be determined by the Director of Audit:

Audit fees to be charged

Provided that the Minister may, in any case in which it shall

appear to him to be in the public interest that no audit fee shall be paid, waive the payment of such fee.

## PART VIII

### ABANDONMENT OF CLAIMS, ETC., AND WRITE-OFF OF PUBLIC MONEYS AND STORES

Abandonment of claims, etc., and write-off of public moneys and stores

45. (1) The Maneaba ni Maungatabu may, by resolution authorise the Minister to the extent specified in such resolution to abandon and remit any claim by or on behalf of the Republic or any service thereof and to write-off losses of public moneys, stores or other property belonging to the Republic or provided for the public service.

(2) Such resolution may be in general terms and of continuing application and may be made retrospectively.

(3) The Minister may by writing under his hand delegate to any public officer any of the powers which he is authorised to exercise by resolution of the Maneaba ni Maungatabu under this section.

Disposal of serviceable stores or property to certain organisations

46. The Minister may authorise the gift of serviceable Republic stores or property not required for Republic purposes to institutions or organisations established solely or principally for educational, scientific, cultural or charitable purposes:

Provided that where the value of such stores or property exceeds \$1,000 the prior approval of the Maneaba ni Maungatabu shall be required.

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#### SCHEDULE 1

(Section 12)

#### SPECIAL FUNDS

Government Savings Bank  
 Local Government Loans Board  
 Revenue Equalisation Reserve  
 Funds Special—Leper Trust Board  
 Funds Special—Lien (GIDA & RER)  
 Funds Special—Local Government Provident  
 Funds Special—Import Levy Fund  
 Kiritimati Plantation  
 Funds Special—Ellice Separation

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## SCHEDULE 2

## (Section 11)

## RULES FOR THE OPERATION OF THE DEVELOPMENT FUND

1. In these Rules "Fund" means the Development Fund.
2. (1) No moneys shall be issued from the Fund for the purpose of meeting any expenditure except in accordance with a warrant under the hand of the Minister authorising the Chief Accountant to issue those moneys.  
(2) Subject to rules 4, 5, 6 and 7 no warrant shall be issued under paragraph (1) unless the expenditure in question has been authorised by the Maneaba ni Maungatabu by resolution or in accordance with these Rules.
3. (1) The Minister shall cause to be prepared in each financial year estimates of the revenue and expenditure of the Fund for the next following financial year.  
(2) The proposals for all expenditure contained in the estimates shall be submitted to the Maneaba ni Maungatabu and a statement showing the estimated balance of the Fund at the commencement of the financial year and the anticipated revenue accruing to and total expenditure from the Fund during the financial year shall also be furnished to the Maneaba ni Maungatabu.
4. (1) If the Maneaba ni Maungatabu has not yet authorised for any financial year the expenditure of sums necessary to finance the continued construction and provision of development works for which provision was made from the Fund in the previous financial year the Minister may by warrant authorise the issue from the Fund of such sums as are necessary to finance the continued construction and provision of such works to enable such works to be carried out for a period of 4 months or until the expenditure of sums necessary to finance the continued construction and provision of such works has been approved by the Maneaba ni Maungatabu whichever is the shorter period.  
(2) Notwithstanding paragraph (1) no sum may be issued under this rule in respect of any subhead where such sum would be in excess of 20 per cent of the estimate of the total cost for such subhead as it appears in the development estimates or supplementary development estimates approved by the Maneaba ni Maungatabu.
5. (1) When in any financial year the development estimates or supplementary development estimates for that year include an estimate of total cost for any subhead over any period which is in excess of the total sum appropriated for that subhead for the current year the Minister may by warrant authorise the expenditure of any sum which, when added to the expenditure incurred on the corresponding subhead in previous years and to the expenditure already authorised for the same subhead for the current year, does not cause to be exceeded the latest estimate of total cost for that subhead included in the development estimates or supplementary development estimates approved by the Maneaba ni Maungatabu for that year.  
(2) When at the commencement of any financial year the provision included for any subhead in the development estimates or supplementary development estimates of the immediately preceding financial year has been only partially expended the Minister may by warrant authorise the expenditure of the unspent balance of such provision under a corresponding subhead in the current financial year:

Provided that the amount so authorised shall not when added to the expendi-

ture incurred in previous years and to the provision already made in the current year, exceed the latest overall estimate of total cost for the subhead included in any development estimates or supplementary development estimates approved by the Maneaba ni Maungatabu.

(3) No warrant under this rule shall authorise the issue of an amount which if it were expended at once would exceed the balance of the Fund remaining after all other expenditure authorised for the year has been provided for.

6. The Minister may with the approval of the Cabinet by warrant authorise the issue from the Fund of such sum as may be necessary for expenditure under any subhead of a special character which is not provided for in the expenditure already authorised by the Maneaba ni Maungatabu for that year and which cannot or cannot without serious injury to the public interest be postponed until adequate provision can be made by the Maneaba ni Maungatabu:

Provided that no such warrant shall authorise the issue of an amount which if it were expended at once would exceed the balance of the Fund remaining after all other expenditure authorised for that year has been provided for.

7. (1) The Minister may in any year by warrant authorise the issue from the Fund of such additional sum as may be necessary for expenditure under any subhead which has been authorised by the Maneaba ni Maungatabu for that year and the issue of which cannot or cannot without serious injury to the public interest be postponed until adequate provision can be made by the Maneaba ni Maungatabu:

Provided that no such warrant shall authorise the issue of a sum in excess of 20 per cent of the latest estimate of total cost for that subhead as included in any development estimate without the approval of the Cabinet.

(2) No warrant under this rule shall authorise the issue of an amount which if it were expended at once would exceed the balance of the Fund remaining after all other expenditure authorised for the year has been provided for.

8. The Minister shall at the meeting of the Maneaba ni Maungatabu next following the issue of any warrant under rule 5, 6 or 7 present a supplementary estimate covering the expenditure to the Maneaba ni Maungatabu for its approval.

[Subsidiary]

## SUBSIDIARY LEGISLATION

### Regulations under section 13 (2) (c)

L.N. 23/73

### KIRITIMATI PLANTATION SPECIAL FUND REGULATIONS

1. These Regulations may be cited as the Kiritimati Plantation Special Fund Regulations.

2. "Fund" means the Kiritimati Plantation Special Fund and "Manager" means the Manager of Kiritimati Plantation.

3. The Fund into which shall be paid all revenues accruing to Kiritimati Plantation and from which shall be paid all expenditure of Kiritimati Plantation shall be controlled and operated in the manner hereinafter appearing.

4. The Chief Agricultural Officer shall administer the Fund.



5. The Manager shall submit to the Chief Agricultural Officer annual estimates of revenue and expenditure of the Kiritimati Plantation for the next following year to reach the Chief Agricultural Officer not later than 30 September in each year. The annual estimates shall be in the form specified by the Chief Accountant. The annual estimates shall include revised estimates of revenue and expenditure for the current year and actual revenue and expenditure for the previous year. The Chief Agricultural Officer shall submit the annual estimates, together with his comments, to the Minister for approval to reach the Minister not later than 30 October in each year. Before the approval by the Minister the annual estimates shall be submitted to the Cabinet for comment. Copies of the approved annual estimates shall be sent to the Chief Accountant and the Director of Audit.

6. The following records shall be kept, maintained and reconciled for each year of account in accordance with such provisions of Chapters 3 and 8 of the Financial Regulations and such instructions as the Chief Accountant may from time to time issue—

- (a) by the Chief Agricultural Officer at the Department of Agriculture central records of receipts and payments; and
- (b) by the Manager records of local receipts, local payments and commitments.

7. Within 1 week after the end of each month the Manager shall inform the Chief Agricultural Officer by telegraph of the local receipts and local payments under the various allocations brought to account by him during the preceding month.

8. Within 1 week after the end of each month the Manager shall advise the Chief Agricultural Officer by telegraph of the estimated cost, name of agent, expenditure allocation and such other information as required of all orders of goods or services made by him outside Kiritimati.

9. Subject to section 99 of the Constitution, to administer the Fund the Chief Agricultural Officer may employ any necessary personnel on terms agreed to by the Public Service Commission. The costs of such personnel shall be charged to an expenditure allocation of the annual accounts of the Fund.

10. Except with the agreement of the Minister there shall be no increase in total expenditure after approval of the annual estimates.

11. The period of account of the Fund shall be the calendar year.

12. The annual accounts shall be presented in accordance with the approved estimates of the relevant year and shall include opening and closing balances of the Fund. A statement showing in tabular summary the operations of the trade store and copra production on Kiritimati together with the value of goods in transit shall accompany the annual accounts.

PRICES ORDINANCE 1976 (No.6 of 1976)  
(Cap.75 of 1977)

Long title

Omit "THE MINISTER OF COMMERCE AND INDUSTRY", substitute "THE MINISTER".

Section 2 (1977, S.2)

Omit the definition "the Minister".

Section 7 (1977, S.7)

Omit from paragraph (f) "the Minister may by regulation require", substitute "the regulations may require".

Section 9 (1977, S.9)

Omit from subsection (1) "the Minister", substitute "subject to section 99 of the Constitution, the Minister".

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Section 11 (1977, S.11)

Omit "the Minister", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

PUBLIC FINANCE (CONTROL AND AUDIT) ORDINANCE 1976  
(No.18 of 1976)  
(Cap.79 of 1977)

A. The Ordinance

Section 2 (1977, S.2)

Omit the definition "Appropriation Ordinance".

Omit the definition "Consolidated Fund".

Do not amend "the Government" in paragraph (a) of the definition "Public moneys".

Omit the definition "the public service".

Insert in the definition "public stores" after "the property of" the words "the Republic".

Do not amend "the Government" in the definition "public stores".

Omit the definition "sitting".

Omit the definition "statutory expenditure".

Omit the definition "supplementary appropriation Ordinance".

Section 4 (1977, S.4)

Do not amend "the Government" in subsection (1).

Do not amend "the Government" in subsection (2).

Section 7 (1977, S.7)

Do not amend "the Government" in subsection (1)(e).

Section 9 (1977, S.9)

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Insert before subsection (1) –  
“(1A) The provisions of this section take effect for the purposes of section 109(4) of the Constitution.”.

Section 10 (1977, S.10)

Omit from subsection (1)(b) "Her Majesty's Government or from".

Omit subsection (2), substitute –  
“(2) The Development Fund is a Special Fund.”.

Section 11 (1977, S.11)

Omit from subsection (2) "the Minister, substitute "the Beretitenti, acting in accordance with the advice of the Cabinet.”.

Section 13 (1977, S.13)

Omit from subsection (1) "by the Governor under the Constitution", substitute "in accordance with section 107(2) of the Constitution.”.

Omit from subsection (2)(c) "Regulations", substitute "rules”.

Section 14 (1977, S.14)

Do not amend "the Government" (twice occurring) in subsection (1).

Section 15 (1977, S.15)

Do not amend "the Government's accounting organisation".  
Do not amend "the Government" in paragraph (I).  
Omit from paragraph (iv) "government property", substitute "property of the Republic".

Section 16 (1977, S.16)

Omit "by the Minister or under powers delegated by him".

Section 18 (1977, S.18)

Do not amend "Government" in subsection (1).

Section 19 (1977, S.19)

Omit "the Minister may make such regulations and", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations and, subject to the Regulations, the Minister".

Section 20 (1977, S.20)

~~Omit "authorizing the Minister to make any regulations or to give any instructions", substitute "authorizing the making of any regulations and, subject to the regulations, the Minister".~~

Section 24 (1977, S.24)

Do not amend "Government" (twice occurring).

Section 27 (1977, S.27)

Do not amend "the Government".

Section 30 (1977, S.30)

Omit from subsection (2) "Government property", substitute "property of the Republic".

Section 34 (1977, S.34)

Omit from subsection (1) "on behalf of the Government".

Section 36 (1977, S.36)

Omit all words after "stand charged in the accounts".

Section 37 (1977, S.37)

Do not amend "Government" (first occurring) in subsection (1).

Section 41 (1977, S.41)

Omit "Government property", substitute "property of the Republic".

Section 43 (1977, S.43)

Omit from subsection (2) "the Governor, to be by him presented to the House of Assembly, substitute "the Speaker".

Section 44 (1977, S.44)

Omit from the proviso "direct the Director of Audit to waive", substitute "waive".

B. Christmas Island Plantation Special Fund Regulations (LN.23/73)

Regulation 9 (1977, Reg.9)

Omit "To administer", substitute "Subject to section 99 of the Constitution, to administer".

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PUBLIC UTILITIES ORDINANCE 1977 (NO.5 OF 1977)  
(CAP.83 OF 1977)

Section 3 (1977, S.3)

Omit from subsection (4) "the Minister", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

Section 8 (1977, S.8)

Insert in subsection (1) after the words "this Ordinance" (first occurring) –

“, and to Chapter II (and in particular sections 8 and 9) of the Constitution”.

Insert in subsection (2) after the words "subsection (1)" –

“, but subject to Chapter II (and in particular sections 8 and 9) of the Constitution,”.

REPUBLIC OF KIRIBATI  
(No. 2 of 1981)

I assent,

Beretitanti.  
May, 1981.

AN ACT TO AMEND THE PUBLIC FINANCE  
(CONTROL AND AUDIT) ORDINANCE  
(CAP. 79)

Commencement: May, 1981.

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

- at title.
1. This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act, 1981.
- ends section of the principal Finance, Cap.
2. Section 31 of the Public Finance (Control and Audit) Ordinance (in this Act referred to as the principal Ordinance) is repealed.
- ends section of the principal Finance.
3. Section 33 of the principal Ordinance is amended by repealing the words "the certifying of the reporting on accounts" and substituting the words "certifying and reporting on accounts".
- ends section (b) of the principal Ordinance.
4. Section 36(b) of the principal Ordinance is amended by repealing the word and figures "section 31" and substituting the word and figures "section 35".
- ends new section A to principal Ordinance.
5. The principal Ordinance is amended by inserting after section 40 the following section -
- "Special report by the Director of Audit.
- 40A. The Director of Audit may at any time, if he considers it desirable, send a special report on any matter concerning his powers and duties under this Ordinance to the Speaker to be laid before the Maneaba ni Maungatabu".
- ends section 2 of the principal Ordinance.
6. Section 42(3) of the principal Ordinance is amended by adding at the end the words "and shall send a copy of his report to the Minister of Finance".
- ends section 3 of the principal Ordinance.
7. Section 43(1) of the principal Ordinance is amended -
- (a) by repealing the word and figures "section 38" and substituting the word and figures "section 42";

(b) by adding at the end the following proviso -

"Provided that if such observations have not been received within 42 days of them being requested by the Minister, he may lay the report before the Maneaba ni Maungatabu without such observations."

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 18 May, 1981, and is found by me to be a true and correctly printed copy of the said Bill.



.....  
Clerk to the Maneaba  
ni Maungatabu.

Published by exhibition -

(1) at the Public Office of the Beretitenti on May, 1981.

.....  
Secretary to the Cabinet.

(2) at the Maneaba ni Maungatabu on May, 1981.

.....  
Clerk to the Maneaba ni  
Maungatabu.

REPUBLIC OF KIRIBATI  
(No. 12 of 1981)

I assent,

*N. Tabai*  
Beretitenti.  
*29th Dec, 1981.*

AN ACT TO AMEND THE PUBLIC FINANCE  
(CONTROL AND AUDIT) ORDINANCE (Cap. 79)

Commencement:

*29th December, 1981.*

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

short title.

1. This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act 1981.

amends Section  
of the  
Principal  
Finance  
(Cap. 79).

2. Section 6 of the Public Finance (Control and Audit) Ordinance (in this Act referred to as 'the principal Ordinance') is amended:

- 1) By repealing Section 6 and the following Section 6 substituted:-

Section 6(1)

The Minister may authorise the investment of moneys forming part of the Consolidated Fund in:

- (a) cash, or
- (b) stocks and bonds of, or guaranteed by, the Government of Kiribati and approved by the Maneaba ni Maungatabu, or stocks and bonds of other Governments or internationally reputable financial and business organisations (including state, city and local Governments); or
- (c) shares quoted in a Stock Exchange that is approved by the Minister of Finance for the purpose; or
- (d) short-term deposits not exceeding twelve months with a Bank whether in Kiribati or elsewhere, approved by the Minister for the purpose; or
- (e) the joint Consolidated Fund administered by the Crown Agents; or



- (f) In such investment or investments authorised for the investment of property in the hands of trustees by any law for the time being in force or in any combination of them and not otherwise save and except as authorised by resolution of the Maneaba ni Maungatabu; or
- (g) Semi Government securities including promissory notes and approved by the Minister; or
- (h) Australian Wheat Board promissory notes and approved by the Minister; or
- (i) Bank Accepted and/or Bank endorsed Bills and approved by the Minister; or
- (j) Lodgement of deposits with official money market dealers and approved by the Minister; or
- (k) Lodgement on an unsecured basis with selected finance companies, merchant banks and industrial companies and approved by the Minister.

Section 6(2)

All investments made under this Section together with any interest received therefrom shall form part of the Consolidated Fund.

Section 6(3)

A resolution for the purposes of Section 6(1) may be either general or specific.

Section 6(4)

Notwithstanding anything in the preceding provisions of this Section, no investment or money standing to the credit of the Consolidated Fund shall be made otherwise than through

- (a) a ~~number~~ <sup>member</sup> of a Stock Exchange that is approved for the purpose by the Minister of Finance; or
- (b) a recognised business manager appointed by the Minister of Finance for the purpose; or
- (c) the Chief Accountant acting on the instructions of the Minister.

Section 6(5)

Nothing in this section affects any investment of money standing to the credit of the Fund as at the effective date of commencement of this Act, but no such money may be reinvested otherwise than in accordance with this Section.

(e)

Section 6(6)

The expenses of the management and operation of the Consolidated Fund shall be paid out of the said Fund.

Amends S.13 of the principal Ordinance.

3. Section 13(2)(a) of the principal Ordinance is repealed and the following words substituted as Section 13(2)(a):

Section 13(2)(a)

Authorise the investment of moneys standing to the credit of Special Funds in:

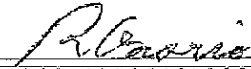
- (a) cash, or
- (b) stocks and bonds of, or guaranteed by, the government of Kiribati and approved by the Maneaba ni Maungatabu, or stocks and bonds of other Governments or internationally reputable financial and business organisations (including state, city and local Governments; or
- (c) shares quoted in a Stock Exchange that is approved by the Minister of Finance for the purpose; or
- (d) short-term deposits not exceeding twelve months with a Bank whether in Kiribati or elsewhere, approved by the Minister for the purpose; or
- (e) the joint Consolidated Fund administered by the Crown Agents; or
- (f) In such investment or investments authorised for the investment of property in the hands of trustees by any law for the time being in force or in any combination of them and not otherwise save and except as authorised by resolution of the Maneaba ni Maungatabu; or
- (g) Semi Government securities including promissory notes and approved by the Minister; or
- (h) Australian Wheat Board promissory notes and approved by the Minister; or
- (i) Bank accepted and/or Bank endorsed Bills and approved by the Minister; or
- (j) Freehold property and leasehold property of which the unexpired term at the time of investment is not less than sixty years, whether in Kiribati or elsewhere.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 7th December 1981, and is found by me to be a true and correctly printed copy of the said Bill.



.....  
Clerk to the Maneaba ni  
Maungatabu.

I certify that the above Bill was on 7th December 1981 passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.



.....  
Speaker.

Published by exhibition -

(a) at the Public Office of the Beretitenti on  
1981.

.....  
Secretary to the Cabinet.

(b) at the Maneaba ni Maungatabu on  
*29th December, 1981.*



.....  
Clerk to the Maneaba ni  
Maungatabu.

PUBLIC FINANCE (CONTROL AND AUDIT)  
(AMENDMENT) ACT 1981

Explanatory Memorandum

1. Section 2 of this Act amends Section 6 of the Public Finance (Control and Audit) Ordinance Chapter 79 by repealing the said Section 6 and substituting a fresh Section 6.
2. Under the original Section 6 of Cap. 79, the Minister was empowered to authorise the investment of monies in the Consolidated Fund, but such an investment power was a restricted one and did not give sufficiently wide investment powers.
3. S.2 of this amending Act rectifies this situation by widening the scope of permitted investments, in respect of the Consolidated Fund.
4. S.13 of Cap. 79 empowered the Minister to authorise investment of moneys in Special Funds, but here again such power was restricted.
5. S.3 of this amending Act amends S.13 of Cap. 79 so as to widen the scope of permitted investments.

Roger Lawrence Davey  
Attorney General

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Roger Lawrence Davey  
Attorney General  
9 December 1981.

REPUBLIC OF KIRIBATI  
(No. 5 of 1984)

I assent,

*N. Tabai*  
Beretitenti.  
11/6/1984.

AN ACT TO AMEND THE PUBLIC FINANCE  
(CONTROL AND AUDIT) ORDINANCE  
(Cap. 79)

Commencement:  
11 June 1984

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

Short title.

1. ~~This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act 1984.~~

Amendment of section 4 of Cap. 79.

2. Section 4 of the Public Finance (Control and Audit) Ordinance (Cap 79) is amended -

- (a) in the marginal note by adding after the word "Fund" the words "and general fund of local government council."; and
- (b) by inserting after subsection (1) the following subsection:-

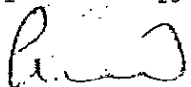
"(2A) Notwithstanding anything contained in subsection (1) all revenues and other moneys -

(a) raised; or

(b) received,

for the purposes of the government but raised or received under any subsidiary legislation made by any local government council under the Local Government Ordinance or Act as in force from time to time shall be paid into such local government's general fund established under Part VII of such Ordinance or Act."

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 29th May, 1984 and is found by me to be a true and correctly printed copy of the said Bill.

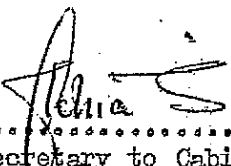
  
.....  
Clerk to the Maneaba  
ni Maungatabu

I certify that the above Bill was on the 29th day of May, 1984 passed by the Maneaba ni Maungatabu on a certificate of Urgency under section 68(3) of the Constitution.


  
.....  
Speaker

Published by exhibition -

- (a) at the Public Office of the Beretitenti  
this 11th day of June 1984.

  
.....  
Secretary to Cabinet

- (b) at the Maneaba ni Maungatabu on the 14th  
day of June 1984.

  
.....  
Clerk to the Maneaba  
ni Maungatabu

PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT)  
ACT 1984

EXPLANATORY MEMORANDUM

1. This short Act seeks to amend section 4(1) of the Public Finance (Control and Audit) Ordinance which provides that all revenues and other moneys raised or received for the purposes of the Government must be paid into the Consolidated Fund. Some part of these revenues and other moneys as raised and received by the Government are in fact being raised and received under local government councils' by-laws and regulations made by such councils pursuant to the powers conferred on them by the Local Government Ordinance.

2. Most if not all local government councils have had for a long time considered desirable and proper that such revenues and other moneys as collected, raised or received should be paid into the general funds of local government councils and thus the principal purpose behind this short Act as contained in section 2 of the Act.

Michael Neaua Takabwebe  
Attorney General

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the provisions of the Constitution and that the Beretitenti may properly assent to the Act.

Michael Neaua Takabwebe  
Attorney General  
27 March 1984

THE REPUBLIC OF KIRIBATI  
(No. 9 of 1985)

I assent,

*W. Tabai*  
Beretitenti,  
10/9/1985


AN ACT TO AMEND THE PUBLIC FINANCE (CONTROL  
AND AUDIT) ORDINANCE (Cap 79)

Commencement:  
18/9/1985

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

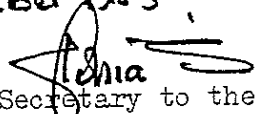
- Short title. 1. This Act may be cited as the Public Finance (Control and Audit)(Amendment) Act 1985.
- Amendment to section 13(2). 2. Section 13(2) of the Public Finance (Control and Audit) Ordinance is amended by adding the following paragraph:
- "(d) by order under his hand authorize the transfer of any sum or sums from any Special Fund to the Consolidated Fund to form part of the general revenues of the Government".

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 3rd September, 1985 and is found by me to be a true and correctly printed copy of the said Bill.


  
Clerk to the Maneaba  
ni Maungatabu

Published by exhibition -

- (a) at the Public Office of the Beretitenti this 10th day of September 1985.

  
Secretary to the Cabinet

- (b) at the Maneaba ni Maungatabu this 10th day of September,

  
Clerk to the Maneaba  
ni Maungatabu



PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT) ACT 1985

EXPLANATORY MEMORANDUM

1. This short Act amends the Public Finance (Control and Audit) Ordinance (Cap 79) so as to empower the Minister (i.e. the Minister for Finance) to authorise the transfer of any sum or sums of money from any Special Fund established under section 107(2) of the Constitution to the Consolidated Fund of Kiribati.

2. Presently no monies standing to the credit of any Special Fund can be transferred from any Special Fund to the Consolidated Fund even though there may be good reasons to do so for example where the sums accumulated by a Special Fund far exceed the need of that Special Fund and yet an occasion may arise in the future where Government may need such extra sums of money to balance its budget deficit or use it for other worthwhile undertaking in the national interest.

3. The amendment is further needed in order to regularise payment out of the Revenue Equalisation Reserve Fund (RERF) which is a Special Fund deemed to have been established by law as set out under section 12 of Cap 79. Currently it would seem that no provision exists either in Cap 79 or Regulations and Rules made under Cap 79 to authorise the transfer of any sum or sums from the RERF to the Consolidated Fund. The proposed amendment seeks to regularise that transfer in relation to the RERF and also other Special Fund established under section 107(2) of the Constitution.

Michael N. Takabwe  
The Attorney General

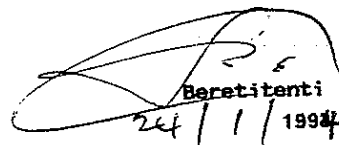
LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwe  
The Attorney General  
14 March 1985

REPUBLIC OF KIRIBATI  
(No. 9 of 1993)

I assent

  
Beretitenti  
24/1/1993

AN ACT TO AMEND THE PUBLIC FINANCE (CONTROL AND AUDIT) ORDINANCE (CAP. 79);  
AND FOR CONNECTED PURPOSES

Commencement:  
1993

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

Short title

1. This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act 1993.

Amendment of section 7

2. Section 7 of the Public Finance (Control and Audit) Ordinance (hereinafter referred to as "the principal Ordinance") is amended by repealing the whole of section 7.

Amendment of section 9

3. Section 9 of the principal Ordinance is amended in subsection (2) by repealing the words "\$250,000" and substituting the words "\$500,000".

Amendment of section 23

4. Section 23 of the principal Ordinance is amended by repealing subsection (3).

Amendment of section 25

5. Section 25 of the principal Ordinance is amended in subsection (2) by repealing the words "paid into the Consolidated Fund" and substituting the words "credited to the account of any person entitled to such deposits".

Amendment of section 26

6. Section 26 of the principal Ordinance is repealed.

Amendment of section 39

7. Section 39 of the principal Ordinance is amended by -
  - (a) repealing paragraph (viii) and renumbering paragraph (ix) as paragraph (viii);
  - (b) renumbering paragraph (x) as paragraph (ix);

- (c) " " (xi) " " (x);
- (d) " " (xii) " " (xi);
- (e) " " (xiii) " " (xii);
- (f) " " (xiv) " " (xiii);
- (g) " " (xv) " " (xiv);
- (h) " " (xvi) " " (xv);
- (i) " " (xvii) " " (xvi);
- (j) " " (xviii) " " (xvii); and
- (k) " " (xix) " " (xviii);

Add new Part XI

8. The principal Ordinance is amended by adding at the end of Part VIII the following new part IX as follows -

"PART IX

SANCTIONS AGAINST PUBLIC OFFICERS; RECOVERY OF FUNDS AND LOSSES

Disciplinary sanctions against public officer for mishandling public funds; recovery of same

47.(1) Any public officer who -

- (a) fails without just cause to collect any moneys owed to the Government with the collection of which he is charged;
- (b) is responsible for any improper payment of public moneys (including any payment not duly vouched);
- (c) is guilty of negligence or misconduct in connection with the destruction, damage, or loss of any public moneys, stamps, securities, stores, or other Government property;
- (d) is responsible for causing any financial loss to the Government through failure to obey any order or instruction properly given to him; or
- (e) fails to account for an imprest issued to him within the time period as laid down in the relevant regulation,

shall be guilty of a violation of section D.3 of the National Conditions of Service (or such other standard as may from time to time be in force) and of a breach of the public trust.

- (2)(a) If the Minister has reason to believe that a public officer has acted in such a manner as to be guilty of an offence under subsection (1), then he shall so notify the officer and advise him of his potential liability to the Government under this section.

(b) The notice under this subsection shall be in writing and shall -

- (i) describe with particularity the act that is the subject of the notice;
- (ii) demand an explanation in writing within 30 days after the date on which the public officer receives the notice;

(iii) state that, in the absence of an exculpatory explanation satisfactory to the Minister, the public officer will be required to repay to the Government the amount involved and that such repayment may be effected by surcharge of any salary or other payment made by the Government to such officer; and

(iv) describe the public officer's right to appeal any decision made by the Minister to the High Court.

(3)(a) If the Minister fails to receive a satisfactory explanation from the public officer notified under subsection (2) within 30 days after such officer received notice under such subsection; then he shall commence recovery of the amount involved by directing such sums as are necessary to be withheld from such officer's salary or other amounts payable to him by the Government.

(b) If the individual concerned is no longer a public officer and is not receiving a salary or other sums from the government, then the Minister -

(i) shall enter into an agreement with such former officer to repay the amount involved in such instalments and over such period of time as may be appropriate; and

(ii) may require any such agreement to be accompanied by such security, guarantees, or other assurances of payment as he believes to be appropriate.

(c) If -

(i) a former public officer refuses to enter into an agreement under paragraph (b); or

(ii) a public officer ceases to be a public officer before the amount involved has been recovered and refuses to enter into such an agreement,

then the Minister shall bring an action against such former officer in any court of competent jurisdiction on behalf of the Government to recover the amount owed.

(4)(a) Any person against whom action is taken by the Minister under subsection (3) may appeal the action of the Minister to the High Court at any time within 30 days after the Minister commences such action.

(b) The High Court may confirm, alter, or quash the surcharge and any such decision of the High Court shall be final.

(c) Any action, whether by surcharge, agreement, or suit to collect amounts owed to the Government by reason of this section shall be stayed pending the disposition of such appeal.

(5) In any action brought by the Minister under subsection (3)(c), it shall be sufficient for judgment against the defendant if, in the absence of proof to the contrary, it is proved on behalf of the Government that the defendant was a public officer, and -

(a) if the action is based on a loss or deficiency in public moneys, he was guilty of conduct described in subsection (1) and such conduct caused such loss or deficiency; or

(b) if the action is based on the loss, damage, or destruction of government property, the property was the responsibility of the defendant and his negligence or misconduct caused or contributed to such loss, damage, or destruction.

(6)(a) The Minister may waive, terminate, reduce, or refund any amounts recoverable or recovered under this section whenever it appears to him that -

(i) the recovery was made by mistake or is not justified by the circumstances, or

(ii) the loss, destruction, or damage to government property was not due entirely to the negligence or misconduct of the public officer or former public officer."

**Enforcement of audit queries**

9. Part IX of the principal Ordinance (as amended) is amended by adding at the end thereof a new section as follows -

**"Enforcement of audit queries**

48.(1) The Director of Audit may require any public officer -

- (a) to respond within a reasonable period of time to any audit question; and
- (b) to submit such records, books, vouchers, or other documents pertaining to the audit as he may find necessary to carry out his duties under this Ordinance,

and any such question or submission or request shall be made in writing and shall state the time period within which a response is required.

(2) Any public officer who fails to comply with a query from the Director of Audit under subsection (1) within the period agreed with the Director of Audit, including any extensions thereof, shall be guilty of a violation of section D.3 of the National Conditions of Service (or such other standard as may from time to time be in force) and of a breach of the public trust.

(3) On receipt of a written request from the Director of Audit a public officer -

- (a) shall confirm in writing to the Director of Audit receipt of the request; and
- (b) give a date by which the officer will respond to the query.

(4) If a public officer wishes to extend the time in which the response to the audit query is to be given he shall inform the Director of Audit in writing as to the revised date.

(5) If the Director of Audit is not satisfied that the revised date given by the public officer for response to his query is reasonable he may request the public officer to review the date given with a view to bringing the date forward."

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 13th December 1993 and is found by me to be a true and correctly printed copy of the said Bill.

*[Signature]*  
Clerk to the Maneaba  
ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 1<sup>st</sup> day of February, 1994.

*[Signature]*  
Clerk to the Maneaba  
ni Maungatabu

## PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT) ACT 1993

## EXPLANATORY MEMORANDUM

This Act seeks to amend the Public Finance (Control and Audit) Ordinance as follows -

1. Section 2. This section purports to repeal the whole of section 7 as this section appears to be undesirable if not unconstitutional as it authorises an advance by warrant to be made from the Consolidated Fund without any requirement or obligation to report about such advance to the Cabinet and the Maneaba.

Presently under the Constitution (section 109) advances made from the Consolidated Fund must be reported to the Maneaba via a Supplementary Appropriation Bill in which such advance must be included. This requirement of reporting the advance to the Maneaba however does not apply to an advance by warrant made from the Consolidated Fund relating to -

(a) an expenditure authorised by an Appropriation Act; and

(c) an expenditure authorised under section 110 (expenditure in advance of appropriation) and section 111 (delay in an Appropriation Act owing to dissolution); and

(c) a statutory expenditure which is an expenditure charged on the Consolidated Fund by virtue of any of the provisions of the Constitution or by virtue of any provision of any other law in force in Kiribati (sections 108 and 116).

In reference to (c) one could argue that the provisions of section 7 of the Public Finance (Control and Audit) Ordinance fits within the provisions of sections 108 and 116 of the Constitution as, being a provision of statute law, it authorises an advance by warrant to be made from the Consolidated Fund in the amount not exceeding \$500,000 for the purposes set out in that section. Hence a statutory expenditure of which reporting to the Maneaba via a Supplementary Appropriation Act is not required.

Even if this contention were correct which is arguable the advancing of sums of money from the Consolidated Fund without accounting for it to the Cabinet and the Maneaba is, on public policy most undesirable.

2. Section 3. This section seeks to increase the amount of an advance that may be made from the Consolidated Fund from the existing \$250,000 to \$1,000,000 as the later is more realistic in terms of financial commitments of Government and inflation.

3. Section 4. This section repeals subsection 3 of section 23 as financial regulations of United Kingdom no longer apply to Kiribati.

4. Section 5. This section enables the Chief Accountant to credit any interest or dividend to the account of any person entitled to such deposits as are administered by the Chief Accountant.

5. Section 6. This section repeals section 26 so that any deposits with Governments would not be used for making any advances for any purpose. The amendment is also called for in view of the proposed repeal of section 7.

6. Section 7. The amendments under this section are consequential upon the repeal of section 26.

7. Section 8. This is an important section as it provides for the first time disciplinary sanctions against public officers or employees for mishandling of public funds and recovery of the same.

B. Section 3. This deals with enforcement of audit queries.

Michael N. Takabwe  
The Attorney General  
5 July 1993

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the Constitution and that the Benefitenti may properly assent to the Act.

---

Michael N. Takabwe  
The Attorney General  
24 December 1993

**REPUBLIC OF KIRIBATI**  
(No. 7 of 1995)

I assent

*Tebeta*

Beretitenti  
23/10/1995

**AN ACT TO AMEND THE PUBLIC FINANCE (CONTROL AND AUDIT)  
ORDINANCE (CAP 79)**

**Commencement**  
1995

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

**Short title**

1. This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act 1995.

**Amendment of section 9**

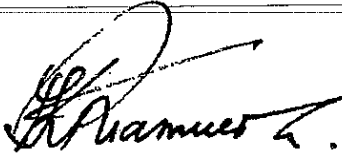
2. Section 9 of the Public Finance (Control and Audit) Ordinance as amended, is hereby further amended by repealing the words "\$500,000" occurring in line 16 of subsection (2) and substituting the words \$1,000,000.



This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 15th August 1995 and is found by me to be a true and correctly printed copy of the said Bill.

  
Clerk to the Maneaba ni Maungatabu

I certify that the above Act was on the 15th August 1995 passed by the Maneaba ni Maungatabu on a Certificate of Urgency under Section 68(3)(a) of the Constitution.

  
Speaker

Published by exhibition at the Maneaba ni Maungatabu  
this                                      day of                                      1995

Clerk to the Maneaba ni Maungatabu

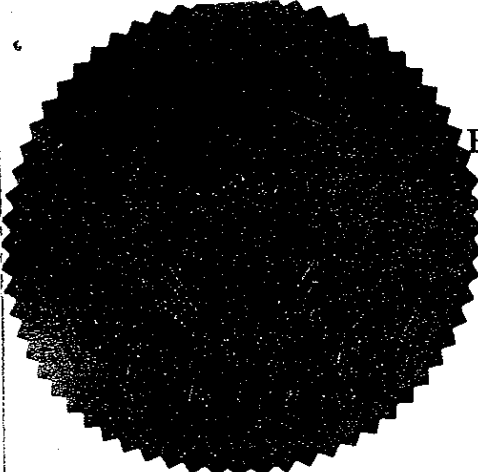
**PUBLIC FINANCE (CONTROL AND AUDIT) ACT 1995**

**EXPLANATORY MEMORANDUM**

1. The principal object of this Act is to increase the amount of an advance that may be made from the Consolidated Fund from the existing \$500,000 to \$1,000,000 as this latter amount is more realistic in terms of financial commitments of Government and inflation.
2. Furthermore, in increasing the amount of advance that may be made from the consolidated Fund from \$500,000 to \$1,000,000, this will enable Government to thoroughly scrutinize the requests for supplementary appropriation in budget and to ensure that such requests are justified.

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Michael N Takabwe  
Attorney General  
2 August 1995



**REPUBLIC OF KIRIBATI  
(No. 3 of 1996)**

I assent,

**Beretitenti**  
17/01/1996

**AN ACT TO AMEND THE PUBLIC FINANCE (CONTROL AND AUDIT)  
ORDINANCE (CAP 79)**

**Commencement:**  
1996

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

**Short title and commencement**

- 1.(1) This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act 1996.
- (2) This Act shall be deemed to have come into operation on 1 January 1990.

**Amendment of Part IX**

2. The heading to Part IX of the Public Finance (Control and Audit) Ordinance (Cap 79) (in this Act referred to as "the principal Act") is amended by inserting the word "members of the Maneaba ni Maungatabu" between the word "officers" and "recovery".

**Amendment of section 47**

3. Section 47 of the principal Act is amended -
  - (a) in subsection (3)(c) by repealing the word "shall" and substituting the word "may" in the fifth line; and
  - (b) by adding a new subsection (7) as follows -
 

"(7) In this section, "public officer" includes a director or member of the Board or committee of a Government owned company, corporation, special fund and other body or authority established under any provision of any law and includes also other officers and employees of the same."

**Insertion of new section 47A, 47B, etc.**

4. Sections 47A, 47B, 47C, 47D and 47E are inserted between sections 47 and 48 of the principal Act as follows -

**"Imposition of surcharge on members of the Maneaba ni Maungatabu**

47A. (1) In this section, "a member" means a member of the Maneaba ni Maungatabu and includes a former member, the Speaker and any officer or a member of a body or authority appointed pursuant to or under the Constitution.

(2) Where it appears to the Cabinet that a member -

- (a) has claimed and been paid or received or spent any amount which he is not entitled to under the Salaries and Allowances of Members of Maneaba ni Maungatabu Act (Cap. 92A) or any other law;
- (b) has claimed and been paid or received or spent any amount which a Commission of Inquiry established under the Commission of Inquiry Ordinance (Cap. 10) for the purpose of establishing the lawfulness or otherwise of such payment or expenditure, has found to have been paid, received or spent unlawfully;
- (c) has been responsible for causing any financial loss to the Government through his failure to comply with any of the provisions of the Proceedings by and Against the Republic Ordinance (Cap. 76A) or any other law or proper and lawful directions of the Cabinet;
- (d) has been responsible for any improper payment of public moneys or for any payment of public moneys that was not properly vouched, warranted or authorised;
- (e) has failed to account for any moneys;
- (f) has been responsible for any deficiency in or for the loss or destruction of or damage to any public moneys, stamps, securities, stores or other state land or property; and
- (g) has failed to account for an imprest issued to him within the time period as laid down in the relevant regulation,

the Cabinet may subject to section 47B surcharge such member with a sum that does not exceed -

- (h) any amount not entitled to or unlawfully paid;
- (i) any amount of financial loss or improper payment suffered by the Government;
- (j) any amount not accounted for or the amount of the deficiency;
- (k) the value of the property lost or destroyed;
- (l) the value of any property damaged or in the discretion of the Cabinet the cost of repairs.

### Procedure for imposition of surcharge

47B. (1) Before imposing a surcharge under section 47A the Cabinet shall forward to the member against whom it is proposed to make a surcharge a notice in the prescribed form -

- (a) describing with particularity the act that is the subject of the notice;
- (b) demanding an explanation in writing within 30 days after the date on which the member receives the notice;
- (c) stating that, in the absence of an exculpatory explanation satisfactory to the Cabinet, the member will be required to repay to the Government the amount involved and that such repayment may be effected by surcharge of any salary or other payment made by the Government to such member; and
- (d) describing the member's right to appeal against any decision made by the Cabinet to the High Court.

### Recovery of amounts of surcharge

47C. (1) If the Cabinet fails to receive a satisfactory explanation from the member notified under section 47B within 30 days of service of such notice on such member then and notwithstanding any other law the Cabinet shall commence recovery of the amount involved by directing such sums as are necessary to be withheld from such member's salary or other amounts payable to him by the Government.

(2) If the member concerned is a former member of the Maneaba ni Maungatabu and is not receiving a salary or other sums from the government, then the Cabinet -

- (a) shall enter into an agreement with the member to repay the amount involved in such instalments and over such period of time as may be appropriate; and
- (b) may require any such agreement to be accompanied by such security, guarantees, or other assurances of payment as the Cabinet believes to be appropriate.

(3) If -

(a) a member refuses to enter into an agreement under subsection (2) or

(b) a member ceases to be a member before the amount involved has been recovered and refuses to enter into such an agreement,

then the Cabinet may bring an action against such member in any court of competent jurisdiction on behalf of the Government to recover the amount owed.

### Appeal against surcharge

- 47D. (1) Any member against whom action is taken by the Cabinet under subsection (3) may appeal against the action of the Cabinet to the High Court at any time within 30 days after the Cabinet commences such action.
- (2) The High Court may confirm, alter, or quash the surcharge and any such decision of the High Court shall be final.
- (3) Any action, whether by surcharge, agreement, or suit to collect amounts owed to the Government under section 47C shall be stayed pending the disposition of such appeal.
- (4) In any action brought by the Cabinet under section 47C, it shall be sufficient for judgment against the defendant if, in the absence of proof to the contrary, it is proved on behalf of the Government that the defendant was a member, and -
- (a) if the action is based on a loss or deficiency in public moneys, such member was guilty of conduct described in section 47A and such conduct caused such loss or deficiency; or
- (b) if the action is based on the loss, damage, or destruction of government property, the property was the responsibility of such member and his negligence or misconduct caused or contributed to such loss, damage, or destruction.

### Annulment of surcharge

- 47E. (1) The Cabinet may, at any time, annul, waive, terminate a surcharge or reduce, or refund any amounts recoverable or recovered under section 47C whenever it appears to the Cabinet that -
- (a) the recovery was made by mistake or is not justified by the circumstances, or
- (b) the loss, destruction, or damage to government property was not due entirely to the negligence or misconduct of the member."

# PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT) ACT 1996

## EXPLANATORY MEMORANDUM

1. The principal object of this Act is to afford the Cabinet the opportunity to surcharge a member including a former member of Parliament with any amount that such member may have claimed, been paid to or received or spent but the Cabinet, on the other hand questions or doubts the validity or propriety of such payment under the Salaries and Allowances of Members of the Maneaba ni Maungatabu Act (Cap. 92A see section 4, s.47A(2)(a)).
2. The imposition of the surcharge on a member will also arise if the payment or expenditure, referred to in paragraph 1 of this Explanatory Memorandum is questioned by a Commission of Inquiry established under the Commission of Inquiry Ordinance (Cap. 10) to inquire into the lawfulness or otherwise of those payments and expenditures. (see section 4(47A(2)(b)).
3. Other situations which may call for an imposition of a surcharge on a member include -

- (a) failure on the part of the member to comply with provisions of the Proceedings by and against the Republic Ordinance (which relates to the signing of contracts which are not authorised by the Ordinance and the Cabinet which resulted in causing financial loss to the Government;
- (b) improper payments of public moneys for which the member has been responsible;
- (c) failure to account for money;
- (d) causing deficiency loss or destruction or damage to public moneys, etc.;
- (e) failure to retire an imprest within a prescribed period.

(See section 4 (47A(c), (d), (e), (f) and (g)).

4. The mechanism to impose a surcharge is set out in clause 4(47B) but the essential requirement is that a notice must be sent to a member informing him of what the Cabinet intends to do.
5. Section 4(47C) deals with the recovery of the surcharge which allows the Cabinet to direct that certain sums may be withheld from the member's salary or other amounts which may be payable to him by the Government.

In the case of a former member who is not receiving a salary or other sums from the Government the Cabinet will be required to enter into an agreement with the member to repay the amount involved by instalments or if such member refuses to enter into an agreement then the Cabinet may proceed to recover the amount involved in Court.

6. Section 4 (47D) deals with appeal by a member against the surcharge to the High Court which may confirm, alter or quash the surcharge. The decision of the High Court is final.

7. Section 4(47E) empowers the Cabinet to annul, waive or terminate the surcharge or reduce or refund any amounts recoverable or recovered if the recovery was made by mistake or the loss, destruction, or damage to government property was not due entirely to the negligence or misconduct of the member.
8. Other minor changes are contained in section 3 which changes the word "shall" to "may" in section 47(3)(c) in order to give the Minister a discretionary power whether or not to proceed with a suit against a public officer.

Further, the definition of a public officer is proposed to be widened to include also directors, and employees of government wholly owned companies and corporations in order to empower the Minister to impose a surcharge on them if necessary. Presently the definition appears to apply only to Government employees.

9. Under section 1(2), the Act will have a retrospective operation to 1 January 1990.

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Michael N. Takabwebwe  
Attorney General  
10 November 1995



**REPUBLIC OF KIRIBATI**  
(No. 8 of 2000)

I assent,

*Levina*

Beretitenti.

09/07/ 2000

**AN ACT TO AMEND THE PUBLIC FINANCE (CONTROL AND AUDIT)  
ORDINANCE (CAP. 79)**

Commencement:

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

**Short title**

1. (1) This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act 2000.
- (2) This Act shall be deemed to have come into operation on 1 January 1990.

**Amendment of section 47(2) of No.9 of 1993)**

2. Section 47(2) of the Public Finance (Control and Audit) (Amendment) Act 1993 (No. 9 of 1993) is amended by adding immediately after paragraph (b) a new paragraph (c) as follows-
  - (c) A Notice referred to in paragraph (a) shall be issued or delivered to a public officer within a period of twelve years-
    - (i) for failure to collect any moneys etc., referred to in section 47(1)(a) of the Public Finance (Control and Audit) (Amendment) Act 1993 (No 9 of 1993); or
    - (ii) for improper payment etc., referred to in section 47(1)(b) of the Public Finance (Control and Audit) (Amendment) Act 1993 (No 9 of 1993); or
    - (iii) for negligence or misconduct, etc., referred to in section 47(1) (c) of the Public Finance (Control and Audit) (Amendment) Act 1993 (No 9 of 1993); or

- (iv) for any financial loss, etc. referred to in section 47(1)(d) of the Public Finance (Control and Audit) (Amendment) Act 1993 (No 9 of 1993); or
- (v) for failure to account for an imprest referred to in section 47(1)(e) of the Public Finance (Control and Audit) (Amendment) Act 1993 (No 9 of 1993).

**Amendment of section 47(4)(b) of No. 9 of 1993**

3. Section 47(4)(b) of the Public Finance (Control and Audit) (Amendment) Act 1993 (No 9 of 1993) is amended –
- (a) by inserting “or make such other order as it may think fit.” between “surcharge” and “such decision of the High Court”; and
  - (b) by deleting “and such decision of the High Court shall be final.”

**Amendment of section 47B**

4. Section 47B of the Public Finance (Control and Audit) (Amendment) Act 1996 (No. 3 of 1996) is amended as follows –
- (2) A Notice referred to in subsection (1) shall be issued or delivered to a member within a period of twelve years –
    - (a) after receipt by a member of any payment referred to in section 47A(2)(a) or (b) of the Public Finance (Control and Audit) (Amendment) Act 1996 (No. 3 of 1996); or
    - (b) after the discovery by the Government –
      - (i) of any financial loss etc., referred to in section 47A(2)(c) of the Public Finance (Control and Audit) (Amendment) Act 1996 (No 3 of 1996); or

- (ii) of any improper payment etc., referred to in section 47A(2)(d) of the Public Finance (Control and Audit) (Amendment) Act 1996 (No 3 of 1996); or
- (iii) of a member having failed to account for any money referred to in section 47A(2)(e) of the Public Finance (Control and Audit) (Amendment) Act 1996 (No 3 of 1996); or
- (iv) of any deficiency in or for any loss to any public moneys etc., referred to in section 47A(2)(f) of the Public Finance (Control and Audit) (Amendment) Act 1996 (No 3 of 1996); or
- (v) of a member having failed to account for an imprest referred to in section 47A(2)(g) of the Public Finance (Control and Audit) (Amendment) Act 1996 (No 3 of 1996).

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(3) For the purposes of subsection (2)(a), where the payment to a member has been concealed by fraud, committed with or without his knowledge or consent, the limitation period of twelve years provided for in subsection (2) shall begin to run only when the Cabinet has discovered such fraud.”

#### **Amendment of Section 47D(2)**

5. Section 47D(2) of the Public Finance (Control and Audit) (Amendment) Act 1996 (No 3 of 1996) is amended in section 47D(2)—
- (a) by inserting “or make such other order as it may think fit.” between “surcharge” and “any such decision”; and
  - (b) by deleting “and any such decision of the High Court shall be final.”

**PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT) ACT  
2000**

**Explanatory Memorandum**

1. This short Act seeks to amend the Public Finance (Control and Audit) (Amendment) Act 1993 (No 9 of 1993) particularly section 47(2) and section 47B of the Public Finance (Control and Audit) (Amendment) Act 1996 (No 3 of 1996). Section 47(2) of No. 9 of 1993 provides for a public officer against whom the Minister proposes to make a surcharge, to be first of all served with a notice before imposing a surcharge on such public officer. Section 47B, on the other hand, provides for a member of the Maneaba ni Maungatabu against whom it is proposed to make a surcharge, to be first of all served with a prescribed notice before imposing a surcharge on such member.
2. Presently under the general statutory requirement as to the limitation of action it would seem that the notice to be served under section 47(2) of No 9 of 1993 and 47B(1) of No 3 of 1996 must be served within a period of six years after the receipt by the member of the kind of payments and discovery by the Government of any financial loss or improper payment etc., referred to in section 47(1) of No 9 of 1993 and section 47A(2) of No 3 of 1996.
3. Given the usual long delays and protracted investigations of any complex fraud or crime by the authority in Kiribati, the limitation period of six years provided above seems to be far too short and therefore inadequate for Kiribati performance standard and thus it is recommended that a period of limitation of action of twelve years be endorsed. (Clauses 2 and 4)
4. This proposed law when passed by the Maneaba ni Maungatabu shall apply to any act or thing done on and after 1 January 1990.

Michael N. Takabwe  
Attorney General  
18/6/00

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

This printed impression of the **Public Finance (Control & Audit) Amendment Act 2000** has been examined by me with the Bill which was passed by the Maneaba ni Maungatabu on **26 June, 2000**, and is found by me to be a true and correctly printed copy of the said Bill.

  
NATAN BRECHTEFELD  
Clerk of Parliament

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

I certify that the above Act was passed by the Maneaba ni Maungatabu on a Certificate of Urgency under Section 68(3) of the Constitution.

  
HON. TEKIREE TAMUERA  
Speaker

**PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU THIS — DAY  
OF \_\_\_\_\_, 2000.**

\_\_\_\_\_  
**Clerk of Maneaba ni Maungatabu**

REPUBLIC OF KIRIBATI  
(No. 2 of 2002)

I assent



Beretitenti

24/05/2002

AN ACT TO AMEND THE PUBLIC FINANCE (CONTROL AND AUDIT) ORDINANCE  
(CAP. 79A)

Commencement:  
2002

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

Short Title

This Act may be cited as the Public Finance (Control and Audit) (Amendment) Act 2002.

Amendment of section 46

Section 46 of the principal Ordinance is hereby amended by repealing the whole of the section and substituting the following -

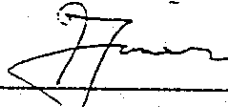
“46. (1) The Minister, acting in accordance with the advice of Cabinet, may authorise the gift of serviceable Republic stores or property not required for Republic purposes to island councils set up by statute within or outside Kiribati and incorporated institutions or organisations established likewise, which are beneficial to the well-being of the Kiribati people and community.

Provided that where the value of such stores or property exceeds \$5,000 the prior approval of the Maneaba ni Maungatabu shall be required.”.

(2) The Minister shall, at the next meeting of the Maneaba ni Maungatabu, report to the Maneaba ni Maungatabu the granting of the gift under subsection (1) of this section.

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

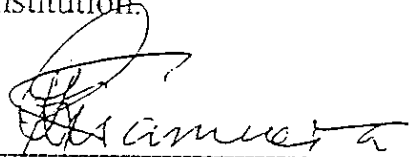
This printed impression of the Public Finance (Control and Audit) (Amendment) Act 2002 has been examined by me with the Bill which was passed by the Maneaba ni Maungatabu on 28<sup>th</sup> May, 2002, and is found by me to be a true and correctly printed copy of the said Bill



IOATAAKE TIMEON  
Clerk of Parliament

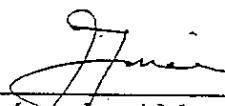
**CERTIFICATE OF THE SPEAKER OF THE MANEABA NI MAUNGATABU**

I certify that the above Act was passed by the Maneaba ni Maungatabu on a Certificate of Urgency under Section 68(3) of the Constitution.



HON. TEKIREE TAMUERA  
Speaker

PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU THIS ... 29<sup>th</sup> ...  
DAY OF ... May ..., 2002.



Clerk of Maneaba ni Maungatabu

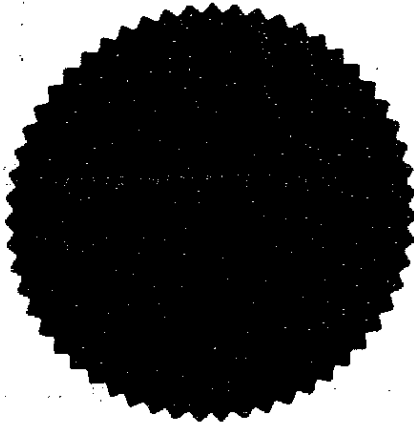
**PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT) ACT 2002****EXPLANATORY MEMORANDUM**

This short Act seeks to amend the existing section 46 of the Public Finance (Control and Audit) Ordinance. The existing section 46 empowers the Minister to authorise the gift of serviceable Republic stores or property not required for Republic purposes to institutions or organisations established solely or principally for educational, scientific, cultural or charitable purposes, but where the value of such stores or property exceeds \$1,000 the prior approval of the Maneaba ni Maungatabu is required.

The amendment now vests such power to authorise the gift of serviceable Republic stores in the Minister acting in accordance with the advice of Cabinet and increases the amount to \$5,000 to reflect the current value of stores or property which the Republic may be able to authorise as gift such as vehicles. The recipient institutions and organisations that may benefit from these gifts are no longer restricted to those educational, scientific, cultural or charitable purposes but now extends beyond Kiribati. The Minister is required to report to the Maneaba ni Maungatabu at the next meeting the granting of such gift under section 46 (1).

Titabu Tabane  
Attorney General  
8 April 2002





REPUBLIC OF KIRIBATI

(No 10 of 2008)

I assent,

*Audā Tung*  
Beretitenti

24 October, 2008

AN ACT TO AMEND THE *PUBLIC FINANCE (CONTROL AND AUDIT) ORDINANCE*

Commencement:

2008

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

1. Short title

This Act may be cited as the *Public Finance (Control and Audit) (Amendment) Act 2008*.

2. Meaning of 'principal Act'

In this Act 'the principal Act' means the *Public Finance (Control and Audit) Ordinance (Cap.79)*.

3. Amendment of section 2

Section 2 of the principal Act is amended—

- (a) by inserting after the definition of 'Heads of Expenditure' the following definition—

"'line item' means an individual category of expenditure within a subhead;"; and

- (b) by inserting after the definition of 'public store' the following definition—

"'subhead' means a division of a Head of Expenditure comprising all of the line items for a particular output under that Head."

4. Repeal and replacement of section 23.

- (1) Section 23 of the principal Act is repealed and the following section is substituted—

"23. Reallocation within Heads of Expenditure

- (1) An accounting officer may, in writing and with notice to the Accountant General, transfer any unspent amount in a line item within

a subhead administered by that accounting officer to another line item within that subhead, except in the case of a line item declared in writing by the Accountant General as being an item to or from which transfers are not permitted.

- (2) The Minister may, by means of a Virement Warrant under his or her hand, authorise the transfer of any unspent amount in a subhead to another subhead within that head of expenditure:

Provided that—

- (i) the sum appropriated to any head by the Appropriation Act and by any Supplementary Appropriation Act is not thereby exceeded; and
  - (ii) any new purpose to which any sum is assigned shall be within the ambit of the relevant head.
- (3) Any Virement Warrant issued under subsection (2) must be laid before the Maneaba ni Maungatabu at its sitting next following the date on which such Virement Warrant was signed."

#### 5. Substitution of title of office

The principal Act is amended by—

- (a) ~~repealing 'Director of Audit' wherever it appears and substituting 'Auditor General'; and~~
- (b) ~~repealing 'Chief Accountant' wherever it appears and substituting 'Accountant General'.~~

**PUBLIC FINANCE (CONTROL AND AUDIT) (AMENDMENT) ACT 2008**  
**EXPLANATORY MEMORANDUM**

This Act amends the *Public Finance (Control and Audit) Ordinance (Cap. 79)*, principally to change the way the Ordinance deals with reallocations within heads of expenditure, but the opportunity is also taken to reflect changes in the title of the offices of Auditor General and Accountant General.

With the move to output budgeting some years ago, greater responsibility for financial management was passed to the accounting officers in each Ministry. Whereas previously each head of expenditure had been divided into subheads (for salaries, local purchases, etc.), under output budgeting the new subheads were aligned with the various outputs of the head of expenditure. What was previously a subhead is now described as a line item. Accounting officers were given the authority to transfer surplus funds between line items within the same subhead, while transfers between subheads could only be effected by a Virement Warrant issued by the Minister.

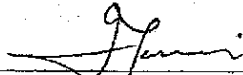
Unfortunately the need to amend section 23 of the Ordinance to bring it into line with the new procedures was overlooked. Section 4(l) of this Act remedies that oversight by replacing section 23.

~~Section 5 updates the Ordinance so that references to the Director of Audit and the Chief Accountant become instead references to the Auditor General and the Accountant General respectively. The Director of Audit became the Auditor General after passage of the Constitution (Amendment) Act 1 995, while the post of Chief Accountant reverted to that of Accountant General some years ago.~~

**Titabu Tabane**  
Attorney General  
1 3 August 2008

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

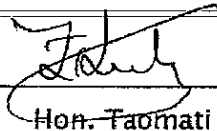
This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 9 September 2008 and is found by me to be a true and correctly printed copy of the said Bill.



Ioataake Timeon  
Clerk of the Maneaba ni Maungatabu

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

I certify that the above Bill was on 9 September 2008 passed by the Maneaba ni Maungatabu upon a Certificate of Urgency under section 68(3)(a) of the *Constitution*.



Hon. Taomati Iuta  
Speaker of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this <sup>7<sup>th</sup></sup> 24 day  
of October, 2008.



Ioataake Timeon  
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Office of the Beretitenti this 19<sup>th</sup> day of August, 1998.

**Dr. Tetaua Taitai**  
*Secretary to the Cabinet*

No. 40

**CUSTOMS ACT 1993**  
**(NO. 13 OF 1993)**

In exercise of the powers conferred by Section 113 of the Customs Act 1993, I hereby appoint the enclosure known as KIOSU BON WAREHOUSE being the area on the islet of Betio shaded on Statutory Plan No. E 63 deposited with the office of the Chief Lands Officer to be a BOND WAREHOUSE.

Tarawa, 24 July 1998

**Kautuna Kaitara**  
*Comptroller of Customs*

Published for exhibition at the public office of te Beretitenti this 19<sup>th</sup> day of August 1998.

**Dr. Tetaua Taitai**  
*Secretary to the Cabinet*

No. 41

**PUBLIC FINANCE (CONTROL AND AUDIT) ORDINANCE (CAP.79)**  
**(Sections 19 and 47B)**

**PUBLIC FINANCE (SURCHARGE) REGULATIONS 1998**

In exercise of the Powers conferred by Sections 19 and 47B of the Public Finance (Control and Audit) Ordinance (Cap. 79) the Beretitenti acting in accordance with the advice of the Cabinet, hereby makes the following Regulations,

**Short Title**

1. These Regulations may be cited as the Public Finance (Surcharge Form) Regulations 1998.

**Interpretation**

2. In these Regulations unless the context otherwise requires -  
"Ordinance" means the Public Finance (Control and Audit) Ordinance (Cap. 79).

**Form**  
3.

The form set out in the Schedule to these Regulations shall be used (with such variations as the circumstances require) for the purpose of serving a notice pursuant to Section 47B of the Ordinance.

**Schedule**  
**(Regulations 3)**

**The Public Finance (Control and Audit) Ordinance**  
**(Cap.79) (Section 47B)**

**Notice to Present or Former Member of the**  
**Mwaneaba ni Maungatabu**  
**Requiring Explanation Regarding Payments of**  
**Public Funds**

To:

1. Cabinet has reason to believe that:

[Here set out details of allegations against the member in accordance with Section 47A of the Public Finance (Control and Audit) (Cap 79).

2. Pursuant to Section 47B of the Public Finance (Control and Audit) Ordinance (Cap 79) ("the Ordinance") Cabinet hereby demands that within 30 days after the date on which you receive this notice you give a written explanation with respect to the allegations listed in this notice. Such a written explanation may be sent or delivered to the Secretary to the Cabinet at the Office of the Beretitenti in Bairiki, South Tarawa.
3. If you fail to give such an explanation within 30 days or Cabinet after considering your explanations is not satisfied with those explanations, then Cabinet may require you to repay any sums that Cabinet considers the Republic has lost as a result of your action as alleged in this notice.
4. In the event that Cabinet requires you to pay or replay any sum to the Republic, Cabinet may direct officers of the Government to effect recovery of those sums by way of a surcharge on your salary or on any other payment payable by the Government to you pursuant to Section 47C of the Ordinance
5. You have a right pursuant to Section 47D of the Ordinance to appeal to the High Court against any decision made by Cabinet arising from this Notice.

6. Any such appeal must be lodged with the High Court within 30 days after the date on which any action is taken with respect to you under Section 47C of the Ordinance namely:

(a) the commencement of recovery of the amount by way of surcharge to your salary; or

(b) if you are no longer a member of the Maneaba ni Maungatabu the commencement of negotiation with you regarding an agreement to repay the amount to be recovered; or

(c) if you have entered into an agreement to repay the amount involved and Cabinet requires that you provide security for, or guarantee or other assurances in relation to any payments to be made pursuant to that agreement, upon receipt of notice that Cabinet requires such security; or

(d) if you are no longer a member of the Maneaba ni Maungatabu and have not entered into an agreement with the Government for the repayment of the amount involved, the commencement of proceedings in any Court against you for recovery of that amount.

7. Any steps taken to surcharge your salary or to commence or continue court proceedings or to enter an agreement with you pursuant to section 47C shall be stayed pending the disposition of any appeal lodged with the High Court by you.

This notice is issued by the Cabinet pursuant to Section 47B of the Public Finance (Control and Audit) Ordinance (Cap. 79) on the 19<sup>th</sup> day of August, 1998.

Dated this 19<sup>th</sup> day of 19<sup>th</sup> August, 1998.

**Hon. Teburoro Tito**  
*His Excellency Te Beretitenti*

Published by exhibition at the Public Office of the Beretitenti on the 19<sup>th</sup> day of August 1998.

**Dr. Tetaua Taitai**  
*Secretary to the Cabinet*

## No. 42

### NOTICE REGARDING POWERS TO GRANT TELECOMMUNICATION LICENCES

In exercise of the powers conferred on me by Section 2 of the Telecommunications Act 1983 as amend by the Telecommunications (Amendment) Act 1996 I give notice that Telecom Services Kiribati Limited is hereby empowered to grant Telecommunication licences pursuant of Section 4 of the Telecommunications Act 1983 for the period beginning on 16 May 1998 and ending on 30 November 1998.

Dated this 24<sup>th</sup> day of August 1998.

**Hon. Manraoi Kaiea**  
*Minister of Information, Communications & Transport*

Published by exhibition at the Public Office of the Beretitenti this 25<sup>th</sup> day of August 1998.

**Teken C Tokaatake**  
*for Secretary to the Cabinet*

Printed by Toon Amanu  
Government Printer,  
Bairiki, Tarawa  
Republic of Kiribati

# KIRIBATI GAZETTE

No. 1

Friday 28 January 1983

## SUPPLEMENT NO. 1

Legal Notice No. 1

REPUBLIC OF KIRIBATI  
PUBLIC FINANCE (CONTROL AND  
AUDIT) ORDINANCE  
Chapter 79

Made:

Laid before the  
Maneaba ni Maungatabu:

Commencement date:

### THE DEVELOPMENT FUND RULES 1983

By virtue of the power contained in Section 11(2) of the Public Finance (Control and Audit) Ordinance, the Council of State, performing in accordance with the Constitution the functions of the Beretitenti acting in accordance with the advice of Cabinet, hereby makes the following Order:

1(1) This Order may be cited as the Development Fund Rules 1982 and

Short title and commencement.

(2) shall come into operation on the 4th day of January 1983

2. In these Rules 'Fund' means the Development Fund.

Interpretation.

3(1) No moneys shall be issued from the Fund except by Warrant of the Minister directed to the Chief Accountant, specifying the accountable officer, and the development project.

Payments from the Development Fund.

(2) A warrant under the preceding subsection shall have effect until all approved funds for that development project have been expended or until the development project account is closed or until the Maneaba ni Maungatabu shall withhold appropriation whichever shall first occur.

4. Subject to Rules 6 and 7 hereof moneys may only be expended in accordance with these Rules if within the level of the latest estimate of total expenditure approved by prior resolution of the Maneaba ni Maungatabu.

Limitation on Expenditure.

5. In each financial year the Minister shall submit for approval by resolution of the Maneaba ni Maungatabu Fund Estimates of revenue and expenditure for the succeeding financial year provided always that approval for expenditure in any given financial year shall not be

Approval estimates

required if approved by prior resolution of the Maneaba ni Maungatabu.

No Authority  
by Maneaba  
ni Maungatabu  
for new  
and continuing  
projects.

6(1) If otherwise the Maneaba ni Maungatabu has not yet authorised for any financial year the continued construction and provision of development works for which provision was made from the Fund in the previous financial year or has not yet authorised new projects and works as opposed to continuing ones, the Minister may by warrant authorise the issue from the Fund of such sums as are necessary to finance the new or continued construction and provision of such works to enable such works to be carried out for the period in subsection (2) hereof.

(2) A warrant issued under the preceding subsection shall be included in the Fund Supplementary Estimates to be submitted to the first meeting of the Maneaba ni Maungatabu after the date of the warrant, and shall have effect until all funds appropriated have been expended or until the development project account is closed or until the Maneaba ni Maungatabu shall refuse approval, whichever shall first occur.

Transfer  
from the  
Consolidated  
Fund to the  
Development  
Fund without  
appropriation

7(1) If there are unforeseen exigencies of the public service, the Minister may by warrant directed to the Chief Accountant authorise the issue of money from the Consolidated Fund to the Development Fund to meet expenditure necessary for a development project for which aid funds are insufficient or have not been received, provided that:

- (a) Such expenditure cannot be postponed pending appropriation without detriment to the public interest and
- (b) It does not exceed \$50,000 for that project and
- (c) The total of all such transfers in any financial year does not exceed \$250,000.

(2) All warrants issued under this Section shall be included in the first Appropriation Bill after the issue of such Warrants.

Excess  
provisions.

8(1) No warrant shall be issued under these Rules for moneys in excess of the monies in the Development Fund.

(2) If in a financial year sub-head provision in the estimates or supplementary estimates of the previous year has been only partially expended the Minister may by warrant authorise such unexpended expenditure under a corresponding sub-head in the current financial year.

Repeal

9. All former Development Fund Rules are hereby repealed.



Legal Notice No. 5

HIGH COURT OF KIRIBATI  
MAGISTRATES' COURTS ORDINANCE 1977  
SPECIFICATION OF SINGLE  
MAGISTRATE'S JURISDICTION  
ORDER 1983

WHEREAS section 7(5) of the Magistrates' Courts Ordinance 1977, empowers the Chief Justice to specify the extent of the jurisdiction of a Single Magistrate in Civil and Criminal or Lands causes and matters within the limits of the Jurisdiction of Magistrates Courts prescribed by the Magistrates' Courts Ordinance 1977;

AND WHEREAS, section 28 of the Magistrates' Courts Ordinance 1977 empowers the Chief Justice to invest any Magistrates Court with jurisdiction to try summarily an offence which would otherwise be beyond its jurisdiction;

NOW THEREFORE, I, JEFFREY, RICHARD JONES, Chief Justice of Kiribati do hereby specify that a Single Magistrate shall exercise all the jurisdiction conferred upon Magistrates Courts by the Magistrates' Courts Ordinance 1977 except for matters referred to in Part VI thereof and in addition shall have jurisdiction to try all offences contrary to the provisions of Part XVI, Part XVII, Part XXII, Part XXV, and Part XXVII of the Penal Code.

Given at the High Court, Betio this 22nd day of February, 1983

J. R. JONES  
The Hon Justice J R Jones CB  
Chief Justice

Published by exhibition at the Public Office of the Beretitent: this 28th day of February 1983.

TOKIA GREIG  
Secretary to the Cabine

# KIRIBATI GAZETTE

No. 3

Friday 29 March 1985

## SUPPLEMENT NO. 3

Legal Notice No. 7

THE REPUBLIC OF KIRIBATI

PUBLIC FINANCE (CONTROL AND AUDIT) ORDINANCE  
(Cap. 79)

STATUTORY CORPORATIONS (TRANSMISSION OF ACCOUNTS)  
ORDER 1985

In exercise of the powers conferred by section 19 of the Public Finance (Control and Audit) Ordinance read in conjunction with section 42(2) of the said Ordinance the Beretitenti acting in accordance with the advice of the Cabinet hereby makes the following order -

- |  |                          |
|--|--------------------------|
| 1. This Order may be cited as the Statutory Corporations (Transmission of Accounts) Order 1985.  | Short title              |
| 2. This Order shall be deemed to have come into operation on 1 January 1985.   | Commencement             |
| 3. In this Order unless the context otherwise requires -<br>"Account" means accounts referred to in section 42(1) of the Public Finance (Control and Audit) Ordinance;<br>"Statutory Corporations" includes any board, commission, company and bodies (whether corporate or unincorporated).   | Interpretation           |
| 4. All statutory corporations shall transmit their annual accounts to the Director of Audit for examination and audit in accordance with Part VII of the Public Finance (Control and Audit) Ordinance (Cap 79) every year within six months after the end of each financial year in such year. | Transmission of accounts |

Dated this 1st day of March 1985.

I T TABAI  
Beretitenti

Published by exhibition at the Public Office of the Beretitenti this 1st day of March 1985.

B. REIHER  
for Secretary to the Cabinet

Legal Notice No. 8

THE REPUBLIC OF KIRIBATI

CENSUS ORDINANCE  
(Cap 8)

CENSUS ORDER 1985

Subject to section 99 of the Constitution in exercise of