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CHAPTER 244

PUBLIC FINANCE AND ECONOMIC MANAGEMENT

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Act 10 of 1999
Act 12 of 2000
Act 12 of 2001
Act 8 of 2002
Act 4 of 2008
Act 12 of 2009
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PUBLIC FINANCE AND ECONOMIC MANAGEMENT

An Act –

(a) to ensure effective economic, fiscal, and financial management and responsibility by Government;

(b) to provide accompanying accountability arrangements, together with compliance with those requirements;

(c) to require the Government to produce –

(i) statements of economic policy;

(ii) confirmation of adherence to fiscal disciplines prescribed under this Act;

(iii) budget policy statements;

(iv) economic and fiscal forecasts and updates;

(v) financial management information;

(vi) comprehensive annual reports.

PART 1 – PRELIMINARY

1. *(Repealed)*

2. Interpretation

(1) In this Act, unless the context otherwise requires –

"agency" means:

(a) a Ministry; or

(b) an office of a Government Minister; or

(c) a Constitutional Entity; or

(d) a Statutory Entity;

(e) a prescribed agency;

"Annual Appropriation Act", in relation to a financial year, means an Act as required by Article 25(1) of the Constitution that:

(a) authorises amounts to be issued from the Public Fund and applied to programs and activities of agencies in that financial year ; and

(b) specifies the programs and activities for which the amounts may be issued and applied;

“Appropriation Act” means:

(a) an Annual Appropriation Act; or

(b) a Supplementary Appropriation Act; or

(c) the Public Finance and Economic Management Act [CAP 244] and any other Act that contains a standing appropriation; or

(d) any other Act that authorises amounts to be issued from the Public Fund and applied to programs and activities of agencies in a financial year;

“budget year” means the financial year to which an Annual Appropriation Act relates;

“Council” means the Council of Minister in accordance with Article 40 of the Constitution;

“current financial year”, in relation to an Annual Appropriation Act, is the year prior to the year to which an Annual Appropriation Act relates;

"Director-General" means the Director-General of the Finance Ministry;

“estimates” means the statements of the State's proposed expenditure of public money during any financial year;

"Finance Ministry" means the Ministry responsible for finance;

"financial emergency" means:

(a) a situation where the financial viability of the Government is threatened by a lack of funding; or

(b) a situation where the Government because of a lack of funding is unable to provide basic essential services to the people of Vanuatu to alleviate significant hardship; or

(c) a situation where the Government’s financial capacity is unable to meet the cost of its employee’s welfare;

“financial year” means a period of 12 months ending with the 31st day of December;

“forward estimates” means the forecast of revenue, expenditure and financing for the financial years following a budget year;

"Government Minister" means a Minister of the Government including the Prime Minister;

“grants” means unrequited, involving payment in return for a *quid pro quo*, non-repayable, non-compulsory receipts from other Governments or international institutions;

"head of an agency" means:

(a) for a Ministry, the Director-General of the Ministry; or

(b) for an Office of a Government Minister, the person appointed by the Government Minister to be the head of the Office or, if an appointment is not in force, the Government Minister; or

(c) for Constitutional Entity, the person in charge of the office or body; or

(d) for Statutory Entity, the person in charge of the office or body; or

(e) for a prescribed agency, the person identified by the regulations as the head of the agency;

"Minister" means the Minister responsible for finance;

"Ministry" means a Ministry of the Government including the Office of the Prime Minister;

"prescribed agency" means a Statutory Corporation body, organisation or group of persons prescribed by the regulations for the purposes of this definition;

“Public Accounts Committee” means the Public Accounts Committee established under the Standing Orders of the Parliament.

“Public Fund” means the bank account or accounts operated in accordance with section 43;

"public money" means money collected, received or held by:

(a) the State; or

(b) any person for or on behalf of the State;

and includes trust money referred to in paragraph 46(1)(f);

"public resources" means real or personal property, other than public money, that is held by:

(a) the State; or

(b) any person for or on behalf of the State;

“Regulations” means the Regulations made under this Act;

“Release” means any deed, simple contract or other agreement or understanding by whatever description which has the effect of fully or partially comprising any litigation, claim or demand against the State in exchange for a payment or promised payment from public money or of the transfer of a public asset.

“revenue” means all non-repayable Government receipts, other than grants;

"Supplementary Appropriation Act" means a Supplementary Appropriation Act referred to in section 34;

"trust money" means money that is deemed to be trust money under section 46;

PART 2 – RESPONSIBILITIES

3. Responsibilities of the Minister

(1) The Minister is responsible for deciding the economic, financial and fiscal policy of the Government.

(2) The Minister is responsible for authorising amounts that have been appropriated by an Appropriation Act to be drawn down from the Public Fund in accordance with the requirements prescribed by the regulations.

(3) The Minister has such other responsibilities as are provided for by or under this Act.

4. Responsibilities of the Director-General

(1) The Director-General is responsible to the Minister for ensuring that the Finance Ministry implements the economic, financial and fiscal policy of the Government.

(2) The Director-General is responsible for issuing instructions under section 63.

(3) The Director-General has such other responsibilities as are provided for by or under this Act.

5. Responsilbilities of the Heads of Agencies

(1) The head of an agency must manage the affairs of the agency in a way that promotes the efficient, effective and ethical use of the public resources and the public money for which the head of the agency is responsible.

(2) The regulations may make provision for ensuring or promoting:

(a) the efficient, effective and ethical use of public resources and public money; and

(b) proper accountability for the use and management of public resources and public money.

6. *(Repealed)*

7. *(Repealed)*

PART 3 – REPORTS ON ECONOMIC, FINANCIAL AND FISCAL POLICY

8. Reporting responsibilities of Government

The Minister on behalf of the Government must ensure that all of the information required under Part 3 of this Act, is provided to those to whom such information is required to be provided under this Act.

9. Economic and financial policy

The Minister will specify in a statement the economic and financial policy that will determine the decisions the Government will make in all of its economic and financial dealings, and disciplines that it will adhere to, and will lay that statement, or an update of that statement, before Parliament at the same time as, or as soon as practicable after, the time it publishes a budget policy statement pursuant to section 10. The statement must include all significant economic and financial policies.

10. Budget policy statement

(1) The Minister shall, not later than the 30th day of September in each year, cause to be published a budget policy statement which will be for the financial year commencing on the 1st day of January after it is published, and the 4 years following that financial year, and this budget policy statement must –

(a) state or re-affirm Government's long-term objectives of fiscal policy; and

(b) specify the broad strategic priorities by which the Government will be guided in preparing the estimates for that financial year; and

(c) *(Repealed)*

(d) indicate other expenditure that the Government anticipates will be in the estimates.

(2) The budget policy statement must –

(a) assess the extent to which the objectives, priorities and intentions referred to under subsection (1) of this section are consistent with the principles of responsible fiscal management specified in section 22; and

(b) assess the consistency of the objectives, priorities and intentions referred to under subsection (1) of this section with the objectives, priorities and intentions indicated in the immediately preceding budget policy statement; or if amended that amendment, and where these are not consistent justify the departure.

(3) Any member of the public may, within 14 days of the notice of the budget policy statement being published deliver in writing to the Chairperson of the Public Accounts Committee any submission that person may have in respect of the budget policy statement.

11. Fiscal strategy report

(1) The Minister will, no later than the day of the introduction of the Bill for an Annual Appropriation Act, lay before Parliament a report on the Government's fiscal strategy.

(2) The fiscal strategy report must –

(a) include an assessment of the extent to which the economic and fiscal statement required under section 14 is consistent with the budget policy statement required under section 10; and

(b) include an explanation of the reasons for any significant differences in the consistency between the current economic and fiscal situation and the

information and intentions presented previously in the budget policy statement; and

(c) present an amended set of intentions where circumstances have changed.

12. Estimates

(1) The Minister must table in Parliament a statement of the estimates of all revenues, grants, expenditure and financing by agency and program for:

(a) the current financial year; and

(b) the budget year; and

(c) the following 4 financial years.

(2) *(Repealed)*

(3) The statement of the estimates must accompany the Bill for an Annual Appropriation Act.

(4) The statement must include –

(a) details of any changes to the estimates for the budget year and the following year which were included in the statement which accompanied the Bill for an Annual Appropriation Act for the previous financial year; and

(b) any associated changes in Government program policy, objectives or outputs, which should be associated with those changes in the estimates.

13. Current year fiscal update

(1) The Minister must, on the introduction of the Bill for an Annual Appropriation Act lay before Parliament a fiscal update.

(2) The fiscal update must contain fiscal forecasts for the current financial year and a statement of the significant assumptions underlying those fiscal forecasts.

(3) The fiscal forecasts must include forecast financial statements for the State.

(4) The fiscal forecasts for the current financial year are to be based on the latest information that may affect the estimates, including changes in any or all of the following:

(a) economic assumptions;

(b) year to date revenue collections;

(c) year to date expenditure;

(d) any supplementary or emergency funding or additional policies;

(e) any rollover of unexpended amounts from the previous financial year as provided for under section 37.

14. Economic and fiscal statement

(1) The Minister must prepare an economic and fiscal statement for each financial year.

(2) The statement must:

(a) contain an economic and fiscal statement for the financial year to which the statement relates (“statement financial year”); and

(b) contain an economic and fiscal statement for each of the 4 financial years following the statement financial year; and

(c) state the date on which the statement was prepared.

(3) The statement must be laid before Parliament on the day of introduction of the Bill for an Annual Appropriation Act for the statement financial year.

15. Half-year economic and fiscal update

(1) The Minister must not earlier than the 1st day of July or later than the 31st day of July in each financial year, cause to be published a report containing an economic and fiscal update prepared by the Finance Ministry.

(2) The half-year economic and fiscal update must contain revisions of forecasts required under section 14.

(3) The Minister must, not later than 14 sitting days after the publication of a report under subsection (1) of this section, lay a copy of that report before Parliament.

16. Pre-election economic and fiscal update

(1) Not later than 14 days after the appointment of the polling day in relation to any general election of members of Parliament the Minister must cause to be prepared a report containing an economic and fiscal update as at the date of the gazettal of the polling date.

(2) Copies of the report must be made available to the public in any newspaper circulated in Vanuatu and published online as soon as practicable after the report is prepared.

17. Annual Financial reports

(1) As soon as practicable after the end of each financial year and not later than 6 months after the end of that financial year, the Director-General must prepare a consolidated financial report of the Government for that financial year.

(2) Without limiting subsection (1), the consolidated financial report must contain the following financial statements for the Government:

(a) a statement of financial position, including all assets, liabilities, fund balances, net assets and equity; and

(b) a statement of financial performance, including all revenues, expenses, surplus and deficit; and

(c) a statement of cash flows comprising all cash receipts and cash payments; and

(d) a statement of borrowings; and

(e) a statement of commitments; and

(f) a statement of specific fiscal risks; and

(g) other statements as required to be consistent with international generally accepted accounting principles and standards; and

(h) a statement of accounting policies.

(3) A financial statement referred to in subsection (2), must compare actual amounts with the relevant budgeted amounts, if applicable.

(4) The accounting polices applied to the preparation and presentation of the consolidated financial report and financial statements must be consistent with international generally accepted accounting principles and standards.

(5) The consolidated financial report must disclose any departure from the international generally accepted accounting principles and standards that may materially affect any amount shown in the consolidated financial report.

18. Statement of Appropriations

(1) The consolidated financial report under section 17, must also include an account to be called the "Statement of Appropriations".

(2) The Statement of Appropriations must specify:

(a) the amounts appropriated for each financial year under all Appropriation Acts; and

(b) the amounts of actual expenditure against each appropriation classification item included in an Appropriation Act.

18A. Report of Auditor-General

(1) The Director-General must give the consolidated financial report under section 17 to the Auditor-General as soon as practicable after the consolidated financial report is prepared.

(2) As soon as practicable after receiving the consolidated financial report, the Auditor General must examine the financial statements and prepare an audit report.

(3) The Auditor-General must give a copy of the audit report to the Minister within 4 months after receiving the financial statements.

(4) The Minister must table the financial statements and the Auditor General's report in Parliament at the next sitting of Parliament after receiving the audit report.

(5) The Minister must table in Parliament a response to each of the recommendations in the audit report at the next sitting of Parliament after tabling the audit report.

18B. Reports by Heads of Agencies

(1) At intervals specified by the Director-General, but in any event on or before the end of each half-year in any financial year, the head of an agency must:

(a) report to the Director-General on the matters set out in subsection 17(2) as they relate to the agency in accordance with any instructions under section 63; and

(b) provide to the Director-General with any other information requested by the Director-General.

(2) Within 3 months after the end of each financial year, the head of an agency must present an annual report to the Director-General containing the information specified by the Director-General as it applies to the agency.

18C. Additional responsibilities of heads of Agencies

(1) In addition to section 18B, the head of an agency is responsible for ensuring that:

(a) all activities of the agency are undertaken in a manner which is consistent with:

(i) Government financial and fiscal policies; and

(ii) any directions, instructions and guidelines under section 63; and

(iii) sound financial management; and

(iv) the efficient, effective and ethical use of resources; and

(b) adequate arrangements exist within the agency, to ensure the requirements of section 17 are met.

(2) The head of an agency must ensure that all financial management obligations are met including:

(a) forecasts provided for budgetary purposes:

(i) will be as accurate as possible; and

(ii) take account of all relevant information available at the time they are prepared; and

(iii) be free from methodological and arithmetic error; and

(iv) be subjected to appropriate internal and external quality assurance with respect to methodology and timeliness; and

(b) information required to be provided for preparation of the budget and annual financial reports will meet the requirements specified by the Director-General with respect to timeliness, completeness, accuracy and format; and

(c) sound financial management systems and internal controls exist and these are operated so as to provide:

(i) timely and materially accurate financial information; and

(ii) assurances that the recording of financial transactions are within the agency's authority; and

(iii) the proper disclosure of the use of public resources administered by the agency; and

(d) the provision of any information required by the agency to enable it to meet reporting requirements; and

(e) an appropriate system of risk oversight and management, including:

(i) an agency risk and audit committee that complies with the requirements prescribed by the regulations or the Finance Ministry's risk and audit committee, subject to the agreement of the Director-General; and

(ii) a system of internal audit under the control and direction of the risk and audit committee complying with and operating in accordance with the regulations.

(3) If the Director-General draws to the attention of the head of an agency any non-compliance with any of the provisions of this Act or the regulations, the head of the agency must immediately take action to:

(a) remedy this failure; and

(b) explain the failure and the action taken remedy the failure to the Director-General and to the Public Accounts Committee.

18D. Sections 18B and 18C apply to certain Statutory Corporations and other bodies

(1) The requirements of sections 18B and 18C also apply to the following Statutory Corporations and other bodies:

(a) any Statutory Corporation or other body that is wholly owned by the Government;

(b) any Statutory Corporation or other body in which the Government has a financial interest;

(c) any Statutory Corporation or other body that is the recipient of a grant funded by the Government;

(d) any Statutory Corporation or other body prescribed by the regulations;

if in the Director-General's opinion financial information of, or relating to, the Statutory Corporation or other body satisfies subsection (2).

(2) The financial information satisfies this subsection if:

(a) it is necessary for the Government to fulfil the requirements of this Act; or

(b) there is a need to monitor the performance of the Statutory Corporation or other body for the purposes of this Act.

(3) The head (however described) of a Statutory Corporation or other body must comply with section 18B or 18C as if he or she were the head of an agency.

19. *(Repealed)*

20. *(Repealed)*

21. *(Repealed)*

PART 4 – FISCAL RESPONSIBILITY

22. Principles of responsible fiscal management

(1) Subject to subsection (4) of this section, the Government shall pursue its policy objectives in accordance with the principles of responsible fiscal management specified in subsection (2) of this section.

(2) The principles of responsible fiscal management are –

(a) reducing and then managing debt at prudent levels so as to provide a buffer against factors that may impact adversely on the level of debt in the future, by ensuring that, unless such levels have been achieved, the total overall expenditures of the State in each financial year are less than its total overall receipts in the same financial year; and

(b) achieving and maintaining levels of the State net worth that provide a buffer against factors that may impact adversely on the State's net worth in the future; and

(c) managing prudently the fiscal risks facing the State; and

(d) pursuing policies that are consistent with a reasonable degree of predictability about the level and stability of tax rates for future years.

(3) The Government shall agree on the fiscal limits that will apply to the current and future financial expenditure on agencies.

(4) The Government may depart from the principles of responsible fiscal management specified in subsection (2) of this section only in cases of exceptional circumstances, and when the Government does so –

(a) any such departure must be temporary; and

(b) the Minister shall, in accordance with this Act, specify –

(i) the detailed reasons for the Government's departure from those principles including justification of those exceptional circumstances; and

(ii) the approach the Government intends to take to return to those principles; and

(iii) the period of time that the Government expects to take to return to those principles.

(5) Should any such circumstances arise which forces departure from these principles during the financial year, these must be disclosed in accordance with the provisions of this Act.

PART 5 – BUDGET POLICY PROCESS

23. Budget process

(1) Not less than 14 days before the introduction of a Bill for an Annual Appropriation Act, the Minister must provide to the Council for the financial year to which the Bill relates and for each of the 4 financial years following that financial year a program of expenditure for each agency's programs and activities including:

(a) details of the estimated revenue of each agency; and

(b) details of the expenditure estimates for each agency; and

(c) each agency's debt management responsibilities and, if necessary, the details of a financial plan to meet those responsibilities; and

(d) details of each agency's trust monies, loans, and grants.

(2) Not less than 7 days before the introduction of a Bill for an Annual Appropriation Act, the Council must return to the Minister a fiscally responsible budget.

23A. New policy proposals

(1) For the purpose of this section, "new policy proposal" means any proposal that requires a decision of the Government that:

(a) has a certain or potential financial impact, including on revenue, expenditure, assets, liabilities or equity, on existing estimates within the forward estimates period or beyond; or

(b) involves changes in expenditure offset by changes in other expenditure, or user charges or revenue; or

(c) creates a legal, financial, contingent or other commitment for the Government; or

(d) changes the intent of a previous new policy decision, including proposals that are fully offset, absorbed within existing resources or involve movements between or within programs.

(2) The Director-General must conduct a financial and policy evaluation of the extent to which a new policy proposal is consistent with the requirements of this Act and the regulations, and provide the evaluation in writing to the Minister as soon as practicable after the evaluation is completed.

(3) The Minister must provide the evaluation of a new policy proposal to the Council before the Council considers the new policy proposal.

(4) Agencies must provide all financial and non-financial information to the Director-General to conduct the evaluation within the period, and in the format, determined by the Director-General.

(5) To avoid doubt, a new policy proposal may arise at any time during the year and may apply in relation to a supplementary appropriation.

PART 6 – *(Repealed)*

24. *(Repealed)*

25. *(Repealed)*

26. *(Repealed)*

27. *(Repealed)*

28. *(Repealed)*

29. *Repealed*

PART 7 – STATEMENTS OF RESPONSIBILITY

30. Statements of responsibility

(1) All reports prepared under this Act shall be accompanied by statements of responsibility.

(2) A statement of responsibility for the financial statements of the State must be prepared and signed separately by –

(a) the Minister; and

(b) the Director-General.

(3) *(Repealed)*

(4) *(Repealed)*

(5) All statements will warrant the –

(a) integrity of the disclosures; and

(b) consistency with the requirements of this Act.

31. *(Repealed)*

PART 8 – APPROPRIATIONS

32. Appropriation required

(1) The State must not incur any expense or liability unless the expenditure in relation to the expense or liability is capable of being charged to a program or activity of an agency.

(2) A Bill for an Annual Appropriation Act or a Supplementary Appropriation Act must indicate the proposed expenditure under programs and activities of agencies.

(3) Any draw down of amounts from the Public Fund made under a standing appropriation must indicate the programs and activities of the agencies for which the amounts are drawn down.

(4) The authorisation of the Minister to draw down funds from the Public Fund in a financial year lapses at the end of that financial year, but the unexpended balance (if any) of any amount authorised to be drawn down may be dealt with in accordance with section 37.

32A. Approved programs and activities

(1) The Minister must approve the programs and activities of an agency for the purposes of appropriating amounts for those programs and activities in a financial year, subject to the approval of Parliament.

(2) An approval must be in writing.

33. Annual Appropriation Act

(1) So far as practicable, the Bill for an Annual Appropriation Act is to be introduced into the Parliament at least 30 days before the start of the financial year to which the Bill relates.

(2) If an Annual Appropriation Act has not commenced by 1 January of the financial year to which it relates ("the current financial year"), the Minister may draw down from the Public Fund such amounts as are necessary for carrying out the services of the Government at a level not exceeding the level of those services in the previous financial year for the period ending on 31 March of the current financial year or until the Annual Appropriation Act commences, whichever is the earlier.

34. Supplementary Appropriation Acts

(1) Subject to subsection (1A), at any time before the end of the sixth month in a financial year, the Government may introduce into the Parliament a Bill for an Act that authorises amounts to be issued from the Public Fund and applied to programs and activities of agencies in that financial year.

(1A) The total amount of funds to be issued from the Public Fund must not exceed 2 percent of the total amount appropriated under the Annual Appropriation Act for that financial year.

(2) The Bill must specify for the financial year:

(a) any additional amounts to be issued from the Public Fund; and

(b) any amounts to be issued from the Public Fund, being amounts that had previously been appropriated.

(3) The Bill must specify the programs and activities of the agencies for which amounts referred to in paragraphs (2)(a) and (b) may be issued and applied.

(4) The Bill must also specify for amounts referred to in paragraph (2)(b) the programs and activities of the agencies for which the amounts had previously been appropriated.

(5) The Bill must be passed by the Parliament before an amount specified in the Bill is issued from the Public Fund.

(6) The Bill is in addition to the Bill for an Annual Appropriation Act.

(7) Despite this section, the Government may introduce into Parliament, a Supplementary Appropriation Bill which is to authorise amounts issued from the Public Fund from an earlier date, which was applied to:

(a) the payment of Members of Parliament gratuities following a dissolution of Parliament under Article 28(2) or (3) of the Constitution; or

(b) a state of emergency declared under Article 69 of the Constitution or section 13 of the National Disaster Act [CAP 267] – if the total amount to be drawn from the Public Fund to meet the costs of the state of emergency exceeds 1.5% of the total amount appropriated by Parliament as provided in subsection 34C(2) that is required for a standing appropriation.

(8) For the purposes of subsection (7), the Minister is to present a Supplementary Appropriation Bill at the next sitting of Parliament following the date on which the funds were issued from the Public Fund.

(9) Subsections (1), (2), (3), (4), (5), and (6) do not apply to the payment of gratuities issued from the Public Fund, to all Members of Parliament on 4 December 2015 following the dissolution of Parliament by the President on 24 November 2015.

34A. No transfer of Appropriated amounts between Agencies

(1) An amount that has been appropriated for a program or an activity of an agency in a financial year cannot be drawn down from the Public Fund for a program or activity of another agency in that or any other financial year.

(2) However, an amount that has been appropriated for a program or an activity of an agency in a financial year may be appropriated by a Supplementary Appropriation Act for a program or activity of another agency in that financial year.

34B. Transfers of Appropriated amounts within an Agency

(1) The head of an agency may transfer an amount, or a part of an amount, that has been appropriated for an activity of the agency in a financial year ("the losing activity") to another activity of the agency in that financial year if:

(a) the Director-General is satisfied that the transfer is not likely to adversely affect the losing activity; and

(b) the Director-General has given his or her prior written approval to the transfer.

(2) The head of an agency may transfer an amount, or a part of an amount, that has been appropriated for a program of the agency in a financial year ("the losing program") to another program of the agency in that financial year if:

(a) the Director-General is satisfied that the transfer is not likely to adversely affect the losing program; and

(b) the Director-General has given his or her prior written approval to the transfer.

(3) The Minister must lay before the Parliament a statement showing the particulars of a transfer under subsection (1) or (2) as soon as practicable after the transfer has been made.

34C. Standing Appropriation for a declared state of emergency or a financial emergency

(1) If:

(a) either:

(i) a state of emergency has been declared under Article 69 of the Constitution; or

(ii) the Council is satisfied that a financial emergency exists; and

(b) there is no appropriation, or an insufficient appropriation, for alleviating the declared state of emergency or the financial emergency; and

(c) an Appropriation Act cannot be passed by the Parliament within a reasonable time so as to make funds available for alleviating the declared state of emergency or the financial emergency;

the Council may authorise amounts to be drawn down from the Public Fund for the purposes of alleviating the declared state of emergency or the financial emergency.

(2) The total amount to be drawn down from the Public Fund in a financial year under subsection (1) must not exceed 1.5 % of the total amount appropriated by the Parliament for that financial year.

(3) The Public Fund is appropriated accordingly for the purposes of this section.

(4) The Minister must lay before the Parliament a statement showing the particulars of any expenditure made under the standing appropriation as soon as practicable after the expenditure has been made.

35. Standing Appropriation of trust money

Trust money is payable out of the Public Fund, which is appropriated accordingly.

36. Agreements for net Appropriations

(1) The Minister may enter into agreements for the purposes of programs or activities in Appropriation Acts that are marked "net appropriation".

(2) If:

(a) the Minister is responsible for the program or activity, the agreement is to be made with the head of the agency for which the appropriation is made; and

(b) in any other case, the agreement is to be made with the Minister who is responsible for the program or activity.

(3) An agreement need not relate to a particular Appropriation Act or Acts and may be made for any period, including a period longer than a financial year.

(4) The Minister may at any time cancel or vary an agreement, without the consent of the other party.

37. Transfer and subsequent expenditure of unexpended Appropriations

(1) If:

(a) provision has been made in an Annual Appropriation Act for expenditure by an agency; and

(b) the expenditure has not been incurred by the agency during the financial year to which the Annual Appropriation Act relates;

the Minister may, with the prior approval of the Council and the prior written confirmation of the Director-General that sufficient funds are available to accommodate additional expenditure in the next financial year, direct that the unexpendedamount or a portion of it be allocated to the agency for expenditure in the next financial year for the purpose for which the amount was appropriated.

(2) The Minister must lay before the Parliament a statement showing the particulars of any expenditure allocated to an agency under subsection (1) as soon as practicable after the allocation has been made.

(3) The allocation of any unexpended amounts for the next financial year must comply with the regulations and any instructions under section 63.

38. *(Repealed)*

PART 9 – AUTHORISATION OF EXPENDITURE

39. *(Repealed)*

40. *(Repealed)*

41. Refunds and corrections

(1) A head of agency must, on application being made within 3 years of any sum being paid to the agency, refund as statutory expenditure all or so much of that sum as was not properly payable to the Government.

(2) Where any person has become indebted to the Government and it is subsequently discovered that the amount of the debt or the identity of the debtor is in error, the Director-General on being satisfied as to the facts may amend the records to reflect the true position.

42. Writing off losses

No losses of public money shall be written-off without the authority of the Director-General acting with the concurrence of the Minister.

42A. Releases

(1) A Minister, Director General, Director or an officer of an agency must seek:

(a) legal advice from the State Law Office; and

(b) advice from the Director General as to the availability of funds, for the preparation of a Release.

(2) A Release may be approved in the following manner:

(a) for an amount less than VT 10,000,000- approval by the Minister after consultation with the Director General; and

(b) for an amount of VT 10, 000, 000 or more- approval by the Council of Ministers.

(3) To avoid doubt the process in subsection (1) must be complied with before an approval can be made under subsection (2).

42B. Personal Liability

(1) A person and any other party who signs or contributes to conclude a Release on behalf of the State without complying with subsection 42A (1) and (2) is to be personally liable for any payment stated in the Release.

(2) A Release made without complying with subsection 42A (1) and (2) has no effect.

PART 10 – PUBLIC MONEY

43. Public money

(1) Public money is the property of the State.

(2) All public money which is currency or a right or entitlement to currency must, except as otherwise provided in this Act, be paid into bank accounts designated by the Director-General for that purpose and which shall comprise the Public Fund.

(3) All money paid into any designated bank account is deemed to be public money, and will not be removed except as provided by the Constitution or this Act.

(4) Notwithstanding any other enactment to the contrary and except as provided for in section 52(1), no bank account will be opened or operated or continued to be operated for the purpose of the deposit and/or withdrawal of public money without the express authority of and on such conditions as the Director-General determines.

(5) *(Repealed)*

(6) The Director-General may make demand on the manager of a bank operating in Vanuatu for disclosure of the records of the accounts current or otherwise operated by an agency and on receiving such demand, the manager will comply with the demand accordingly.

44. Balances may be invested

(1) The Director-General may from time to time invest any balances of the Public Fund or any part thereof at call or for such period on such terms as he or she thinks fit, at any recognised trading bank and in such other securities as the Minister may from time to time declare to be securities consistent with the published financial policies of Government.

(2) It will not be lawful for any investment funds, including interest earned thereon, to be spent in any manner other than pursuant to an appropriation.

(3) The Director-General may from time to time sell and convert into money any such securities and cause that money to be paid into the Public Fund to the credit of the account or fund to which it belongs.

(4) The Director-General may from time to time delegate all or any of his or her powers under the foregoing provisions of this section in respect of any balance in an account outside Vanuatu to any person or persons authorised to operate that account.

45. Account or fund may be overdrawn

An account or fund within the Public Fund may be overdrawn only where this is consistent with fiscal and other financial policies of Government, and where it can be shown the account or fund will return to credit within a reasonable time having regard to the purpose of the account or fund.

PART 11 – TRUST MONEY

46. Trust money

(1) The following money shall be deemed to be trust money –

(a) money that is deposited with the State pending the completion of a transaction or dispute and which may become repayable to the depositor or payable to the State or any other person;

(b) all money that is paid into Court for possible repayment to the payee or a third party, by virtue of any Act, rule, or authority whatsoever;

(c) unclaimed money that is due to or belongs to any person and is deposited with the State;

(d) all money that is paid to the State in trust for any purpose;

(e) money that belongs to or is due to any person and is collected by the State pursuant to any agreement between the State and that person;

(ea) budget support funding from international organisations or other governments;

(f) all money received by way of donor aid, pending expenditure in accordance with such purposes and conditions as agreed between the donor and the State.

(2) All trust money held by the State shall be accounted for separately from public money.

(3) All trust money is the responsibility of the Director-General.

(4) The Director-General may appoint an agent to manage some or all trust money on such terms and conditions as the Director-General from time to time determines subject to the requirements of this section, and to the requirement that the agent is a recognised professional institution of a kind and with experience in the handling of trust monies.

47. Establishment of bank accounts for trust money

All trust money must be lodged in a bank account designated as a trust account by the Director-General.

48. Investment of trust money

The Director-General, or an agent appointed under section 46(4), may from time to time invest any trust money for such periods and on such terms and conditions that are consistent with Government's investment policies.

49. Payment of interest on trust money

When any trust money becomes repayable to the depositor or payable to any other person entitled to it, and where it is practicable to do so, there shall be added to the payment the amount of interest certified by the Director-General to have been earned thereon, or that could reasonably be expected to have been earned.

50. Fee for service

An agent appointed under section 46(4) may from time to time charge the beneficiaries of the trust, fees equal to the fully costed and reasonable expenses incurred in managing the trust monies.

51. Unclaimed trust money

(1) Any trust money that is unclaimed for a period of three years, after having become repayable to the depositor or payable to any other person entitled thereto, and after due inquiry and notice by publication, will, together with interest (if any) added thereto

in accordance with section 49, be deemed to be public money and must, subject to section 50, be transferred to the Public Fund.

(2) Where any trust money is claimed within 3 years of being deposited under section 46 and the Director-General is satisfied the trust money is payable to the claimant then that money must be paid to the claimant together with any interest thereon in accordance with section 49 but subject to section 50.

PART 12 – PUBLIC MONEY OUTSIDE VANUATU

52. Overseas imprest and other special accounts

(1) The Minister may approve the establishment and operation of bank accounts overseas by the Director-General.

(2) Every such account will be part of the Public Fund and this Act shall apply to that account accordingly.

PART 13 – LOANS AND SECURITIES

53. Government not to borrow except under statute

Except as provided by this Act, it shall not be lawful for the State to raise a loan or for any person to lend money to the Government.

54. Minister may raise loans

(1) Subject to subsection (2), the Minister, on behalf of the State, may raise a loan and provide security to any person, organization or Government either within or outside Vanuatu.

(2) Prior to raising a loan the Minister must first:

(a) ensure that it is necessary and in the public interest to do so; and

(b) ensure it is fiscally responsible in accordance with this Act; and

(c) ensure it is consistent with Government policy generally and investment policies specifically; and

(d) consult with the Director-General and satisfy himself or herself on reasonable grounds that the Government has or is likely to have the financial ability to meet all the obligations under the loan including future obligations; and

(e) consult with and obtain the advice of the Attorney General or a solicitor approved by the Attorney General in writing, of the legal aspects, implications and appropriateness of raising the loan; and

(f) make a submission to Council which must include a draft of all of the loan documentation, certify that all the prerequisite requirements of this section have been complied with, justify the necessity of raising the loan in accordance with paragraphs (a), (b) and (c) and contain independent comments in writing by the Director-General and the Attorney General. The Attorney General must certify that the procedures in accordance with this Act or any other applicable Act have been followed; and

(fa) for loans raised from sources outside of Vanuatu, ensure that the loan has a grant element of at least 35 percent calculated in accordance with the regulations, and complies with the regulations and any instructions under section 63; and

(g) obtain a Council minute approving the loan.

(3) Every loan must be in the name of the Republic of Vanuatu and every document required to be signed evidencing the terms of the loan must be executed by the Minister.

(3A) The Minister is to provide a full report of the details and reasons for the loan and securities at the next sitting of Parliament after raising a loan.

(4) No funds raised by loan may be expended for any purpose other than that specified in a provision under an Appropriation Act.

(5) In this section, the “grant element” of a loan means the difference between the loan’s nominal value (“face value”) and the sum of the discounted future debt-service payments to be made by the borrower, expressed as a percentage of the loan’s face value.

55. Repayment or conversion of loans

The Minister may at any time on such terms and conditions as the Minister thinks fit, and where necessary, with the consent of the lender or the holder of any securities issued in respect of the loan –

(a) repay any loan to the State; or

(b) convert any loan to the State into any other such loan or loans provided that if the Minister extends the amount or term, then the Minister must comply with the requirements of section 54.

56. Minister may appoint underwriters and managers for loans

The Minister on behalf of the State may from time to time and on such conditions as the minister may think fit, enter into an agreement with a recognised bank or financial institution, providing for the bank or institution to act as an underwriter, manager, dealer, trustee, registrar, or other agent for, or in connection with, a loan or the raising of a loan under this Act.

57. Liability for debt of State

(1) Subject to any other Act, the State is not liable to contribute towards the payment of any debt or liabilities of a Statutory Corporation.

(2) Nothing in subsection (1) renders the State liable to contribute towards the payment of any debt or liabilities which are not otherwise properly the debt or liabilities of the State.

(3) No proceeding may be commenced or maintained against the State in respect of any debt or liability arising on or before 31 May 2010 unless:

(a) such proceeding is commenced within 6 months from that date; and

(b) the proceeding is not otherwise precluded by any limitation arising under any other written law.

58. Power to lend money

(1) The Minister, on behalf of the State may from time to time, if it appears to the Minister to be necessary in the public interest to do so, lend money to any organisation, whether within or outside of Vanuatu but only on commercial terms and conditions, and only –

(a) with the approval of the Council of Ministers; and

(b) on the advice of the Director-General; and

(c) where an appropriation exists.

(2) The Minister must make full disclosure of the details of any loan approved pursuant to subsection (1) of this section at the first sitting of Parliament following the approval of the loan.

(3) Any loan under subsection (1), must be repaid in currency as determined by the Director-General or in accordance with the loan agreement, and the debt, or a part of the debt, under the loan cannot be converted into equity.

(4) The Minister may write-off any part or all of a loan if the Minister is satisfied that the criteria for the write-off of loans prescribed by the regulations are met, and the Council has given its prior approval to the proposed write-off.

58A. Power to deduct monies owed to the State

(1) The Director-General may deduct from any payments due, or monies owed, by the Government to a person or entity any amount that is owed by that person or entity to the Government if that amount is in arrears.

(2) To avoid doubt, subsection (1) applies in relation to grants, loans, indemnities and guarantees.

59. Authority for the giving by the State of guarantees and indemnities

Except as expressly authorised under this Act, it is not lawful for a person to give a guarantee or indemnity that imposes an actual or a contingent liability on the State.

60. Power to give guarantees and indemnities

(1) Subject to subsection (3), the Minister on behalf of the State, may, if it appears to the Minister to be necessary in the public interest to do so, give in writing a guarantee or indemnity upon such terms and conditions as the Minister thinks fit, in respect of the performance of any Constitutional Entity, Statutory Entity, Statutory Corporation or other person, or organisation, or Government agency but may only do so:

(a) after consultation with the Director-General; and

(b) where such guarantee or indemnity is consistent with the principles of responsible fiscal management set out in section 22; and

(c) with the prior approval of a simple majority of Parliament.

(2) The Minister must report to Parliament any guarantee or indemnity granted under this section and must provide the following information in his or her report:

(a) the details of the guarantee or indemnity; and

(b) the reasons why the guarantee or indemnity was necessary in the public interest; and

(c) an assessment of the risks associated with the guarantee or indemnity.

(3) If a guarantee or indemnity is required as security for the raising of a loan under section 54, the Minister must:

(a) obtain the approval of Parliament to the guarantee or indemnity; and

(b) include in the report to Parliament under paragraph 54(2)(h), the full details of the guarantee or indemnity and the reasons why it was necessary in the public interest.

(4) Any money paid by the State pursuant to a guarantee or indemnity given under this section will constitute a debt due to the State from the Constitutional Entity, Statutory Entity, Statutory Corporation or other person or organisation in respect of whom the guarantee or indemnity was given, and may be recoverable as such in any Court of competent jurisdiction.

(5) If the State incurs a debt arising from a guarantee or indemnity, the debt must be repaid in currency as determined by the Director-General and the debt, or a part of the debt, cannot be converted into equity.

61. Payment of principal and interest on loans

Subject to the provisions of this Act, all principal, interest, and other money payable in respect of any loan to the State or under any security, other than a guarantee or indemnity given under section 60, shall be paid, without further appropriation than this section, from the Public Fund.

PART 14 – INFORMATION AND COMPLIANCE

62. Power of Director-General to obtain information

(1) The Director-General may, from time to time in writing, request the head of an agency, a Statutory Corporation or any other body that:

(a) manages any public money or public resources; or

(b) is wholly owned by the Government or in which the Government has a financial interest; or

(c) is the recipient of a grant, loan, equity, indemnity or guarantee provided by the Government;

to provide the Director-General with such information as is necessary to enable the preparation of any financial statements or fiscal forecasts, or to comply with any other requirements or obligations under this Act or the regulations.

(2) A request under subsection (1), must be complied with as soon as practicable after the request is made.

(3) After consultation with the Minister, the Director-General may withhold any payments or other monies owed to an agency, Statutory Corporation or any other body until requested information required by or under this Act or the regulations is provided to the Director-General.

63. Ministry instructions, directions and guidelines

Subject to the provisions of this Act and any regulations made under this Act, the Director-General may from time to time issue instructions, directions and guidelines to ensure compliance with this Act or the regulations made under this Act.

PART 15 – OFFENCES AND SANCTIONS

64. Offences

(1) A person commits an offence against this Act, who without reasonable excuse –

(a) refuses or fails to produce any information that is in that person's control in relation to the financial management, financial performance, or banking activities of an agency or in relation to the management or control of any public resource or public money when required to do so pursuant to this Act; or

(b) resists or obstructs any person acting in the discharge of that person's functions or duties or in the exercise of that person's powers under this Act.

(2) A person commits an offence against this Act who –

(a) without reasonable excuse, refuses or neglects to pay any public money into a bank account of the Public Fund; or

(b) without reasonable excuse, refuses or neglects to pay any trust money into a bank account designated under section 47; or

(c) makes any statement or declaration, or gives any information or certificate, required by or pursuant to this Act, knowing it to be false or misleading, or does so without adequate investigation; or

(d) does any act for the purpose of procuring for that person or for any other person or organisation:

(i) the improper payment of any public money or trust money; or

(ii) the improper use of any public resource; or

(e) wilfully fails to carry out any duty or obligation imposed on that person pursuant to this Act.

65. Obligation to report

(1) A person who has knowledge of any circumstances which may cause him or her to consider that an offence under section 64 may have occurred must report those circumstances to the Director-General.

(2) A person who alleges a breach of this Act to the Director-General shall not be penalised in any way whether the allegation is proved or not.

66. Penalties for offences

(1) A person who commits an offence under section 64(1) of this Act, is liable on conviction –

(a) in the case of an individual, to a fine not exceeding VT 2,000,000 or imprisonment for a term not exceeding 2 years or both;

(b) in the case of a person or organisation other than an individual, to a fine not exceeding VT 10,000,000.

(2) Every person who commits an offence under section 64(2) of this Act is liable on conviction –

(a) in the case of an individual, to a fine not exceeding VT 5,000,000 or imprisonment for a term not exceeding 5 years or both;

(b) in the case of a person or organisation other than an individual, to a fine not exceeding VT 25,000,000.

(3) Where any body corporate commits an offence against this Act, every director, secretary, manager and other officer of the body corporate and every person purporting to act in any such capacity shall also be guilty of an offence unless that person satisfies the Court that either –

(a) the offence was committed without that person's knowledge or consent or not through that person's gross negligence; or

(b) that person took all reasonable steps to prevent the commission of the offence.

(4) Details of offences and penalties must be provided to the Public Accounts Committee.

(5) A person who is a leader (as defined in the Leadership Code Act) and who is convicted of an offence under section 64 shall in addition to the penalties provided for under this Act be liable to the penalties under that Act as if a conviction under this Act were a conviction under that Act.

PART 16 – MISCELLANEOUS

67. The Director-General may delegate powers

(1) The Director-General may delegate to an officer of the Finance Ministry all or any of his or her powers, duties or functions under this Act, other than this power of delegation.

(2) A delegation under this section:

(a) must be made in writing; and

(b) may be made either generally or subject to express limitations or conditions; and

(c) may be given for a specified period.

(3) The Director-General remains responsible for actions taken under a delegation made under this section.

68. Publication and inspection of statements and reports

(1) The Director-General must publish online any statement or report required to be prepared under this Act, as soon as practicable, after it has been prepared.

(2) The Director-General must publish in the Gazette a notice, in respect of any statement or report required to be prepared under this Act, that states it has been published online and where it can be physically inspected free of charge.

(3) The Director-General must, for at least 2 months after the date of Gazettal, ensure that opportunities for free inspection are available.

69. Savings

All subordinate legislation (including for the avoidance of doubt regulations) made under any of the enactments repealed by this Act and in force immediately before the coming into force of this Act, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act.

70. Regulations

(1) The Minister may from time to time by Order make all such regulations as may be deemed necessary or expedient to give full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting this section, regulations may be made prescribing penalties not exceeding VT 100,000 for offences against or a contravention of any of the regulations

71. Repeals

The enactments specified in the Schedule are repealed.

SCHEDULE

(Section 71)

REPEALS

Public Finance Act [Cap. 117] and amendments.

Government Borrowing and Guarantee Act [Cap. 149] and amendment.

Economic and Social Development Loan (Issue of Bonds) Act [Cap. 184] and amendments.

Government Loans (Issue of Bonds) Act [Cap. 194] and amendments.

The Development Loans Act No. 12 of 1993.

Table of Amendments

1	*Repealed by Act 15 of 2009*
1(2)	*Amended by Act 12 of 2001*
2(1)	*Amended by Acts 8 of 2002; 15 of 2009; 2 of 2010; 3 of 2011; 36 of 2018; 45 of 2019*
2(2)	*Repealed by Act 15 of 2009*
Part 2	*Substituted by Act 15 of 2009*
Part 3 (heading)	*Substituted by Act 15 of 2009*
9	*Amended by Act 15 of 2009*
10(1)	*Amended by Act 45 of 2019*
10(1)(a) and (b)	*Amended by Act 15 of 2009*
10(1)(c)	*Repealed by Act 15 of 2009*
10(2)(a)	*Amended by Act 15 of 2009*
10(3)	*Amended by Act 8 of 2002*
11(1)	*Amended by Act 15 of 2009*
11(2)(a),(b) and (c)	*Amended by Act 15 of 2009*
11(20(d)	*Repealed by Act 15 of 2009*
12(1)	*Amended by Acts 8 of 2002; 15 of 2009; 45 of 2019*
12(1A)	*Inserted by Act 8 of 2002*
12(1A)	*Repealed by Act 45 of 2019*
12(2)	*Repealed by Act 15 of 2009*
12(3)	*Amended by Act 15 of 2009*
12(4)(a)	*Amended by Act 15 of 2009*
12(5)	*Inserted by Act 8 of 2002*
12(5)	*Repealed by Act 45 of 2019*
13(1)	*Amended by Act 15 of 2009*
13(2)	*Substituted by Act 45 of 2019*
13(3)	*Amended by Act 15 of 2009*
13(4)	*Inserted by Act 45 of 2019*
14	*Substituted by Act 15 of 2009*
14(2)(b)	*Amended by Act 45 of 2019*
15(1)	*Amended by Acts 8 of 2002; 15 of 2009*
16(1)	*Amended by Act 15 of 2009*
16(2)	*Substituted by Act 45 of 2019*
17	*Substituted by Acts 15 of 2009; 45 of 2019*
18	*Substituted by Acts 15 of 2009; 45 of 2019*
18A – 18D	*Inserted by Act 45 of 2019*
19 – 21	*Repealed by Act 15 of 2009*
22(2)(a)	*Amended by Act 2 of 2010*
22(3)	*Amended by Act 15 of 2009*
22(4)(b)(i) and (ii)	*Amended by Act 15 of 2009*
23	*Substituted by Act 15 of 2009*
Part 5 (heading)	*Amended by Act 45 of 2019*
23(1)	*Amended by Act 45 of 2019*
23(1)(a) – (c)	*Substituted by Act 45 of 2019*
23(1A)	*Inserted by Act 8 of 2002*
23A	*Inserted by Act 45 of 2019*
Part 6	*Repealed by Act 15 of 2009*
24(3)	*Substituted by Act 8 of 2002*
27(1)	*Amended by Act 8 of 2002*
27(1A)	*Inserted by Act 8 of 2002*
29(3)	*Amended by Act 8 of 2002*
30(3) and (4)	*Repealed by Act 15 of 2009*
30(2)(a)	*Amended by Act 15 of 2009*
30(5)(a)	*Amended by Act 15 of 2009*
31	*Repealed by Act 45 of 2019*
Part 8	*Substituted by Act 15 of 2009*
32A(1)	*Amended by Act 45 of 2019*
34(1)	*Substituted by Act 45 of 2019*
34(1A)	*Inserted by Act 45 of 2019*
34(7) – (9)	*Inserted by Act 21 of 2016*
34C(1)	*Amended by Act 45 of 2019*
34C(1)(a)(ii)	*Amended by Act 45 of 2019*
34D	*Inserted by Act 36 of 2018*
34D	*Repealed by Act 45 of 2019*
37(1)	*Amended by Act 45 of 2019*
37(3)	*Inserted by Act 45 of 2019*
39	*Repealed by Act 15 of 2009*
39(1)	*Substituted by Act 8 of 2002*
39(1A-1D)	*Inserted by Act 8 of 2002*
39(4)	*Amended by Acts 10 of 1999, 12 of 2000*
39(4A)	*Inserted by Act 10 of 1999*
39(4B)	*Inserted by Act 10 of 1999*
39(4C)	*Inserted by Act 10 of 1999*
39(5)	*Amended by Act 10 of 1999, substituted by Act 12 of 2000*
39(5)(b)	*Amended by Act 12 of 2009*
40	*Repealed by Act 15 of 2009*
41(1)	*Amended by Act 15 of 2009*
42A and 42B	*Inserted by Act 3 of 2011*
43(4)	*Amended by Act 15 of 2009*
43(5)	*Repealed by Act 15 of 2009*
43(6)	*Amended by Act 15 of 2009*
44(5)	*Repealed by Act 15 of 2009*
46(1)(ea)	*Inserted by Act 45 of 2019*
46(3)	*Amended by Act 15 of 2009*
49	*Amended by Act 15 of 2009*
54(2)(a) – (g)	*Amended by Act 15 of 2009*
54(2)(fa)	*Inserted by Act 45 of 2019*
54(2(g)	*Amended by Act 22 of 2012*
54(2)(h)	*Repealed by Act 22 of 2012*
54(3)	*Amended by Act 10 of 1999*

54(3A)	*Inserted by Act 22 of 2012*	*60(4)*	*Amended by Act 2 of 2010*
54(5)	*Inserted by Act 45 of 2019*	*60(5)*	*Inserted by Act 45 of 2019*
57(1)	*Substituted by Act 2 of 2010*	*62*	*Substituted by Act 45 of 2019*
57(2)	*Substituted by Act 2 of 2010*	*62(1)*	*Amended by Act 15 of 2009*
57(3)	*Inserted by Act 2 of 2010*	*62(2)*	*Amended by Act 15 of 2009*
58(1)(a) and (b)	*Amended by Act 15 of 2009*	*63(heading)*	*Substituted by Act 45 of 2019*
58(3) and (4)	*Inserted by Act 45 of 2019*	*63*	*Amended by Acts 15 of 2009; 45 of 2019*
58A	*Inserted by Act 45 of 2019*		
60(1)	*Amended by Acts 2 of 2010; 45 of 2019*	*64(1)(a)*	*Amended by Act 15 of 2009*
60(1)(a)	*Substituted by Acts 4 of 2008; 45 of 2019*	*66(1)(a) and (b)*	*Amended by Act 45 of 2019*
60(1)(a) and (b)	*Substituted by Act 15 of 2009*	*66(2)(a) and (b)*	*Amended by Act 45 of 2019*
60(1)(b)	*Repealed by Act 4 of 2008*	*66(4)*	*Amended by Act 8 of 2002*
60(1)(c)	*Renumbered by Act 4 of 2008*	*67*	*Substituted by Act 15 of 2009*
60(1)(c)	*Inserted by Act 15 of 2009*	*67A*	*Inserted by Act 8 of 2002*
60(2)	*Substituted by Act 4 of 2008*	*67A*	*Repealed by Act 45 of 2019*
60(3)	*Amended by Acts 4 of 2008; 15 of 2009*	*68*	*Repealed by Act 15 of 2009*
60(3)	*Substituted by Act 45 of 2019*	*68*	*Inserted by Act 45 of 2019*
		70(2)	*Inserted by Act 15 of 2009*