

FINANCE AND AUDIT ACT
(Cap. 54:01)

NATIONAL ENVIRONMENTAL FUND ORDER, 2010
(Published on 30th July, 2010)

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IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by section 25 of the Finance and Audit Act, the following Order is hereby made —

1. This Order may be cited as the National Environmental Fund Order, 2010.

Citation

2. In this Order, unless the context otherwise requires —

Interpretation

“Accounting Officer” means the Permanent Secretary in the Ministry of Environment, Wildlife and Tourism;

“Board” means the National Environmental Fund Board appointed under paragraph 6;

“Fund” means the National Environmental Fund established under paragraph 3;

“Minister” means Minister responsible for Environment, Wildlife and Tourism.

3. There is hereby established a special fund to be known as the National Environmental Fund.

Establishment of Fund

4. (1) The purpose of the Fund is to finance and promote activities designed to conserve, protect and manage Botswana environment.

Purpose of Fund

(2) Without prejudice to the generality of sub-paragraph (1), the Fund may provide for —

(a) Sustainable

(i) development,

(ii) use of natural resources, and

(iii) activities related thereto;

(b) development and implementation of community based natural resource management activities;

(c) support to the eco-tourism sector and to the development of national heritage sites;

(d) rehabilitation of degraded ecosystems;

(e) promote activities related to —

- (i) protection of the urban environment,
- (ii) climate change mitigation and adaptation,
- (iii) waste management and pollution control,
- (iv) environmental awareness and education, and
- (v) environmental research and monitoring;
- (f) capacity building and training programmes in environmental management and sustainable development; and
- (g) compensation for damage caused by wildlife.

Administration
of Fund

5. (1) The permanent secretary in the Ministry responsible for Environment, Wildlife and Tourism is hereby appointed the Accounting Officer and he or she shall be the public officer responsible for the administration of the Fund in accordance with the provisions of this Order.

(2) The Accounting Officer may exercise all powers and duties as may be required to be exercised or performed for the proper discharge of his or her functions under this Order.

(3) The Accounting Officer may, in writing, authorise any other public officer or any agency of Government to exercise or perform all or any of the duties required of the Accounting Officer.

(4) Without derogating from the generality of the functions and powers of the Accounting Officer as provided in this paragraph, the Accounting Officer shall cause the Board to —

- (a) be responsible for overseeing the day to day administration and management of the Fund;
- (b) keep and maintain proper books of accounts and records of the Fund; and
- (c) maintain an account into which shall be recorded all —
 - (i) receipts into the Fund;
 - (ii) disbursements from the Fund; and
 - (iii) reconciliation of the monthly accounts of the Fund.

National
Environmental
Fund Board

6. (1) The Minister shall, after consultation with the Minister of Finance and Development Planning, appoint the National Environmental Fund Board, to administer the Fund as directed by the Accounting Officer in accordance with this Order.

(2) The Board shall consist of —

- (a) two members from the Ministry of Environment, Wildlife and Tourism;
- (b) one member from the Ministry of Finance and Development Planning;
- (c) one member from the Ministry of Agriculture;
- (d) one member from the Ministry of Lands and Housing; and
- (e) four members selected from the academia, business, civil society and persons with a special knowledge of, or interest in matters relating to the purpose of the Fund.

(3) The Deputy Permanent Secretary in the Ministry of Environment, Wildlife and Tourism shall be the chairperson of the Board.

(4) The Board shall elect a deputy chairperson from among its members.

Receipts
into Fund

7. There shall be paid into the Fund —

- (a) monies as may be appropriated by the National Assembly for the purposes of the Fund;
- (b) revenues from the sale of hunting quota and concessions by communities;
- (c) resource royalties;
- (d) monies collected from levies, fines and licences for environmental pollution and management, as may be determined by the Minister;

- (e) monies collected from other environmental conservation and management grant-making activities as may be determined by the Minister;
- (f) grants, donations and contributions from other sources; and
- (g) any monies accruing on or from investments made from monies in the Fund.

8. There shall be paid from the Fund —

- (a) grants that the Board, acting in accordance with the Board guidelines, may approve; and
- (b) expenses incurred in the management of the Fund, or any other expenses approved by the Board in line with the objectives of the Fund.

Disbursements
from Fund

9. If the Fund shows any surplus at the end of the financial year, the surplus shall be carried forward into the following year.

Surplus in
Fund

10. Any money accruing to the Fund which is not required for immediate use shall be invested in Botswana in accordance with the directions given by the Board and interest from such investment shall accrue to the Fund.

Investment
of money

11. (1) The Board shall cause an annual financial audit of the accounts of the Fund to be conducted in accordance with the generally accepted international accounting standards.

Accounts of
Fund

(2) Not later than four months after the close of each financial year, the Board shall cause the accounts with respect to that year to be audited by the Auditor General or by an independent auditor appointed by the Board and approved by the Auditor General.

(3) As soon as the accounts have been audited, and not later than three months after the audit, the Board shall submit to the Accounting Officer a copy of the audited accounts together with the auditor's report.

(4) The Accounting Officer shall, no later than four months after the end of the financial year and in the manner that the Accountant General may direct, submit to the Accountant General, the auditor's report accompanied by separate copies of the —

- (a) balance sheet for the financial year;
- (b) statement of income and expenditure for the financial year; and
- (c) statement of the proposed investment of any monies accruing to the Fund.

MADE this 4th day of June, 2010.

O.K. MATAMBO,
*Minister of Finance and
Development Planning.*