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MCA Vanuatu Steering Committee Meeting Minutes

Thursday 27 October 2005

Time: 3pm

Department of Economic & Sector Planning Conference Room

Present:

MCA Committee Members

Vice Chairman	Director General, Ministry of Finance Economic Management
Member	Director General., Ministry Foreign Affairs
Member	Director General, Ministry of Infrastructure Public Utilities
Member	Director General, Foreign Affairs
Member	Director Strategic Management
Member	Director, Economic & Sector Planning
Member	Director General, Ministry Infrastructure Public Utilities
Secretary Public Service Commission	

MCA Vanuatu

MCA Director
MCA Economics Analyst
MCA Support Staff

Absences

Chairman, MCA Steering Committee (was away overseas with Prime Minister)
Director of Finance
Head of Aid Coordination Unit
MCA Infrastructure Analyst
Representative, Private Sector

Apologies

Civil Society Representative

Agenda:

- 1 Appointment of Legal Counsel – members to scrutinize contract and agree
2. Negotiations – 11 to 21st November 2005
3. Warehouses Master plan
4. MCA Unit issues of Secondment of Staff

Introduction:

In the absence of the Chairman, the Vice Chairman, Director General to the Ministry of Finance & Economic Management chaired the meeting. He welcomed all members present and stated that there're very important issues to be discussed today.

Agenda agreed upon by members.

Appointment of Legal Counsel

The Chairman pointed out that the recruitment of a Legal Counsel is critical to the advancement of the MCA program. He invited the Director of MCA Vanuatu to brief the Committee on the urgency of this appointment.

The Director of MCA-Vanuatu stated that an email from the MCC's Head of the Vanuatu Transaction Team which he copied to members of the Committee is self-explanatory. The legal Counsel's appointment is critical to moving forward the activities before Compact signing. The Director of MCA-Vanuatu stated that Vanuatu has been too slow in appointing a suitable lawyer to fill this position. The time frame given is too short to even advertise the position and invite bids. Associated Country Director for Vanuatu at MCC emailed stressing the importance of the appointment of a legal counsel by November 2, 2006 at the latest; otherwise the Compact will be delayed for another two to four months.

- Lawyers considered were: Bill Bani & Associates, Pacific Lawyers, Silas Hakwa & Associates, Daniel Yawha and George Boar, Jack Kilu and Associates and Indigene Lawyers.
- Indigene lawyer, Ishmael Kalsakau was chosen collectively by the MCA Committee based on availability, aggressiveness or energetic, a good draftsman, rate of winning important cases in court, a good lawyer who can face the negotiation process
- Ishmael Kalsakau consented when approached by Chairman and Director of MCA-Vanuatu.
- Attorney General's consent has been obtained in writing.

The Steering Committee agreed to the following:

- Ishmael Kalsakau be contracted signed by the Minister of Finance;
- The legal Counsel to spend 6 weeks on MCA related work;
- After 6 wks period will be hired on as-needed basis. His funding will come from current MCA Vanuatu budget and if work continues after Compact signing it will be funded through Compact funds at a contractual rate.
- 6 weeks assignment will be fully funded by AusAID. Approval in writing will be delivered shortly.
- Ishmael to be the lead lawyer with the Australian based lawyer as his assistant during negotiation only.
- Acting Minister of Finance to sign the contract tomorrow Friday 28th October. Director General of the Ministry of Finance to check with Minister of Finance if this is acceptable.
- Contract/Terms of Reference Corrections be amended.
- Completion Report to be submitted to MCA Vanuatu – this can also be forwarded to AUSAID as acquittal of funds – requirement of AUSAID funding.
- Meeting agreed upon easy access to mode of payment. Payment will be made in two installments.

Negotiations 11 – 20th November 2005

Negotiations will be in Australia, Sydney. The Steering Committee Meeting approved the composition of team members:

1. Chairman, Director General, Prime Ministers Office, and MCA Vanuatu Team leader
2. Director General, Ministry of Finance & Economic Management,
3. Director General, Ministry of Foreign Affairs
4. Director General, Ministry of Infrastructure & Public Utilities
5. Director, Public Works Department
6. Director, Department of Finance
7. MCA Vanuatu Legal Counsel
8. Director, MCA-Vanuatu

The negotiating team agrees to meet on November 12, 2006 for brainstorming on draft compact and set strategies etc, ready for negotiations.

Warehouse – Master Plan

Cooperative Department submitted a whole Vanuatu Master plan which was too broad and irrelevant for the requirements of a Master Plan by MCC. Some of the coverage in the submission are obsolete programs and also covers a lot more infrastructure than what is being asked.

The Director of MCA-Vanuatu suggested to the Committee to allow the MCA Unit to write the Master Plan. The Analyst of the Unit will embark on this, and if any overtime is incurred as he will be doing this in unsocial hours and during the weekends the Committee should approve that he be paid for this. The Steering Committee unanimously approve the proposal.

This master plan is due 31st October 2005.

The Steering Committee Meeting agreed to the following:

- The MCA Unit will draft the Master Plan different from what has been submitted
- MCA Unit must have access to Cooperatives Department for information. Standard designs are available from Parson B consultants.
- Economic Analyst to be paid an overtime allowance for work done over the weekend.

Secondment MCA Staff :Infrastructure and Economic Analyst

During discussion on the issue of secondment of the two Analysts the Steering Committee requested the Public Service Commission (PSC) to write and formalize transfer. The Staff are to be on the same salary scale as current MCA Unit structure is formalized and approved. The Steering Committee agreed that back payment of the staff concern will be effective as soon as the structure is approved by PSC.

The Steering Committee resolved that;

- MCA-Vanuatu provide job descriptions to the PSC; and
- Amended structures of the MCA unit within DESP structure also be submitted to PSC.

Other matters:

The Vice Chairman would like a clarification of the three other projects. The Director of MCA-Vanuatu confirmed the three projects will be funded; Ambae crossings, Epi Lamén Bay wharf and Malo Roads. However due diligence are still required to be conducted by Parson

