



**THE  
PROVINCIAL GOVERNMENT  
ACT 1996**

(NO. 3 OF 1996)

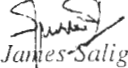


**THE PROVINCIAL GOVERNMENT  
ACT 1996**

(NO. 3 OF 1996)


*Passed by the National Parliament this eighth day of August 1996.*

*This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.*

  
*James Saliga*

*Clerk to National Parliament*

*Assented to in Her Majesty's name and on Her Majesty's behalf this eleventh day of September 1996.*

  
*Moses Puibangara Pitakaka*  
*Governor-General*

*Date of commencement: see section 1*

AN ACT TO make provisions for the establishment of a new Provincial Government system, to repeal the Provincial Government Act, 1981, and for other matters incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

## THE PROVINCIAL GOVERNMENT ACT 1996

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## SCHEDULES

## PRELIMINARY

1. (1) This Act may be cited as the Provincial Government Act 1996.  
 (2) This Act shall come into force on such date as the Minister may appoint by notice published in the Gazette; and different dates may be appointed for different provisions and for different purposes.

Short title  
and  
commencement  
1996

2. In this Act, unless the contrary intention otherwise requires  
 "absolute majority" means at least one-half of all the members of a Provincial Council or an Area Assembly plus one;  
 "appointed member" means a member who is appointed under section 31;  
 "Appropriation Ordinance" means an Ordinance made under section 44(2);  
 "Area Assembly" means an Area Assembly established under section 21;  
 "Assembly Fund" means the Fund established under section 52;  
 "Chairman" means the Chairman elected under section 32;  
 "Clerk" means the Clerk appointed under section 38;  
 "imperial enactment" has the meaning assigned thereto under sections 16 and 19 of the Interpretation and General Provisions Act;  
 "Minister" means the Minister for the time being responsible for Provincial Government.

interpretation

Act No. 29 of  
1978.

## PART II

## PROVINCIAL GOVERNMENT

3. (1) For the administration of provincial government, Solomon Islands (excluding Honiara City) shall be divided into areas known as provinces as prescribed in Schedule 1.

Establishment  
of Provinces

Schedule 1

(2) Subject to subsection (3), the area of each province shall extend seaward for three nautical miles from the low water line of each island comprised in the province and, if the island is situated on an atoll or has a fringing reef -

- (a) shall include any area contained within the atoll or between the island and the reef; and
- (b) shall extend seaward for three nautical miles from the low water line of the atoll or reef.

(3) The area of a province shall not extend beyond the boundary lines referred to in relation to that province in Schedule 1.

(4) The area of Guadalcanal Province shall not include such area of sea adjacent to Honiara City unless the Minister by Order specifies; and an order under this subsection shall be subject to negative resolution.

No. 32 of 1978.

(5) In this section "island" and "low water line" have the meanings given in the Delimitation of Marine Waters Act 1978.

(6) Nothing in this section shall be construed as affecting traditional rights, privileges and usages in respect of land and fisheries in any parts of Solomon Islands.

Review by  
Constituency  
Boundaries  
Commission.

4. (1) Where it appears to the Minister that a review of the boundaries of a province or provinces is necessary he shall require the Constituency Boundaries Commission (in this Act referred to as "the Boundaries Commission") to make a review of the boundaries concerned and the boundaries of any other province, which in his opinion may be affected.

(2) Boundaries for the purposes of this Act include provincial and ward boundaries.

(3) The Provincial Councils of two or more provinces may jointly make proposals to the Minister on any matter about which the Boundaries Commission has power to make recommendations on a review, and if the boundaries of a province or provinces concerned have not recently been reviewed, the Minister may by Order require the Boundaries Commission to review such boundaries and the boundaries of any other province which in his opinion may be affected.

(4) An Order under subsection (3) shall be subject to affirmative resolution.

Powers of  
Commission  
on a review.

5. (1) On a review under section 4 of the boundaries of one or more provinces, the Boundaries Commission may make recommendations to the Minister for effecting changes appearing to the Commission desirable in the interests of effective and convenient provincial government.

(2) The Boundaries Commission may recommend that the changes be made by one or more of the following means -

- (a) altering the boundaries of any province;
- (b) establishing a new province by combining two or more existing provinces, or parts of them, or by separating any area from an existing province or provinces; or
- (c) altering any electoral arrangement as specified in the Act.

(3) The President shall be elected at the first meeting of the Provincial Council.

(4) Subject to the provisions of this Act, a President shall hold office for a period of four years from the date of his election to office.

Deputy  
President.

11. The President at the first meeting of the Council shall appoint from the members of the Provincial Council a Deputy President, who shall hold office at the pleasure of the President.

Provincial  
Secretary  
to perform  
functions.

12. Subject to the provisions of this Act, where the President or the Deputy President is for any reason unable to perform the functions of the President, the Minister shall appoint the Provincial Secretary of the province to carry out functions of the President in the manner set out by the Minister in the instrument of appointment.

Resignation  
of President.

13. The President may resign his office at any time by giving notice in writing to the Minister.

Removal of  
President.

14. (1) The office of President shall become vacant where -

- (a) a resolution is passed by an absolute majority of the members of the Council declaring that the President be removed, and the Minister makes a declaration to that effect;
- (b) it is determined by a Commission established for that purpose by the Minister that the President has committed misconduct in office;
- (c) he resigns his office in writing to the Minister; or
- (d) he ceases to be the Chairman of the Area Assembly.

(2) The Minister shall not entertain a resolution under subsection (1) until the expiry of a period of twelve months from the date of the President being elected to office.

Standing Orders.

15. (1) A Provincial Council shall make its own Standing Orders for the regulation and orderly conduct of its proceedings.

Schedule 2.

(2) The Standing Orders shall make provision for the matters referred to in Schedule 2 in accordance with its requirements.

(3) The first meeting of a Provincial Council shall be held not later than one month after the election of the Chairmen of the Area Assemblies under section 32.

(4) The Provincial Secretary shall officiate as Clerk to the **Council.**



## PART IV

## FUNCTIONS OF PROVINCIAL COUNCILS

16. (1) A Provincial Council shall exercise, as regards the province, the functions specified in Schedules 3 and 4.

(2) The Minister may with the consent of the Cabinet and in consultation with the Provincial Council amend Schedule 4 and include any further matter within the legislative competence of the Provincial Council.

Functions.  
Schedules 3 and  
and 4.

17. (1) The Minister may by Order provide that any property which -

- (a) is held by or on behalf of the Government; and
- (b) appears to the Minister to be property used or to be used solely or mainly by the Provincial Council or for or in connection with the exercise of all or any of the functions of the Council,

Transfer of  
property.

shall be held by or on behalf of the province, by the Provincial Council.

(2) The Order may -

- (a) be subject to any exceptions or reservations specified or determined under the Order; and
- (b) contain such consequential, incidental or supplementary provisions (including provisions for the transfer of liability connected to the property concerned) as appear to the Minister to be necessary or expedient.

(3) Where the property in question relates to land, the Minister shall prior to making an order, consult the Commissioner of Lands, and be subject to the provisions of the Land and Titles Act.

Cap.93.

18. (1) A Provincial Council may enter into agency agreements with the National Government for the performance of services not related to matters listed in Schedules 3 and 4.

Agency agree-  
ments.

(2) Nothing mentioned in subsection (1) shall affect the responsibilities of the authority on whose behalf the functions are discharged.

19. (1) A Provincial Council has power to make laws only if and to the extent that -

Power to  
make laws.

- (a) they relate to matters that fall within Schedule 4; or
  - (b) any matter incidental to or consequential to other provisions which are related to matters within Schedule 4.
- (2) A Provincial Council shall not make laws -
- (a) extending to any part of Solomon Islands other than the Province;
  - (b) which would have the effect of amending any provision of this Act;
  - (c) affecting the international obligations of Solomon Islands, including trade and commerce with a foreign government;
  - (d) imposing, altering or abolishing any tax except where power to do so is expressly conferred on the Council under this Act;
  - (e) imposing, altering or abolishing any levy that may be construed as a tax or duty unless expressly conferred on the Council under this Act;
  - (f) imposing, altering or abolishing any fees that can be construed as duplication of fees set by the National Government or of fees imposed by any other laws.
- (3) Laws may be made for a province by Ordinance of the Provincial Council.
- (4) An Ordinance shall be enacted by being passed by the Council and assented to by the Minister; but the Minister may withhold his assent to any proposed Ordinance in accordance with subsections (1) and (2).
- (5) Subject to subsections (1) and (2), an Ordinance may amend or repeal any provision made under an enactment or by an imperial enactment.
- (6) The validity of any proceedings leading to the enactment shall not be called in question in any legal proceedings.
- (7) Ordinances shall be judicially noticed.
- (8) It is hereby declared that this Act does not affect the power of Parliament to make laws for any province.
- (9) (a) Provincial Ordinances enacted prior to the commencement of this Part shall be in force unless repealed by the Council.
- (b) Any mention of the words "Premier" or "Executive member" in the Ordinances referred to in paragraph (a) shall be read as "President" or "member of the Provincial Council" respectively.

(10) Part X (except section 56) of the Interpretation and General Provisions Act 1978 applies to an Ordinance made under this section.

20. (1) A Provincial Council shall not in the exercise of its functions -

Extent of power to make laws.

- (a) establish or conduct any relations of a diplomatic nature with any foreign country;
- (b) establish any relations of a business or economic nature with any foreign company, be it a non-governmental organisation or otherwise, without having obtained written approval from the Minister;
- (c) seek to obtain or accept any financial assistance from funds outside Solomon Islands except in accordance with Central Bank regulations on long-term borrowing and within the scope of the provisions for borrowing in this Act.

(2) A Council under this section includes a Development Authority or economic arm of a province established under an Ordinance.

## PART V

### ESTABLISHMENT OF AREA ASSEMBLIES

21. (1) Each province shall have not less than one Area Assembly and not more than ten Area Assemblies.

Area Assemblies.

(2) The Minister shall from time to time review the electoral arrangements for each province.

(3) Electoral arrangements include in relation to subsection (2) -

- (a) subject to subsection (1), the number of wards of an Area Assembly and the number of Assemblies of a province for the purpose of election of members of each Area Assembly;
- (b) subject to subsection (4), the number of members to be returned for each ward of an Area Assembly;
- (c) the name of the Area Assembly.

(4) A ward in an Area Assembly shall have a minimum of one member but it shall not exceed a maximum of five members.

Composition  
of area  
Assembly.

22. (1) Each Area Assembly shall consist of -
- (a) a Chairman;
  - (b) a Deputy Chairman; and
  - (c) such members as may be elected or appointed under section 21(4) and 31.

(2) Where the Chairman is an elected member of the Assembly he shall appoint an appointed member to be Deputy Chairman.

(3) Where the Chairman is an appointed member of the Assembly he shall appoint an elected member to be Deputy Chairman.

Conduct and  
time of  
elections.

23. (1) The first ordinary election in a province for an Area Assembly shall be held on a date to be appointed by the Minister, being not later than three months after the date this Part comes into operation in that province.

(2) Subject to subsection (3) the ordinary election of members of an Area Assembly shall, unless an election is held sooner under section 24, be held on the fourth anniversary of the date on which the last general election for the Area Assembly was held.

(3) Subject to section 31(5), the term office of a member shall begin on the date on which he is elected or appointed, as the case may be, and end with the dissolution of the Assembly.

(4) The Returning Officer shall as soon as the election results are available, notify the results to the Minister, who shall cause them to be published in the Gazette.

Dissolution  
of Area  
Assembly.

24. (1) An Area Assembly shall be dissolved by virtue of this subsection on the eve of a general election of members.

(2) An Area Assembly shall be dissolved by direction of the President of the Provincial Council if the Assembly resolves by an absolute majority that it should be dissolved.

(3) A direction dissolving an Area Assembly shall -

- (a) not be made earlier than three months after the date of an Area Assembly general election; and
- (b) not be made later than three months after the date of the resolution in pursuance of which the direction is given.

(4) A direction dissolving an Assembly shall require the election of members to be held on the day following the dissolution.

Eligibility  
to vote

25. A person shall not be eligible to vote at an Area Assembly election unless he -

- (a) is a citizen of Solomon Islands;
- (b) has attained the age of 18 years;
- (c) is ordinarily resident in that Area Assembly; or
- (d) is not disqualified from voting at the election under this Act or any other law of Solomon Islands.

26. (1) The Minister may by regulations make provisions for -
- (a) the conduct of elections of members of Area Assemblies; and
  - (b) the procedure for the questioning the conduct of such elections or any irregularities that may have occurred.
- (2) Regulations in relation to subsection (1) may make different provisions for different provinces.

Power to make regulations.

27. (1) Subject to subsection (3), where the seat of an elected member of an Area Assembly is vacant an election shall be held to fill the vacancy.

By-elections.

(2) The date of the election shall be fixed by the President and shall not be later than three months after the vacancy has come to his notice.

(3) The election shall not be held if the last date for holding it would fall within three months preceding the next election to be held under sections 23 or 24.

28. (1) No person shall be qualified for election as a member of an Area Assembly if he is disqualified under section 49(1) of the Constitution.

Qualification for membership of an Area Assembly.

(2) A person shall be disqualified from membership of an Area Assembly under any of the following grounds, that it to say -

- (a) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law for the time being in force in Solomon Islands or any part of the Commonwealth;
- (b) he is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands;
- (c) he is disqualified from membership of Parliament or an Area Assembly or from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections; or
- (d) the disqualification arises from a sentence or conviction by a Court outside Solomon Islands:

Provided that any such person may apply to the High Court for relief from this subsection.

(3) On application for relief under subsection (2) the High Court may if it thinks fit, order that the disqualification be disregarded as from the date specified in the Order.

Termination of  
office of  
member of  
Area Assembly.

29. The term of office of a member of an Area Assembly shall come to an end -

- (a) on dissolution of the Area Assembly;
- (b) if the member resigns by notice in writing to the President of the Provincial Council;
- (c) if he is absent from three consecutive meetings of the Area Assembly without reasonable cause given in writing to the Clerk of the Assembly; or
- (d) if he is disqualified under section 28.

Registration of  
chiefs and  
elders.

30. (1) On the coming into force of this Part and prior to a general election in an Area Assembly, the Minister shall cause a register to be known as the "Register of Chiefs and Elders" (hereinafter referred to as "the Register") to be compiled for each ward in each Area Assembly of every province.

(2) In this Act -

- (a) an "elder" is a person who is generally recognised by the people of that ward as a leader in that community or a person considered as holding a position of prominence, standing and distinction in that ward; and
- (b) a "chief" is a person who is considered by the people in that ward to be a chief of a tribe, clan, line, by tradition or who is otherwise accepted by his tribe, clan or line as a chief.

(3) The Register shall be kept in the Provincial Council and shall be maintained by the Electoral Revising Officer.

(4) The Register shall be reviewed once each year or otherwise as may be ordered by the Minister.

Appointed  
members of an  
Area Assembly.

31. (1) Immediately after an election for an Area Assembly but not later than seven days, the Returning Officer shall cause a meeting to be convened in each Area Assembly for the chiefs and elders in that area to appoint from amongst themselves members to that Assembly.

(2) The number of appointed members shall be equivalent to the number elected for that Assembly.

(3) Persons whose names appear in the Register shall sit as an electoral college for the purpose of appointing members to the Area Assembly.

(4) The electoral college shall appoint members to serve the full term of an Area Assembly as prescribed by section 23.

(5) On receiving the list of names of the persons appointed, the Returning Officer shall notify the Minister who shall cause such names to be published in the Gazette.

32. (1) Within one month from the date of the Area Assembly general election, the Provincial Secretary shall cause a meeting of the Area Assembly to be convened for the election of the Chairman.

(2) The Chairman shall be elected in accordance with section 22.

Election of  
Chairman

33. (1) The Chairman may at any time resign by giving notice in writing to the President.

(2) Where the office of Chairman becomes vacant under subsection (1), the President shall cause a by-election to be held for the office within one month from the date of the office becoming vacant.

(3) A person who resigns his office as Chairman is disqualified from seeking re-election at a by-election held under this section to fill the vacancy caused by his resignation.

Resignation  
of  
Chairman

34. (1) The office of Chairman shall become vacant if a resolution is passed by an absolute majority of members of the Area Assembly (excluding the Chairman) present and voting at the meeting resolving that the Chairman vacates his office.

(2) Where the membership is of an uneven number the closest number to the total shall be taken.

(3) The validity of proceedings of a Provincial Council shall not be affected by the resignation, disqualification or removal of any person from membership of the Council.

Vacation by  
resolution.

35. (1) The Chairman shall be entitled to such salary and allowances as the Members of Parliament (Entitlements) Commission may from time to time prescribe.

(2) The Chairman shall receive such salary and allowances as afforded to a member of the Provincial Assembly until such time as it is prescribed under subsection (1) or as the Minister may direct.

Salary and  
allowances  
of  
Chairman.

36. There shall be paid to all members of an Area Assembly other than the Chairman, out of the Assembly Fund, such allowances as the Members of Parliament (Entitlements Commission) may determine.

Allowances  
of members  
of Area  
Assembly.

Meetings.

37. (1) The first meeting of the Area Assembly shall be held not later than one month after the election of the Chairman under section 32.

(2) An Area Assembly shall make its own standing orders for the regulation and orderly conduct of its proceedings.

Clerk to the Area Assembly.

38. (1) An Area Assembly shall have a Clerk who shall act as the executive officer of the Assembly.

(2) The Clerk shall be appointed pursuant to section 60 of this Act, read with section 116 of the Constitution.

(3) The Clerk shall -

(a) be responsible for the office of the Assembly and in consultation with the Chairman shall arrange business of the meetings of the Assembly; and

(c) convey all decisions of the Assembly to the relevant authorities.

## PART VI

### FUNCTIONS OF AN AREA ASSEMBLY

Functions.

39. (1) An Area Assembly shall exercise as regards its area, the functions specified in Schedules 5 and 6.

Schedules 5 and 6.

(2) An Area Assembly shall provide services in respect of its area in terms of Schedules 5 and 6.

Transfer of property.

40. Property of a province that appears to be used solely or mainly for an Area Assembly in the exercise of its functions shall be held by or on behalf of the Area Assembly by the Provincial Council in terms of section 17.

Agency agreements.

41. Except with the approval of the Provincial Council, no Area Assembly shall enter into an agency agreement with the Government for the performance of services not related to Schedules 5 and 6.

Power to make laws.

42. (1) An Area Assembly may make laws in respect of matters that fall under Schedule 6.

(2) The Minister in terms of section 16 may grant by order, additional matters to be added to Schedule 6.

(3) An Area Assembly has no power to make laws -

(a) extending to any other Area Assemblies;

(b) which have the effect of amending any provision of this Act;

(c) that are in conflict with an Act of Parliament; or

(d) on any other matter prescribed in Schedule 6.



43. (1) Laws made by an Area Assembly in terms of section 42 shall be known as by-laws of that Area Assembly.

Assembly  
by-laws.

(2) A by-law shall be enacted by being passed by the Assembly and assented to by the President, but the President may withhold his assent in terms of section 42(3).

## PART VII

### FINANCE

44. (1) For the purposes of this Act each province shall have a Provincial Fund.

Provincial  
Fund.

(2) A Provincial Council has no power to appropriate any sums forming part of the Provincial Fund except by an Appropriation Ordinance and an Appropriation Ordinance may only appropriate sums -

- (a) for the purposes of functions as itemised in Schedule 4;
- (b) for any purposes for which they are payable out of the Provincial Fund under this or any other Act;
- (c) related to an agency agreement under section 18; or
- (d) for Area Assemblies.

(3) An Appropriation Ordinance may provisionally authorise the payment out of any Provincial Fund, in advance of appropriation, of sums not exceeding in the aggregate such amount as may be specified in the Ordinance.

45. Each year, the Minister, in consultation with the Cabinet, shall pay into the Provincial Fund such sum of money, as he sees fit.

Payment to  
the  
Provincial  
Fund.

46. (1) A Provincial Council shall not later than one month, on receipt of funds into the Provincial Fund for that financial year make payment into each Area Assembly Fund in the province.

Payment  
into  
Area Assembly  
funds.

(2) The amount of payment under this section shall be determined by the Provincial Accounts Committee in consultation with the respective Area Assemblies, subject to any order the Minister may make with regard to the amount, timing, and instalments, if any, by which payment is to be made.

(3) The Provincial Council may by Order approve such other payments to be made into all or any of the Area Assembly Funds as may be required from time to time.

Financial Management Ordinance.

47. (1) An Appropriation Ordinance shall not have effect at any time unless at that time there is in force in the province an Ordinance (referred to in this Act as the "Financial Management Ordinance") dealing with each of the matters mentioned in Schedule 7.

(2) If in respect of a financial year it is found that the sum appropriated by the Appropriation Ordinance for a project or service is insufficient or a need has arisen for expenditure for which no sum has been appropriated for by the Ordinance, a supplementary appropriation showing the sums required shall be presented in a Supplementary Appropriation Ordinance for appropriation.

Supplementary Appropriation

48. (1) Each Province on passing an Appropriation or a Supplementary Appropriation Ordinance under section 47(2), shall present a copy to the Minister.

(2) Notwithstanding the passing of an Ordinance under subsection (1), the Minister may limit, suspend or cancel any expenditure if in his opinion financial exigencies so require. Expenditure includes the appropriation voted for by Area Assemblies of a province.

(3) No action shall be taken by the Minister under subsection (2) unless he gives the Provincial Council or Area Assembly an opportunity to show cause why the expenditure should not be limited, suspended or cancelled.

Payment out of Provincial Funds.

49. (1) No payment shall be made out of a Provincial Fund except under the authority of a warrant given by the President or in his absence the Provincial Treasurer.

(2) The President or the Provincial Treasurer shall not give a warrant authorising the payment of a sum unless the sum is part of sums appropriated for under section 44.

(3) A sum forming part of a special fund may not be appropriated or used for any purpose other than that for which the fund was specifically created for.

Payment into Provincial Fund.

50. (1) Any sums forming part of the receipts of a Provincial Council shall, so far as they are not disposed of or accounted for in accordance with any Ordinance or arrangement under section 44, be paid into the Provincial Fund. This includes receipts from the economic arm of a Provincial Council.

(2) The Minister in respect of each financial year shall make payments into each fund as expeditiously as possible to facilitate the smooth running of the provincial administration.

(3) The Minister may by order make different provisions for each province and regulate the amount, timing, and instalments, if any, by which payment is to be made under subsection (2).

51. (1) There shall be established in each province a Provincial Accounts Committee.

Provincial  
Accounts  
Committee.

(2) The Provincial Accounts Committee shall consist of the President of the Council, and such other members as may be appointed by the Council being not less than three nor more than five members including the President.

(3) The functions of the Provincial Accounts Committee shall be to ensure that any Appropriation Ordinance intended to be passed by the Council is in compliance with section 44 and Schedule 7.

Schedule 7.

52. (1) For each Area Assembly there shall be an Area Assembly Fund.

Area  
Assembly  
Funds.

(2) No sums shall be appropriated from an Assembly Fund except by an Appropriation Ordinance enacted by an Area Assembly.

(3) The Area Assembly may appropriate sums -

- (a) for the purposes or functions listed in Schedule 6;
- (b) for purposes under section 41; or
- (c) for other purposes for which they are payable out of the Assembly Fund under this Act or any other law.

Schedule 6.

(4) An Appropriation Ordinance may provisionally authorise the payment out of any Assembly Fund, in advance of appropriation, or sums not exceeding in the aggregate such amount as may be specified in the Ordinance.

(5) An Appropriation Ordinance shall not have effect at any time unless there is at that time in force, for the area, an Ordinance (referred to in this Act as "the Financial Management Ordinance") dealing with each of the matters listed in Schedule 8.

Schedule 8.

53. (1) No payment shall be made out of an Assembly Fund except under the authority of a warrant given by the Chairman.

Payment out  
of Assembly  
Funds.

(2) The Chairman shall not give a warrant authorising payment of a sum unless the sum is part of the sums appropriated for under section 52.

(3) Any sum issued out of an Assembly Fund to a special fund shall not be applied for any purpose other than for the purpose for which it is appropriated for.

54. Any sums forming part of the receipts of an Area Assembly shall so far as they are not disposed of or accounted for in accordance with section 52, be paid into the Assembly Fund.

Sums not dis-  
posed of, to  
be paid into  
Assembly  
Fund.

Estimates  
of Area  
Assembly.

55. (1) The Area Assembly of each province shall lay before the the Provincial Council, before the commencement of each financial year, estimates of revenue and expenditure of the Area Assembly for that year.

(2) The estimates shall show the sources of revenue and the purposes and scope of each head of expenditure.

Accounts of  
Area  
Assembly.

56. (1) For each financial year of a province, each Area Assembly shall prepare the following accounts -

- (a) accounts of sums paid and received by it;
- (b) an account of payments into and out of the Assembly Fund; and
- (c) a balance sheet of assets and liabilities.

(2) The accounts shall be sent to the Provincial Council as soon as practicable at the end of the financial year to which they relate, but in any event not later than two months after the end of that year.

Provincial  
Council  
Accounts.

57. (1) For each financial year a Provincial Council shall prepare the following accounts -

- (a) accounts of sums paid and received by it;
- (b) an account of payments into and out of the Provincial Fund; and
- (c) a balance sheet of assets and liabilities.

(2) The accounts together with the accounts of the Area Assemblies shall be sent to the Auditor-General as soon as is practicable at the end of the financial year to which they relate, but in any event not later than four months after the end of that year.

(3) The Auditor-General shall after auditing the accounts pursuant to subsection (3) of section 108 of the Constitution (audit of public accounts) furnish copies of them, together with his report under that subsection to the Provincial Council, related Area Assemblies of that province and the Minister.

(4) The Minister shall publish -

- (a) the accounts and reports received under subsection (3); and
- (b) the report of the Provincial Accounts Committee.

(5) The Provincial Council and each Area Assembly of a province shall pay in respect of any audit carried out under subsection (3) such amount as the Auditor-General may direct, and any sum payable under this section -

- (a) shall be paid in accordance with the direction; and
- (b) shall be charged on the Provincial Fund or the Assembly Fund, as the case may be.

58. (1) A Provincial Council or an Area Assembly shall not borrow money except in accordance with this section.

(2) A Provincial Council or an Area Assembly may borrow either by way of overdraft or otherwise from a Government lender or an authorised lender such sums as may appear to the Provincial Council or Area Assembly to be required -

- (a) for the purpose of meeting an unavoidable excess of sums paid out of the Provincial Fund or Assembly Fund, as the case may be, over sums paid into the respective Fund; or
- (b) for the purpose of providing a working balance in the respective Fund.

(3) The aggregate outstanding in respect of the principal of sums borrowed by a Provincial Council or Area Assembly shall not exceed such sum as may from time to time be fixed by order of the Minister.

(4) In subsections (3), (5) and (6) reference to the Minister is to the Minister responsible for finance.

(5) Sums required for the repayment of or the payment of interest on, sums borrowed under this section shall be charged on the Provincial Fund or Assembly Fund respectively, unless the Minister by order directs otherwise.

(6) In this section -

“Government lender” means the Minister and any Government fund the purposes of which include the lending of money to Provincial Councils or Area Assemblies; and

“authorised lender” means any person or body authorised by the Minister for the purposes of this section.

59. (1) A Provincial Council or Area Assembly may lend money, or give a guarantee in respect of the repayment of any money, if, and only if, it does so for the purposes related to functions listed in Schedules 4 and 6, respectively.

(2) The aggregate sums for lending and the total sums guaranteed under subsection (1), shall not exceed such sum as may from time to time be fixed for that Provincial Council or Area Assembly, as the case may be, by order of the Minister of Finance.

Borrowing  
powers of  
Provincial  
Council or  
Area  
Assembly.

Lending by  
Provincial  
Council or  
Area  
Assembly.

## PART VIII

## GENERAL AND SUPPLEMENTARY

Manpower  
establishment.

Schedule 9.

Notice of  
Bills.

Provision of  
information.

60. The Public Service Commission shall retain the power to appoint officers and servants of a Provincial Council and Area Assembly in a province and to remove and to exercise disciplinary control over those officers and servants in accordance with Schedule 9.

61. (1) Parliament shall by Standing Orders make provision for ensuring that a Bill for an Act the purposes of which include the amendment of any of the provisions of this Act shall not be read a second time unless the following requirements are satisfied, that -

- (a) the long title shows that it is proposed to amend such a provision; and
- (b) notice of the Bill has been given to the Speaker of Parliament within reasonable time.

(2) Parliament shall by Standing Orders make provision for ensuring that a Bill for an Act which includes any provision relating to a matter that affects the functions of a Provincial Council or an Area Assembly of that province shall not be read a second time unless the Speaker of Parliament is satisfied that adequate notice of the provision has been given to the Provincial Council or Area Assembly.

62. (1) Where it appears to the Minister that any information relating to the exercise of functions by any Minister is required for the exercise of functions of a Provincial Council or Area Assembly of a province he may request that Minister to supply the information to the Council or Assembly and that Minister shall comply with the request.

(2) When it appears to the Minister that any information relating to the exercise of functions by a Provincial Council or Area Assembly is required for the exercise of functions by any Minister, he may request the Provincial Council or Area Assembly to supply that information to the Minister concerned and the Provincial Council or Area Assembly shall comply with the request.

(3) A Minister or Member of Parliament whose constituency is in a particular province may request any information from the Provincial Council or Area Assembly of that province and the Council or Assembly shall comply with the request.

63. (1) Where the Minister is satisfied that any Provincial Government, be it a Provincial Council or Area Assembly -

- (a) has in the performance of its functions acted in a manner prejudicial to the public interest or the national interests of Solomon Islands; or
- (b) has mismanaged or is likely to mismanage any aspect of its financial affairs,

he may after having given the Council or Assembly reasonable notice of his intention to do so, and having considered representations, if any, from the Council or Assembly in consultation and in concurrence with the Cabinet by order suspend the Council or Assembly from its functions for such time as he may think fit from the performance of any such function or management to the extent of such breach as may be specified in the order.

(2) An order made under subsection (1) shall include matters specified in Schedule 10.

(3) The Minister may exercise the right to extend the suspension order under this section as he may think fit.

(4) The expenses incurred for the carrying out of the suspension order shall be a debt due from the Provincial Council or Area Assembly concerned and be charged to the Provincial Fund or the Assembly Fund, as the case may be.

64. (1) The Minister may by Order make such amendments in any enactment passed or made before the passing of this Act as appears to him necessary or expedient in consequence of this Act; and different orders may be made in respect of different provinces.

(2) An order made under subsection (1) shall be subject to negative resolution.

Suspension.

Amendment  
of  
enactments.

65. (1) Any rules, regulations, orders or by-laws made by the Minister under this Act shall not be subject to sections 55(1), 56 and 59 of the Interpretation and General Provisions Act 1978.

(2) If the subsidiary legislation is expressed to be subject to a negative resolution -

- (a) a copy of the subsidiary legislation shall be laid before Parliament; and
- (b) the copy shall be laid before the subsidiary legislation comes into effect unless, in the opinion of the Minister, it is essential that the subsidiary legislation comes into effect before it can be laid;
- (c) if within a period of twenty days beginning with the day on which the copy is laid, Parliament resolves that the subsidiary legislation be annulled, the subsidiary legislation shall cease to have effect as from the date of the resolution, but without prejudice to the validity of anything previously done under it or to the making of new subsidiary legislation.

(3) In reckoning any period of twenty days for the purpose of subsection (2)(c), no account shall be taken of any time during which Parliament is prorogued or dissolved or is adjourned for more than four days.

(4) If the subsidiary legislation is expressed to be subject to affirmative resolution, the subsidiary legislation shall not come into operation until a draft of it has been laid before Parliament and approved by a resolution of Parliament.

(5) All subsidiary legislation shall be published in the Gazette.

66. (1) For the purpose of ensuring the continuance of the the smooth running of provincial administration in a province until the conclusion of the first general election of the Area Assemblies and the constitution of the Provincial Council of that province under this Act, Parts I, II, III and V and section 60 and this section of the Act shall first be brought into force in relation to that province.

(2) Where a notice under section 1(2) of this Act bringing Parts I, II, III and V and section 60 and this section of this Part of this Act into force in a province is made, the existing Provincial Assembly and Area Councils of the province shall continue to function under the Provincial Government Act, 1981 until the conclusion of the first general election of the Area Assemblies and the constitution of the Provincial Council of that province under this Act.



Repeal and  
savings.

67. (1) Subject to subsections (2) and (3), the Provincial Government Act 1981 (in this section referred to as the "repealed Act") is hereby repealed.

(2) Notwithstanding the repeal under subsection (1), all Ordinances and subsidiary legislation made for a province by a Provincial Assembly of that province and in force immediately before the repeal of the repealed Act shall be deemed to be Ordinances and subsidiary legislation made by the Provincial Council or Area Assembly of a province as applicable under this Act and shall continue to be in force until repealed or amended or revoked by the Council or Assembly of that province.

(3) Notwithstanding the repeal under subsection (1), all Provincial Statutory Bodies established under any law or under Part II of Schedule 8 of the repealed Act shall continue in operation as if they were established and regulated under this Act, for the continuance and completion of operations.

(4) Any transactions or agreements entered into by the Provincial Assembly or Area Council of a province shall be construed to be that of the Provincial Council or Area Assembly of that province for the continuance and completion of such transactions or agreements.

(5) Any person employed by a Provincial Assembly of a province under the repealed Act, shall on the date of coming into operation of this Act be deemed to be employed as the case may require by a Provincial Council or an Area Assembly of that province.

68. (1) The Minister may by Order published in the Gazette, make such provisions as appear to him necessary or expedient for the purpose of -

- (a) providing for any unforeseen or special circumstance; or
- (b) resolving, determining or adjusting any doubt, question or matter,

which may arise in relation to the application of this Act or in respect of which no provision or effective provision has been made in or under the Act.

(2) An Order made under subsection (1) shall be subject to a negative resolution.

Power to  
remove dif-  
ficulties.

69. The functions of a Provincial Council, Area Assembly, President or Chairman of a Provincial Council or an Area Assembly are not to be regarded as performed on behalf of the Solomon Islands Government unless otherwise specified or indicated by inference in this Act.

Immunity.

Western  
Province.

Area

The Islands comprised in the area bounded by a line commencing at a point on the boundary between Solomon Islands and Papua New Guinea in Longitude 156° 13' 30" East, thence by a line due South to Latitude 6° 45' 00" South Longitude 156° 18' 45" East, then South Longitude 156° 22' 00" East, then in the same direction to the point Latitude 7° 15' 15" South Longitude 156° 23' 45" East, thence by a line in an easterly direction in the point Latitude 7° 13' 15" South Longitude 156° 23' 45" East, thence by a line in an easterly direction to the point Latitude 7° 35' 00" South Longitude 156° 00' 00" East thence in the same general direction to the point Latitude 7° 43' 00" South Longitude 157° 30' 00" East thence by a line in the same general direction to the point Latitude 7° 55' 00" South thence by a line bearing due East to a point in Longitude 156° East thence by a line bearing due South to point in Latitude 9° 20' 00" South thence by a line bearing due West to a point in Longitude 155° 20' East thence by a line bearing due North to intercept the boundary between Solomon Islands and Papua New Guinea and thence along that boundary to the point of commencement.

Choiseul.

The Islands comprised in the are bounded by a commencing at a point on the boundary between Solomon Islands and Papua New Guinea in Longitude 156° 13' 30" East thence in easterly direction along that boundary to the intersection of that boundary Longitude 157° 55" South thence by a straight line in a westerly direction to the point Latitude 7° 43" 00" South Longitude 157° 30" 00" East thence in the same general direction to the point Latitude 7° 13' 15" South Longitude 156° 22" 00" East thence in a northerly direction to the point Latitude 6° 45' 45" South Latitude 156° 18" 45" East thence in a northerly direction to the point Latitude 6° 45' 00" South Longitude 150° 13' 30" East thence due North to the point of commencement.

Isabel.

The Islands comprised in the area bounded by a line commencing at the point in Latitude 7° South Longitude 160° 30' East thence by a line bearing due South to a point in Latitude 8° 45' South thence by a line bearing due West to a point in Longitude 159 East and thence along the common boundary with Western Province in a northerly direction to a point in Latitude 7° South and thence to the point of commencement.

Central.

The Islands comprised in the area bounded by a Longitude 159° East and 160° 30' East and Latitude 8° 45' South and 9° 13' South.

Excluding Honiara city, the Islands comprised in the are bounded by a line commencing at the point in Latitude 9' 13' South Longitude 160' 30' East and bearing due South thence by a line bearing due East to a point in Longitude 163' East thence by a line bearing due South to a point Latitude 9' South thence by a line bearing due West to a point in Longitude 161' 50' East thence by a line bearing due South to a point in Latitude 10' South thence by a line bearing due West to a point in Longitude 161' East thence in a northerly direction along the common boundary with Guadalcanal, Central, Isabel and Western Provinces to a point intersecting the boundary of Solomon Islands and Papua New Guinea thence generally North Easterly along the boundary to a point in approximate Longitude 159' East and thence generally along that boundary to the point of commencement.

Guadalcanal.

The Islands comprised in the area bounded by a line commencing at the point on the boundary of Solomon Islands and Papua New Guinea in an approximately Latitude 4' 52' South Longitude 160' East thence by a line bearing due East to a point in Longitude 163' East thence by a line bearing due South to a point Latitude 9' South thence by a line bearing due West to a point in Longitude 161' 50' East thence by a line bearing due South to a point in Latitude 10' South thence by a line bearing due West to a point in Longitude 161' East thence in a northerly direction along the common boundary with Guadalcanal, Central, Isabel and Western Provinces to a point intersecting the boundary of Solomon Islands and Papua New Guinea thence generally North Easterly along the boundary to a point in approximately Longitude 159' East and thence generally along that boundary to the point of commencement.

Malaita.

The Islands comprised in the are bounded by a line commencing at a point in Latitude 9' South Longitude 161' 50' East thence by a line bearing due East to a point in Longitude 164' East thence by a line bearing due South to a point in Latitude 12' 30' South to a point in Latitude 12' 30' South thence by a line bearing due West to a point in Longitude 161' East and thence in a generally northerly direction along the common boundary with Central, Guadalcanal and Malaita Provinces to a point of commencement.

Makira/ Ulawa.

The Islands comprised in the area bounded by a line commencing at a point in Latitude 9' South Longitude 170' 20' East thence by a line bearing due South to a point in Latitude 12' 30' South thence by a line bearing due West to a point in Longitude 164' East and thence North along the common boundary with Makira/Ulawa Province to the point of commencement.

Temotu.

The Islands comprised in the area bounded by a Longitude 159' East and 161' East and Latitude 10' 31 South and 13' 06' South.

Rennell and  
Bellona.

MATTERS TO BE PROVIDED FOR IN STANDING ORDERS OF  
PROVINCIAL COUNCIL/AREA ASSEMBLY

- |                           |  |
|---------------------------|--|
| Meetings.                 | 1. Summoning of Meeting of the Council or Assembly.  |
| Oaths.                    | 2. Provision for ensuring that no member of the Council or Assembly takes part in any of its respective proceeding or in the proceedings of any of its Committees until the member has made an oath or affirmation of allegiance in the form set out in Schedule 1 to the Constitution.  |
| Right to vote.            | 3. Provision that elected and appointed members may vote at any meeting of the Council or Assembly or any of its Committees. President or Chairman to have a casting vote.   |
| Quorum.                   | 4. Quorum of the Council or Assembly and any of its Committees. Provision in certain instances when the absence of the quorum would not invalidate a meeting.  |
| Order.                    | 5. Preservation of order in the proceedings of the Council or Assembly and its committees. Provision may also be made for the exclusion of a member from the proceedings in certain instances.   |
| Passing legisla-<br>tion. | 6. (1) Provision -<br>(a) for general debate of a proposed Ordinance with an opportunity for members to vote on its general principles;<br>(b) for the consideration of an opportunity for members to vote on the details of a proposed Ordinance; and<br>(c) for the final stage at which a proposed Ordinance can be passed or rejected but not amended.<br>(2) Ensuring that no draft Ordinance of the Council or Assembly reaches the final stage for passing or rejection until the draft has been first brought to the attention of the Minister for Council Ordinances and the President for Assembly Ordinances respectively.<br>(3) Provision for the procedure to be adopted where the Minister has withheld his assent from a Council Ordinance or the President has withheld his assent from an Assembly Ordinance respectively. |

7. (1) Ensuring that the Council or Assembly does not proceed with any proposed Appropriation Ordinance to appropriate any sum out of the Council Fund or Assembly Fund respectively unless -

Financial control.

(a) there has been laid before the Accounts Committee the estimates of expenditure on which the proposed Ordinance is based; or

(b) the proposed Ordinance would have effect only in relation to the first four months of a financial year and would appropriate a sum sufficient only to maintain existing reserves; or

(c) any reference to a contingency warrant will be with the concurrence of the person responsible for finance in the Ministry of Provincial Government.

8. (1) The appointment of an Accounts Committee.

Accounts Committee.

(2) Ensuring that the provisions relating to the Committee in the Provincial Government Act are adhered to and adequate representation in membership is maintained.

9. Provision for proceedings of the Council or Assembly and any of its Committees to be held in public, subject to any exceptions made by Standing Orders.

Proceedings in public.

10. Provision for formation of Committees to incorporate members of the public in Provincial Affairs.

Formation of committees.

11. Ensuring that a member of the Council or Assembly with an interest in any matter (financial or otherwise) discloses the interest before taking part in any proceedings dealing with the matter. The Standing Orders may provide that such a member may be excluded from taking part in the proceedings or restricted in participation in such proceedings; and be penalised for contravention of the order to disclose an interest should such a member participate without disclosure.

Members' interests.

12. The admission of any member of Parliament whose constituency is in that province to meetings of the Council or Assembly respectively of that province.

Relations with Central Government.

13. The establishing of a co-ordinating committee to include any member of Parliament whose constituency includes any part of the province.

Co-ordinating Committee.

14. Ensuring that adequate notice of a motion (not being less than 7 days) is given to the Council or Assembly respectively.

Notice of motions.

Provision of  
other matters.

15. Providing for any other matter for the smooth conduct and regulation of Council Business Affairs or Assembly Business Affairs respectively.

SCHEDULE 3

Section 16

FUNCTIONS REGULATED BY LAWS OF SOLOMON ISLANDS, TRANSFERRED TO A PROVINCIAL COUNCIL FOR ENFORCEMENT IN A PROVINCE

Cultural matters.

1. The Cinematograph Act
  - (i) Functions given to the Minister under section 14 (Making Rules) except paragraph (f) (Board of Censors).
  - (ii) Functions given to the Licensing Authority under the Act.

Environment.

2. Wild Birds Protection Act;  
The functions given to the Minister under section 14 of the Act (Sanctuaries).

Transport.

3. (i) Roads Act: The functions given to the Minister under sections 3, 5, 27 and 29 (b) to (f) and (g) so far as it relates to the above sections.
- (ii) Traffic Act: The functions given to the Highway Authority under sections 68 and 69 of the Act (Closure of roads and injury to bridges).
- (iii) Light Dues and Harbours Act: The functions given to the Chief Marine Officer under section 5 of the Act. (Obstructions in harbours).

(i, ii and iii are CONCURRENT FUNCTIONS)

Rivers and  
Waters.

4. River Waters Act;  
The functions given to the Minister under the Act.

## 5. Forest Resources and Timber Utilisation Act.

Forestry.

- (i) The functions given to the Minister under Part IV to control forests and to conserve water resources.
- (ii) The functions given to the Minister under section 33 of the Act to make Regulations relating to Part IV of the Act.

## 6. The Education Act and related Regulations.

Education.

The application of rules relating to the establishment, maintenance and running of Secondary Schools under the Act or related Regulations.

## 7. Public Holidays Act

Public Holidays.

The functions given to the Governor-General under section 6 of the Act (the appointment of Special Public Holidays).

## (A CONCURRENT FUNCTION)

## 8. Liquor Act

Liquor.

- (i) The functions given to the Minister under section 16 of the Act (Appointment of the Liquor Licensing Board).
- (ii) The functions given to the Minister under section 84 of the Act (Closure of Bars).
- (iii) The functions given to the Minister under section 96 of the Act (Power to alter Fees and Forms)

Any other matters to be included by the Minister to this schedule by Order published in the Gazette.

## LEGISLATIVE COMPETENCY

MATTERS A PROVINCIAL COUNCIL CAN LEGISLATE  
FOR BY ORDINANCE WHICH ORDINANCE WILL BE  
APPLICABLE TO THAT PROVINCE ONLY

Trade and Industry

1. Local Licensing of -
  - (i) trades
  - (ii) businesses
  - (iii) professions
  - (iv) entertainment

Culture/Sports/Women's Affairs

2. Sports, and recreational activities, Museums and Libraries,  
**Women's Affairs.**

Environment

3. Protection of Wild Life Creatures

Transport

4. (i) Coastal Shipping.  
(ii) Provision, maintenance, and improvement of Harbours,  
Roads and Bridges.

Land and land use

5. Physical Planning for areas outside the Town and Country  
Planning Act and outside areas declared as "development  
areas" under the Town and Country Planning Act.

Fisheries

6. Protection, maintenance and improvement of Fresh Water  
Fisheries

Housing

7. Regulaton of Rents



Rivers and Water

8. (i) Control and use of Rivers Waters
- (ii) Pollution control of river waters including the control of forests to prevent pollution and conservation of water.
- (iii) Provision of Rural Water Supply.

Liquor Licensing

9. Liquor Licensing including control and collection of fees.

Corporate or Statutory Bodies

10. Establishment of Corporate or Statutory Bodies for -
  - (i) The provision of provincial services within the authority of a province (be it Legislative, Statutory or under Agency)
  - (ii) The conducting of economic activity of a province within the provincial authority or with the consent of the National Government, provided all profits and income of the body are reflected and form part and parcel of the provincial appropriation (budget).

Electricity

11. Supply, maintenance and control of rural electricity.

Tourism

12. Building standards, quality control of Hotels, Guest Houses, Rest Houses, Eating Houses, Rrestaurants; recreational facilities; parks; Fire services and Fire protection, Public Littering; tourism promotion and control to protect environment and nature conservation (flora, fauna and marine).

Education

13. Provision, maintenance and improvement of Vocational Training Schools, Community Education.

Income Generation/Collection

14. (i) Collection of Licence Fees for licences issued by the province under items 1 and 9 of the Schedule.
- (ii) Collection of fees for services provided or services performed through agency or other contractual agreement.
- (iii) Collection of rents for Housing.
- (iv) Collection of revenue through economic/commercial activity.
- (v) Land rates (urban areas).
- (vi) Tree "tax" for conservation under item 8(ii) of the Schedule.
- (vii) any other provision which the Minister may by Order published in the Gazette (with consent of the Cabinet and ministries concerned) include in the Schedule.

Income generation does not include Government Grants, Resource levy distribution, SICOPSA Revolving Fund Contributions or other government grants).

SCHEDULE 5

Section 39

FUNCTIONS REGULATED BY THE LAWS OF SOLOMON ISLANDS, TRANSFERRED TO AREA ASSEMBLIES FOR ENFORCEMENT IN THE RESPECTIVE AREA ASSEMBLY JURISDICTIONS.

Forestry

1. Forest Resources and Timber Utilisation Act
  - (i) The functions given to a Minister under Part III of the Act (Licensing of Mills)
  - (ii) The functions given to the Minister under section 33 (Regulations) so far as it relates to Part III of the Act.

Education

2. The Education Act and related Regulations  
The application of rules relating to the establishing, maintenance and running of Kindergartens and Primary Schools under the Act and related rules and regulations.

## SCHEDULE 6

## Section 39

## LEGISLATIVE COMPETENCY

MATTERS AN AREA ASSEMBLY CAN LEGISLATE FOR THROUGH THE ENACTMENT OF BY-LAWS APPLICABLE ONLY TO THAT RESPECTIVE AREA ASSEMBLY JURISDICTION

Culture

1. (i) All matters relating to Local Crafts, Historical remains.  
(ii) Local languages.

Fishing

2. (i) Protection, improvement and maintenance of customary reef fisheries.

Land

3. (i) Codification of customary law relating to land  
(ii) Amendment of existing customary law relating to land  
(iii) Registration of rights in respect of customary land.

Local matters

4. Waste disposal, cleaning services, vagrancy, Public nuisances, cemeteries, keeping of domestic animals, local markets, local housing standards, physical planning of village areas.

Income Generation/Collection

5. (i) Basic rates  
(ii) Imposition of Fines and Fees under item 4 above  
(iii) Any other provision which the Minister may by Order published in the Gazette (with the consent of the Cabinet, related Ministries and Provincial Council) include in the Schedule.

(Income generation does not include Government Grants).

## SCHEDULE 7

Section 47

MATTERS TO BE INCLUDED IN PROVINCIAL COUNCIL  
FINANCIAL MANAGEMENT ORDINANCE

The form of annual estimates

The method of authorising and making issues from the Council Fund  
The management and reallocation of funds within the amounts appropriated

The provision of funds in advance of appropriation

The use of bank accounts and the investment of moneys forming part of the Council Fund

The making of advances

The acceptance of deposits

The creation and control of special funds. Funds to be used only for the purposes for which they are created.

Any balances to be returned to the Council Fund

The receipt of annual Area Assembly Appropriation (Budget)

The appointment and responsibilities of staff charged with accounting tasks.

The making of rules and regulations relating to financial management and to the procurement, safekeeping, accounting for and disposal of stores.

## SCHEDULE 8

Section 52

MATTERS TO BE INCLUDED IN AREA ASSEMBLY  
FINANCIAL MANAGEMENT ORDINANCE

The form of annual appropriation (Budget) and presentation to Provincial Council.

The form of annual estimates and reporting to the Provincial Council.

The method of authorising and making issues from the Assembly Fund.

The management and reallocation of funds within the amounts appropriated.

The provision of funds in advance of appropriation.

The use of bank accounts and the investment of moneys forming part of the Assembly Fund.

The making of advances.

The acceptance of deposits.

The creation and control of special funds. Funds to be used only

for the purposes for which they are created.

Any balances to be returned to the Assembly Fund.

The appointment and responsibilities of staff charged with accounting tasks.

The making of rules and regulations relating to financial management and to the procurement, safekeeping, accounting for and disposal of stores.

#### SCHEDULE 9

#### Section 60

### MANPOWER ESTABLISHMENT FOR PROVINCIAL COUNCIL AND AREA ASSEMBLY

1. Public Service Commission shall be responsible for all manpower requirements of the provinces.
2. The Public Service Commission may delegate its powers of recruitment to the Provincial Secretary of a Province subject to any terms and conditions it ~~thinks~~ fit to impose.
3. Staffing needs for each province shall be considered by the Public Service Commission in consultation with each Provincial Council, and the Minister of Provincial Government. Area Assembly manpower needs will be included in the Provincial Establishment.
4. Expatriate Staffing for provinces or Non-Government Organisations participation in Provincial development (at Council or Assembly level) will be in consultation with each Provincial Council, the Minister of Provincial Government and the Public Service.
5. Staff of each province will be subject to Public Service terms and conditions of employment and General Orders.
6. There shall be a Provincial headquarters where the Provincial Secretary will operate as Chief of Staff in the Provincial Council.
7. Each Province shall have a substation or as many substations as may be necessary to staff the Area Assemblies of each province. The Senior Administrative Officer shall be the Chief Officer for each Chairman of the Area Assemblies represented in the Substations.

## PROVINCIAL SECRETARY

8. The Provincial Secretary shall be recruited by each province from a list of eligible officers provided by the Public Service. The Provincial Secretary will act as Chief of Staff in the respective province and will be responsible for deployment of staff to the substations.

The Provincial Secretary will be responsible for staff reporting to the Ministry of Provincial Government wherein the Permanent Secretary will be his/her supervising officer. The Provincial Secretary will be answerable to the Permanent Secretary, Ministry of Provincial Government.

9. The Provincial Secretary for his day to day activities shall be answerable to the President of the Council.

## PROVINCIAL TREASURER

11. The Provincial Treasurer shall be appointed by the Public Service Commission or by the province on its behalf and will be answerable to the Provincial Secretary. He will be stationed at provincial headquarters.

12. The Provincial Treasurer shall be required to provide quarterly financial reports within one month at the end of each quarter, to the Permanent Secretary, Ministry of Provincial Government.

## SCHEDULE 10

Section 63

## MATTERS TO BE PROVIDED FOR IN A SUSPENSION ORDER

1. Date and duration of suspension with reservation to continue suspension for further period.
2. Reasons for suspension.
3. Person or body who will be carrying out all administrative functions of the province during suspension.
4. Person or body carrying out executive financial functions and services for the province during suspension.

5. Role of Provincial Secretary and Provincial Treasurer of the Province during suspension.
6. Role of Audit in suspension proceedings.
7. Instructions for Council or Assembly during suspension including cessation from functions specified.
8. Person or body representing province, during suspension, for matters of the Council or Assembly under any other Ordinance, Act or law.
9. Custody and Usage of the property (Movable and Immovable) during suspension.
10. Payment of expenses incurred during suspension to be charged on the province.
11. Payment of salaries and allowances of President, Chairman, members of Council, and members of Area Assemblies affected by the order.
12. Any other matter.

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