

[Legal Notice No. 44]

THE CHOISEUL PROVINCE AREA COUNCIL
ORDINANCE 1992

Passed by the Choiseul Provincial Assembly this 24th day of
November 1992.

This printed impression has been carefully compared by me with
the Ordinance passed by the Choiseul Provincial Assembly and
found by me to be a true and correct copy of the said Ordinance.

V. PITAKAKA

Clerk to the Choiseul Provincial Assembly

Assented to by the Honourable Minister for Provincial Government
this thirteenth day of April 1994.

OLIVER ZAPO

Minister for Provincial Government & Rural Development

THE CHOISEUL PROVINCE AREA COUNCIL
ORDINANCE 1992

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

1. Title and Commencement.
2. Interpretation.

PART II
ESTABLISHMENT OF AREA COUNCILS AND ELECTION
OF MEMBERS

3. Establishment of Area Councils.
4. Election of Members.
5. Time of Elections.
6. Regulations.
7. Qualifications of Candidates.

PART III
CONSTITUTION OF AREA COUNCILS

8. Membership.
9. Term of Office.
10. Salaries and Allowances.
11. Invited Advisors.
12. Voting.
13. Disqualifications from Membership.
14. President and Vice President.
15. Standing Orders.
16. Meetings.

PART IV
FUNCTIONS, POWERS AND DUTIES OF
AREA COUNCILS

17. Functions, powers and duties.

PART V
ADMINISTRATION OF AREA COUNCILS

18. Secretary.
19. Treasurer.

PART VI
DISSOLUTION OF AREA COUNCILS

20. Dissolution.
21. Dissolution by the Executive.
22. Procedure.
23. Appeal.
24. Effects of dissolution.

PART VII
REPEALS

25. Repeals.

SCHEDULE I
Area Councils, Wards and Sub-wards

SCHEDULE II

Functions and Duties of Area Council - Part I and Part II

SCHEDULE III

Standing Orders

SCHEDULE IV

Area Council Financial Regulations

APPENDIX - A, B, C, D.

**PART I
PRELIMINARY**

1. This Ordinance may be cited as the Choiseul Province Area Council Ordinance 1992 and shall come into force upon approval by the Minister in accordance with Section 22 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette.

Title and
Commence-
ment.

2. In this Ordinance, except where the context requires otherwise:

Interpretation.

“Act” means the Provincial Government Act 1981.

“Area Councils” means the Area Councils established under Part II of this Ordinance.

“Assembly” means the Choiseul Provincial Assembly established in accordance with Section 7 of the Act.

“Chief” means a traditional leader of Choiseul Province.

“Executive” means the Choiseul Provincial Executive established in accordance with Sections 21 and 22 of the Act.

“Financial Year” means the twelve months ending on 30th June.

“Majority” means one half of the Elected members present plus one (1).

“Minister” means the Minister of Provincial Government.

“Paper” means and includes any policy, proposal, question, contract, by-laws or any written matter for consideration by an Area Council.

“Secretary” means the person appointed by the Executive to be Secretary to an Area Council in accordance with Section 18.

“Treasurer” means the person appointed by the Executive to be Treasurer to an Area Council in accordance with Section 19.

“Voter” means a person registered as a voter in accordance with the Local Government (Registration of Voters) Regulations.

“Ward” means one of the Electoral Wards established within an Area Council area from which Members are elected to Area Councils.

“Subward” means one of the area within the boundaries of a ward from which members are elected to represent that ward on an Area Council.

PART II
ESTABLISHMENT OF AREA COUNCILS AND ELECTION
OF MEMBERS

Establishment
of Area
Councils.

- 3.1 Area Councils will be established in Choiseul Province.
- 3.2 The number of Area Councils and the boundaries of authority of Area Councils must always correspond with the number and boundaries of the Choiseul Provincial Constituencies determined by the Constituencies Boundaries Commission for the Choiseul Provincial Assembly Elections (“the Choiseul Provincial Constituencies”).
- 3.3 The boundaries of authority of Area Councils extend to the areas described in Section 3(3) of the Act.
- 3.4 The number and names of the first Area Councils to be established under the Ordinance are set out in Schedule 1.
- 3.5 Area Councils represent and have authority over a certain number of Wards.
- 3.6 The number and names of the Wards to be included within the boundaries of authority of Area Councils must always correspond with the number and names of the Electoral Wards determined by the Constituencies Boundaries Commission as coming within the Choiseul Provincial Constituencies.
- 3.7 The names and numbers of the Wards to be included within the boundaries of authority of the first Area Councils to be established under this Ordinance and which Wards are to remain in place until amended by the Constituency Boundaries Commission are set out in Schedule 1.
- 3.8 The Assembly may at any time request the Constituency Boundaries Commission:
- (a) to review the boundaries of the Choiseul Provincial Constituencies and/or;
 - (b) to review the boundaries of the Wards and/or;
 - (c) to review the number of Choiseul Provincial Constituencies and/or Wards;
 - (d) to rearrange the Wards within the Choiseul Provincial Constituencies,

to better elect the distribution of population or the location of villages or common language boundaries or otherwise to advance greater cohesion, a fairer representation of the people or more effective administration of Area Councils and/or the Province.

4.1 Subject only to Section 8.2 the Members of Area Councils must be elected.

Election
of Members.

4.2 Each Ward must be represent by an Area Council.

4.3 No Ward may be represented by more than two elected Members PROVIDED HOWEVER that where an Area Council has authority over no more than two (2) Wards then those Wards may be represented by no more than three (3) elected Members.

4.4 Each Ward is divided into Subwards.

4.5 The number of Subwards must always be the same as the number of elected Members entitled to represent a Ward on an Area Council as specified in Section 4.3.

4.6 The names of the Subwards and the boundaries and/or some of the villages of these Subwards are set out in Schedule 1.

4.7 Each Subward must be represented by one and no more than one member on an Area Council.

4.8 The Assembly may amend the names of the Subwards and/or the villages contained within the boundaries of a Subward at any time by amending legislation.

5.1 The first election of members of Area Councils under this Ordinance shall be held on a date to be determined by the Executive which date must not be later than 30th April 1994.

Time of
Elections.

5.2 Subsequent ordinary elections of Members of Area Councils, other than by-elections, must always coincide with the date of the Choiseul Provincial Assembly Elections under the Act.

5.3.2The date of the by-election must be fixed by the Provincial Secretary.

5.3.3The date of the by-election must be no later than three (3) months after the vacancy has arisen.

5.3.4A by-election must not be held if the last date for holding it in accordance with subsection 5.3.3 would fall within three (3) months preceding the next election to be held under section 5.2.

Regulations.

6.1 The Assembly must make Area Council Election Regulations providing for the conduct and regulation of elections of Members of Area Councils.

6.2 When an election of Members of Area Councils takes place at the same time as an election of Members of the Provincial Assembly in accordance with Section 5.2, the Area Council Election Regulations made in accordance with Section 6.1 must be construed with such modifications, adaptations, qualifications and exception as is necessary to ensure that in practical terms the procedure for the conduct and regulation of the election of Members of Area Councils is substantially the same and coincides with the procedure for the conduct and regulation of the election of Members of the Provincial Assembly.

Qualification
of
Candidates.

7. A person is a qualified candidate for membership as an elected Member of an Area Council if the person:

- (a) is indiginous to or a resident for no less than (4) years preceding the date of the election of the Area Council area.
- (b) is ordinarily resident in the Subward the candidate wishes to represent.
- (c) is a citizen of Solomon Islands.
- (d) has attained the age of eighteen years.
- (e) is not disqualified under Section 13 of the Ordinance except that public officers, Provincial employees, Members of Parliament and Members of the Assembly are qualified candidates on condition that they give written notice of resignation from such other posts within seven (7) days of being elected as a Member of an Area Council.
- (f) is nominated by three (3) registered voters who are residents of the subward the candidate wishes to represent.
- (g) consents in writing to being a candidate.

**PART III
CONSTITUTION OF AREA COUNCILS**

8.1 An Area Council must have not less than six (6) nor more than eighteen (18) Members including appointed Members.

Membership.

8.2 An Area Council may by resolution appoint no more than two (2) persons to be appointed Members of an Area ("appointed Members") PROVIDED HOWEVER that should an Area Council wish to appoint a Chief(s) to be an appointed Member(s) the Area Council must invite the Chiefs residing within the boundaries of the authority of the Area Council to nominate the Chief(s) to be the appointed Member(s).

9.1 The term of Office of an elected Member of an Area Council begins on the day of election ends, (such Member not otherwise being disqualified and from membership or resignation) on dissolution of Area Council.

Term of Office.

9.2 Subject to section 20 and 21, the term of office of a member of the first Area Councils as elected under section 5:1, shall begin on the day on which he is elected and end with the dissolution of the Provincial Assembly on 11 December, 1995 which date is considered to be the eve of an ordinary election of members.

9.3 An ordinary election of members of area Councils shall thereafter, be held on the fourth anniversary of the date of the previous election of members (whether an ordinary election or an election under sections 20:2 or 23:2 of this Ordinance).

9.4 A Member of an Area Council may at any time resign his or her membership of an Area Council by giving thirty (30) days notice in writing:

- (a) to the President of the Area Council; and
- (b) to the Provincial Secretary.

10.1 Elected Members of the Council shall be paid a monthly salary as follows:

Salaries and Allowances.

President:	-	\$200.00 per Month
Vice President:	-	\$180.00 per Month
and Member:	-	\$150.00 per Month

10.2 Appointed Members shall be paid an appointed Members Allowance each month.

10.3 The Elected Member's Salaries and Appointed Members Allowance shall be determined and reviewed from time to time all by Resolution of the Provincial Assembly.

10.4 Elected and Appointed Members are entitled to be reimbursed for any travelling expenses actually paid by a Member in travelling to and from an Area Council Meeting or an Area Council Committee meeting from the place of residence of Member.

10.5 The members salaries, night allowances and travelling expenses shall be paid from Choiseul Provincial Fund.

Invited
Advisers.

11.1 An Area Council may in writing invite any of the following persons to attend an Area Council meeting ("Invited Advisers") on the following terms:

- (a) Any Member of Parliament or any Senior Public Servant to give information or advice on national government matters, Provided However that the appropriate Government Ministry agrees to pay the travelling expenses of the invited Adviser.
- (b) Any Member of the Assembly or any Senior Provincial Employee to give information or advice on Provincial matters. The Province must pay the travelling expenses of such Invited Adviser.
- (c) Any person suitably qualified to give information or advice on any matter before an Area Council which matter is within that person's area of expertise. The Area Council must pay the travelling expenses of such Invited Adviser.

11.2 If a Member of the Assembly or a Member of Parliament voluntarily attends an Area Council Meeting without prior written invitation then such Member is not entitled to be paid his or her travelling expenses.

Voting.

12.1 Every Elected Member is entitled to vote on a resolution.

12.2 Appointed Members are not entitled or permitted to vote.

12.3 Invited Advisers are not entitled or permitted to vote.

13. A person is disqualified from membership of an Area Council if the person:

Disqualification
from
Membership.

- (a) is by virtue of his own act under any acknowledgement of allegiance, obedience or adherence to a foreign power or State.
- (b) is an undischarged bankrupt under Solomon Islands law.
- (c) is certified to be insane or otherwise adjudged to be of unsound mind under Solomon Islands law.
- (d) is under sentence of death imposed by a court in any part of the world or is under a sentence of imprisonment (by whatever name called) for a term of or exceeding four (4) months other than a sentence in lieu of a fine but including a suspended sentence imposed by such a court or substituted by a competent authority for some other sentence imposed by a court.
- (e) is disqualified from registration as an elector or from voting at elections under Solomon Islands law relating to offences connected with elections.
- (f) ceases to be a resident of the Area Council area.
- (g) is a public officer or Provincial employee.
- (h) is a Member of the National Parliament.
- (i) is a Member of the Provincial Assembly.
- (j) is absent from any three meeting without permission.

14.2 The President must be elected by the elected Members of an Area Council from among the Elected Members.

President
and
Vice President.

14.3 The method of election of the President is described in the Area Council Standing Orders contained in Schedule III.

14.4 The President and Vice President must not be employees of or shareholders in a Foreign Investor as defined in the Investment Act 1990 operating or carrying on business within the boundaries of authority of the Area Council.

15. An Area Council must discharge its functions and carry out its duties and exercise its powers and conduct its affairs in accordance with the Area Council Standing Orders contained in Schedule III.

16.1 An Area Council must meet at least twice but no more than (4) times in a Financial Year PROVIDED HOWEVER that an Area Council may hold additional meetings if it obtains the prior written consent of the Executive.

Meetings.

16.2 The proceeding of an Area Council and its Committees must be in public PROVIDED HOWEVER:

- (a) the President and Secretary, when preparing the Agenda may provide and declare that the public are to be excluded from the proceedings when a certain matter is under consideration.
- (b) a member may move a motion during a meeting that the public be excluded from the proceedings of an Area Council or of a Committee during consideration of a particular matter and that motion is duly passed.

PART IV
FUNCTIONS, POWERS AND DUTIES
OF AREA COUNCILS

Functions,
power and
duties.

17.1 An Area Council must promote the health, welfare and convenience of the residents within the boundaries of its authority and maintain order and good local government.

17.2 An Area Council must, within the limits of its authority under this Ordinance or under legislation do all such things as are proper, necessary or desirable for the discharge of its functions and duties and to effectively carry out the provisions of this Ordinance.

17.3. An Area Council must carry out the functions and duties described in Schedule II.

17.4 The Executive may devolve responsibility for further functions and services to Area Councils from time to time as it considers appropriate.

17.5 The executive may perform any function or provide any service listed in Schedule II should it consider that the Area Council is not satisfactorily performing such function or providing such service.

17.6 An Area Council has power to charge fees for any service of facility provided by an Area Council or for any licence or permit issued by an Area Council PROVIDED THAT the Area Council must first pass a by-law authorising such charge (unless a Provincial Ordinance or other law is in force authorising such a charge).

17.7 An Area Council must conduct its financial affairs in accordance with the Area Council Financial Regulations contained in Schedule IV.

17.8 An Area Council has powers to make by-laws on the following terms and conditions:

- (a) The by-laws only apply within the boundaries of authority of the Area Council enacting them.
- (b) The by-laws are subject to approval by the Executive. The by-laws do not come into force until they are approved by Executive.
- (c) The by-laws must not conflict with any Provincial Ordinance or Regulations or any Solomon Islands Legislation or subsidiary legislation.
- (d) The by-laws must not be made for a purpose for which provision is made by or is or may be made under any other enactment.
- (e) The by-laws must be passed in compliments with Area Council Standing Orders.
- (f) The by-laws must only relate to the following matters:
 - (i) Control of Livestock.
 - (ii) Control of markets outside of Taro Station.
 - (iii) Community services.
 - (iv) Local customs and culture.
 - (v) Visitors.
 - (vi) Protection of Flora and fauna.
 - (vii) Local Water Supplies.
- (g) The by-laws must be published in accordance with the Area Council Standing Orders.

17.9 An Area Council has power to employ persons to work within the area of authority of the Area Council. Such employees must be paid from Area Council funds under conditions of service approved by the Executive.

PART V ADMINISTRATION OF AREA COUNCILS

18.1 The Executive must appoint a Secretary for each Area Council.

Secretary.

18.2 The Secretary may be a public officer or a Provincial employee.

18.3 The Secretary must carry out the following duties:

- (a) Convene all meetings of the Area Council and prepare and serve all notices relating to such meetings in accordance with Standing Order 3.
- (b) Attend all meetings of the Area Council,
- (c) Prepare and circulate the Agenda for the meetings of the Area Council together with copies of the Papers.
- (d) Take the Minute of the meetings of the Area Council in accordance with Standing Order 8.1.
- (e) Circulate the Minutes in accordance with Standing Order 8.2.
- (f) File the Minutes of the meetings of the Area Council in accordance with Standing Order 8.3.
- (g) Keep a record of all resolutions of the Area Council in accordance with Standing Order 6.6.
- (h) Forward copies of all proposed By-laws to the Executive in accordance with Standing Order 9.3.
- (i) Post copies of all by-laws passed by the Area Council to the Executive in accordance with Standing Order 9.8.
- (j) Forward all project proposals of the Area Council to the Executive for consideration and approval and if appropriate for onward submission by the Executive to the Provincial Development Unit or the Minister.
- (k) Act as Secretary to any committee appointed by the Area Council. ✓
- (l) Assist the President of the Area Council with all matters relating to administration of the Area Council.
- (m) Advise the Area Council on Provincial matters and procedural matters.

Treasurer.

19.1 The Executive must appoint a Treasurer for each Area Council.

19.2 The Treasurer may be a public officer or a Provincial employee.

19.3 The Treasurer must carry out the following duties:

- (a) Attend all meetings of the Area Council.
- (b) Advise the Area Council on all financial matters of or relating to the Area Council.
- (c) Carry out the duties and follow the procedures described in the Area Council Financial Regulations.
- (d) Ensure that the Area Council carries out the functions of the Area Council described in Schedule II Clause 1.

- (e) Keep in safe keeping the bank books, Receipt Books, Cash Books, Payment Voucher Books and all other financial records.
- (f) Keep in safe keeping all documents of title relating to Area Council property and all original copies of contracts, agreements or other important documents.
- (g) Liaise and cooperate with the Provincial Treasurer concerning the financial affairs of the Area Council and/or the collection of any revenue on behalf of the Province.

PART VI DISSOLUTION BY AREA COUNCILS

20.1 Subject to section 9.3, an Area Council is automatically dissolved on the eve of an ordinary election of Members.

Dissolution.

20.2 An Area Council may be dissolved:

- (a) by a resolution of the Members voting by secret ballot.
- (b) by the Executive pursuant to the provisions of Section 21.

20.3 When an Area Council is dissolve by resolution of the Members or by the Executive, the Provincial Secretary must arrange for a new Area Council Election to be held within three (3) months of the Area Council resolution or the date of dissolution by the Executive.

21. The Executive is entitled to dissolve an Area Council if an Area Council:

Dissolution
by the
Executive.

- (a) Bankrupt.
- (b) disregards or disobeys the provisions of this Ordinance, the Area Council Standing Orders or the Area Council Financial Regulations.
- (c) unreasonable obstructs the work of the Choiseul Provincial Government.

22.1 If the Executive resolves that an Area Council must be dissolved on one of the grounds set out in Section 21, the Executive must arrange for a Notice of Dissolution signed by the Premier to be delivered personally to the President of the Area Council or, in the absence of the President to the Vice President.

Procedure.

22.2 A Notice of Dissolution issued on the ground that the Area Council is bankrupt must specify that ground and is final.

22.3 A Notice of Dissolution issued in any or all of the grounds (b), (c) or (d) of Section 21 must specify:

- (a) The ground(s) or violations giving rise to the Notice.
- (b) Specific instructions for remedying the violations.
- (c) The time within which the violations must be remedied to avoid dissolution.

22.4 The President must immediately call a Extraordinary Meeting of the Area Council to consider the Section 22.3 Notice of Dissolution and to arrange for the necessary remedial action to be taken.

22.5 If the Area Council fails to remedy the violations within the time specified in the Notice of Dissolution or within such longer time as the Executive may agree, the Area Council is automatically dissolved.

Appeal.

23.1 An Area Council which has been dissolved by the Executive is entitled to appeal to the Minister by notice in writing within thirty (30) days of the date of dissolution on the following grounds:

- (a) The insufficiency of the contents of the Notice of Dissolution and/or
- (b) The reasonableness of the action of the Executive in dissolving the Area Council.

23.2 When an appeal from a dissolution is resolved in favour of the Executive the Provincial Secretary must arrange for a new Area Council Election to be held within three (3) months of the Appeal decision.

23.3 When an appeal from a dissolution is resolved in favour of the Area Council, the dissolution is deemed to be reversed and the Area Council must resume exercising its powers and carrying out its functions and duties.

Effects of
dissolution.

24.1 Subject always to Section 3.10, upon the dissolution of an an Area Council and pending the election of new members of an Area Council, the following provisions apply:

- (a) The Executive must carry out the duties and functions and exercise the powers imposed and given in this Ordinance.

- (b) All by-laws made by the Area Council remain in full force and effect and may be enforced, amended or repealed by the Executive.
- (c) Management and control of the assets and property of the Area Council must be undertaken by the Executive.
- (d) The membership of the appointed members of the Area Council pursuant to Section 8.2 is terminated.
- (e) Persons employed by Area Councils pursuant to Section 17.9 remain in that employment subject to the supervision and control of the Executive. The wages/salary of such persons shall continue to be paid out of the funds of the Area Council.
- (f) The Provincial Secretary becomes signatory for all banking and other purposes and for fixing the common seal in the stead of the President or Vice President.
- (g) All contracts, works or undertakings, rights or liabilities and all actions suits and legal proceedings pending by or against an Area Council are deemed to be transferred to, vested in and be enforced, carried on or prosecuted by or against the Executive.
- (h) All rates, fees and debts due or payable to or recovered by an Area Council become payable and recoverable by the Executive but must be paid into the Area Council Fund.
- (i) All licences, permits and registrations imposed, made or granted by an Area Council continue in force for the period specified in such licences, permits or registrations and all licences, permits and registrations are issued, administered, or enforced by the Executive.

24.2 The Executive and the Provincial Secretary may in writing delegate the powers and duties given to them under this Section to a public officer or Provincial employee.

PART VII REPEALS

25. The Western Province Area Council Ordinance 1989 in so far as it affects Choiseul Province is repealed.

SCHEDULE I
AREA COUNCILS, WARDS AND SUB-WARDS

WARD NUMBER	WARD NAME	SUB-WARD	BOUNDARIES OR VILLAGES OF OR IN SUB-WARD
SOUTH CHOISEUL AREA COUNCIL			
1	WAGINA	1. Arariki 2. Kukutin	Arariki, Nikumaroro Tengeangea, Tekaranga, Kukutin.
8	PARARA	1. Keala 2. Posarae 1. Loloko 2. Katurasele	Rob Roy Is to Jajala (R) Jajala River to Takataka (Str) Tataka (Str) to Galovai (Str) Galovai (Str) to Rimata (R)
7	SASAMUNGA	1. Banganoe 2. Sepa 1. Panarui 2. Sasamungga	Rimata (R) to Sepa (R) Sepa (R) to Tedeke (R) Tedeke (Str) to Ganoga (Pt). Ganoga (Pt) to keoro (R)
NORTH-WEST CHOISEUL AREA COUNCIL			
6	VOZA	1. Vaghara 2. Voza 1. Vuruvaso 2. Duadua	Keoro (R) to Kuli (Pt) Kuli (Pt) to Vuravurago (Str) Vuravurago (Str) to Visi (Pt) Visi (Pt) to Pachuava (Pt)
5	VURANGO	1. Sirovanga 2. Vurago 1. Kuvauka 2. Pangobiru	Pachuava (Pt) to Koloteqe (Str) Koloteqe (Str) to Baga (R) Baga (R) to Bubukuana (R) Bubukuana (R) to Pupuka (R)
4	SUSUKA	1. Vuruvoru 2. Tutu 1. Ririo 2. Saranamola	Pupuku (R) to Pegi (Pt) Pegi (Pt) to Poro (R) Poro (R) to Kuma (R) Kuma (R) to Kolovana (R)
3	PANGOE	1. Bakaluka 2. Pangoe	Kolovana (R) to Meta (Str) Meta (Str) to Kojo (R)
2	NUATABU	1. Zaru 2. Tangibanara 1. Nuatabu 2. Varuga	Kojo (R) to Sovataru (Pt) Sovataru (Pt) to Vasele (R) Vasele (R) to Kukumuni (R) Kukumuni (R) to Gibi (R)

SCHEDULE II

PART I

FUNCTIONS AND DUTIES OF COUNCIL WHICH SHALL BE ASSUMED UNDER THIS ORDINANCE

1. REVENUE AND EXPENDITURE

- (a) Draft Area Council Estimates of Area Council Revenue and Expenditure for each financial year in accordance with the Area Council Financial Regulations.
- (b) Supervise Area Clerks in the collection of basic rate, business licence fees and any other authorised Provincial rates, fees or revenue on behalf of the Province.
- (c) Apply for and allocate Provincial Funds.
- (d) Keep full and proper accounts of Area Council Revenue and Expenditure in accordance with the Area Council Financial Regulation.
- (e) Prepare an annual Finance Report and submit it to the Executive in accordance with the Area Council Financial Regulations.
- (f) Do all such other things required by the Area Council Financial Regulations to properly and efficiently manage the finances of the Area Council.

2. RELATIONS WITH THE CHOISEUL PROVINCIAL GOVERNMENT (“the Province”)

- (a) Provide a corridor of communication between the residents of the Area Council area and the Province.
- (b) Co-ordinate and express the views of the residents of the Area Council area on all matters referred to the Area Council by the Province.
- (c) Formulate policies and plans to meet the needs and desires and address the concerns of the residents of the Area Council area and submit such policies and plans to the Provinces for consideration, approval and/or action.
- (d) Provide a means for the Province to disseminate information to the residents of the Area Council areas.
- (e) Communicate Area Council resolutions to the Province for consideration.
- (f) Liaise with and co-ordinate Provincial and Council staff and employees.
- (g) Co-ordinate Provincial activities in the Area Council area.

- (h) Submit project application for consideration by the Province.

3. LAW AND ORDER

- (a) Ensure that Provincial Constables and Police Officers are familiar with Area Council by-laws and Provincial Ordinances.
- (b) Encourage the prompt and proper enforcement of all laws.
- (c) Discourage nuisance.
- (d) Endeavour to defuse tribal and local conflicts for the benefit of all residents.
- (e) Ensure that births and deaths are properly and promptly registered in accordance with the Births and Deaths (Registration) Act 1988 and that Act is properly enforced.

PART II

FUNCTION OF COUNCIL WHICH SHALL BE ASSUMED UPON THE EXECUTION OF CO-OPERATION AGREEMENT WITH THE PROVINCIAL EXECUTIVE

1. EDUCATION AND PUBLIC HEALTH

- (a) Identify and, if appropriate, implement community education projects.
- (b) Identify subjects for extra curricular education activities and if appropriate, arrange such activities.
- (c) Provide or arrange for the provision of health education in conjunction with the Public Health authorities.
- (d) Assist Provincial and National Public Health authorities in identifying and/or dealing with serious health problems.
- (e) Encourage advise and/or assist communities on the establishment and maintenance of water supplies and sanitation systems in conjunction with the Rural Water Supply authority and the Public Health authority.
- (f) Employ if it deems appropriate village health aids.
- (g) Assist Provincial and National Health authorities in their efforts to eradicate malaria and other mosquito born diseases.
- (h) Encourage the participation of communities in sporting activities, Youth projects and other community projects.

2. NATIONAL RESOURCES AND DEVELOPMENTS
 - (a) Encourage the establishment of small businesses and enterprises and co-operative.
 - (b) Formulate policies, provide information and make recommendations on land and marine uses and physical and economic development but not limited to transportation, agriculture, forestry, fisheries, mining and commerce, in such areas as directly affecting the Area Council.
 - (c) Formulate a policy on tourism and plan and assess, regulate and monitor tourism development projects.
 - (d) Formulate policies, provide information and make recommendations on conservation and the environment and encourage the implementation of local conservation strategies.

3. CUSTOM AND CULTURE
 - (a) Promote and preserve local custom and culture.
 - (b) Encourage the recording of custom and culture.
 - (c) Promote the establishment of local cultural centres.
 - (d) Encourage the support the survey and recording and registration of archaeological and tambu sites.
 - (e) Encourage an appreciation of traditional artifacts amongst both the residents of the Area Council area and visitors, the preservation of such traditional artifacts for financial gain.
 - (f) Encourage and/or arrange the establishment of cultural organisations and/or festivals within the Area Council area.

SCHEDULE III

STANDING ORDERS

ARRANGEMENT OF CLAUSES

1. President.
2. Quorum.
3. Notice.
4. Agenda.
5. Papers.
6. Resolutions.
7. Declaration of Interest.
8. Minutes.
9. By-laws.
10. Committees.
11. The common seal.
12. Amendments.

SCHEDULE III

STANDING ORDERS

Every Area Council must discharge its functions, carry out its duties, exercise its powers and conduct its affairs in accordance with these Standing Orders.

1.1 At the first Area Council meeting following an election (not a by-election) Elected Members must by secret ballot elect a President from among the Elected Members by a Majority vote.

President.

1.2 The President determines the time and place of meetings of the Area Council.

1.3 The President must preside at the meetings of the Area Council at which he is present.

1.4 The President must keep order at meetings.

1.5 The decision of the President on a point of order is final.

1.6 The President must appoint an Elected Member of the Area Council to be Vice President.

1.7 In the absence of the President the Vice President must:
(a) Preside at meetings of the Area Council.
(b) Perform all the duties and exercise all the powers of the President.

1.8 The President may resign as President by giving thirty (30) days notice in writing:

- (a) to the Vice President.
- (b) to the Provincial Secretary.

1.9 Any Elected Member may move a motion of no confidence in the President but notice of such motion must be given in writing to every Member of the Area Council and to the Provincial Secretary no less than seven (7) days prior to such motion being put to the meeting. Such notice must specify the grounds upon which the motion is based.

1.10 Upon the resignation of the President or upon the termination of the office of President subsequent to the passing of a motion of no confidence the office of Vice President automatically becomes vacant.

1.11 Upon the resignation of the President or upon the termination of the office of President subsequent to the passing of a motion of no confidence the Elected Members of the Area Council must elect a new President by secret ballot from the Elected Members by a majority vote. The newly elected President must appoint a new Vice President.

1.12 The President is entitled to order the removal from a meeting of a Member who behaves in a disorderly manner or constantly disobeys orders from the President. Such Member is not allowed to return to the Meeting unless a written apology is handed to the President and read to the meeting.

Quorum.

2.1 The quorum of an Area Council is as follows:

- (a) Where the elected membership of an Area Council is no more than eight (8) the quorum is four (4) Elected Member.
- (b) Where the elected membership of an Area Council is more than eight (8) but less than twelve (12) the quorum is six (6) Elected Members.

2.2 No business can be conducted at an Area Council meeting if a quorum of Elected Members is not present in person.

2.3 If a quorum is present, no proceedings are invalid by reason of any vacancy amongst the members or the absence of any Member from the meeting.

Notice.

3.1 Subject only to Standing Order 10.5 no meeting of an Area Council can be held unless notice setting out the time and date and place of meeting is mailed or delivered to each Member no less than fourteen (14) days prior to the date of the meeting. The Secretary may, in addition to the written notice, inform Members of the time, date and place of a meeting of the Area Council by service message on the radio or by such other method of communication as the Secretary considers appropriate.

3.2 A copy of the notice convening a meeting of an Area Council must be mailed or delivered to the Provincial Secretary no less than fourteen (14) days prior the date of the meeting.

3.3 An extraordinary meeting of an Area Council pursuant to Section 22.4 of the Ordinance must be convened as soon as practicable and the notice provision of Standing Order 3.1 do not apply. The Secretary must use his or her best endeavours to notify every Member of the Area Council by whatever means the Secretary considers appropriate of the time, date and place of the extraordinary meeting of the Area Council.

3.4 Subject to compliance with Standing Order 3.1, a meeting of an Area Council is duly convened and the proceedings of a meeting of an Area Council are valid notwithstanding that a Member has failed to receive notice of the meeting.

4. An agenda for each meeting of an Area Council must be prepared and read to the Area Council at the commencement of the meeting. The Secretary must use his or her best endeavours to circulate the agenda to the Members of the Area Council prior to each meeting.

Agenda.

5.1 A Member of an Area Council may submit in writing to the Area Council a Paper as defined in the Ordinance.

Papers.

5.2 Every Paper must include a formal resolution to be put to the meeting at the conclusion of discussion of the Paper.

5.3 A Member must arrange sufficient copies of the Paper to enable every Member of the Area Council to receive a copy.

5.4 Unless a Member is unable to attend a meeting of the Area Council for some valid reason, every Paper must be presented to the Area Council by the Member responsible for that paper in person.

5.5 At the conclusion of discussion of the Paper, the Member responsible for the Paper must move that the Resolution be put to the meeting by the President.

5.6 If a Member is unable to attend a meeting of an Area Council for some valid reason and the President or a majority of Members

consider that the subject matter of that Member's Paper demands urgent consideration, the President is entitled to present the Paper and at the conclusion of discussion of the Paper to move that the Resolution be put to the meeting.

Resolutions.

6.1 A Resolution of an Area Council is passed by a majority of the votes of the Elected Members present in person.

6.2 In the event of an equal division of votes on any resolution, the President must make a deciding vote.

6.3 The President must determine acceptance or rejection of a resolution by hearing the collective voices of the Elected Members saying "Aye" or "No".

9.6 The Executive may either approve or refuse to approve the by-law.

9.7 A by-law does not come into force until it has been approved by the Executive.

9.8 A copy of every by-law approved by the Executive must be posted on every public notice board within the boundaries of authority of the Area Council within fourteen (14) days of its approval by the Executive and must remain on such notice boards for no less than 30.

9.9 An Area Council must use its best endeavours, whether by education programmes, public meetings, radio messages or by whatever other means it thinks appropriate, to bring a by-law to the notice of the residents and to explain the meaning of the by-law to the residents.

9.10 A copy of every by-law must be forward:

- (a) to every Provincial Constable.
- (b) to every Police Station.
- (c) to every Local Court or appropriate Court Registry within the boundaries of authority of the Area Council.

Committees. ✓

10.1 (a) An Area Council may appoint one or more committees for any special or general purpose which a majority of the Members of an Area Council consider would be better dealt with by means of a committee.

10.1 (b) The Term and References would be framed for each Committee as it is constituted by the Area Council , from time to time.

10.2 The President must appoint the Chairman of that committee and the President may appoint him or herself as Chairman. The number of members, the members and the terms of reference of the committee and all other relevant matters must be decided by the Area Council and confirmed in writing to the committee.

President
may appoint
him or herself.

10.3 A committee must report to the Area Council on its proceedings within the time specified by Area Council or within such further time as the Area Council may agree.

10.4 A committee is entitled to regulate its own procedure.

10.5 Should the President receive a written request from the Executive to urgently consider a matter and, due to such urgency it is impracticable to convene a full meeting of the Area Council in accordance with Standing Order 3.1, the President must appoint a committee to consider that urgent matter. The President must be the Chairman of that committee and the committee must include one elected Member from each Ward unless that is impossible due to the absence from Choiseul Province Members of a Ward or due to the ill health of the Members of a Ward.

11. The President or Vice President must keep the common seal of the Area Council in safe custody. The common seal can only be used by resolution of the Area Council. Every instrument to which the seal is affixed must be signed by the President or Vice President and by the Secretary or Treasurer or by some other member authorised by resolution of the Area Council.

Common Seal.

12. These Standing Orders may only be amended by the Executive by subsidiary legislation.

Amendments.

SCHEDULE IV

AREA COUNCIL FINANCIAL REGULATIONS

ARRANGEMENT OF CLAUSES

1. Estimates and Budget.
2. Revenue.
3. Expenditure.
4. Banking.
5. Financial Inspections.
6. Requisitions for Goods and Services.
7. Area Council Property.
8. Borrowing and Guarantees.
9. Delegation.
10. Stationary.

SCHEDULE IV

AREA COUNCIL FINANCIAL REGULATIONS

ESTIMATES AND BUDGET

1.1.1 In consultation with the Provincial Treasurer, the Treasurer must prepare an Annual Estimate of Revenue and Expenditure.

Annual
Estimates.

1.1.2 The Annual Estimates must be in the form prescribed in Appendix A.

1.1.3 The Annual Estimate of Revenue must state the expected source of Revenue and the anticipated amount to be collected from each source.

1.1.4 The Annual Estimate of Expenditure must state the use or purpose for which the Revenue is to be applied and the maximum amount to be allocated to that use or purpose.

1.2 The Annual Estimates are approved by the Area Council for approval at a meeting held prior to the commencement of the financial year.

1.3.1 When the Annual Estimates are approved by the Area Council they must be submitted to the Executive for approval.

1.3.2 The Executive may:

- (a) Approve the Annual Estimates.
- (b) Amend the Annual Estimates and resubmit them to the Area Council for approval.
- (c) Disapprove the Annual Estimates in which case the Executive must consult with the Area Council to prepare Annual Estimates which have the approval of both the Area Council and the Executive.

1.4 When the Annual Estimates are approved by the Executive they become the Budget of the Area Council for the next following financial year and the Budget comes into force on the first day of that financial year PROVIDED HOWEVER that if negotiations on the Annual Estimates continue into a financial year then the Annual Estimates become the Budget for that year and the Budget comes into force on the day the Annual Estimates are approved by the Executive.

1.5 The Area Council is not permitted to expend any Area Councils funds in a financial year until the Budget for that financial year is in force.

1.6.1 In the event of an urgent need for expenditure for which no provision is made in the Budget, the Area Council may make application to the Executive for a supplementary provision of funds.

1.6.2 The application must be in writing and signed by President and Treasurer.

1.6.3 The Executive may approve, amend or refuse such application.

1.6.4 The Area Council must not commit any expenditure of such supplementary funds until the Executive has approved the application.

REVENUE

Sources of
revenue.

2.1 An Area Council has the following Revenue:

- (a) That proportion of basic collected within the area of authority of the Area Council as is determined by the Assembly, together with any penalty thereon.
- (b) Fees, charges or rates collected within the area of authority of the Area Council under the authority of by-laws of that Area Council.
- (c) Any revenue as may be determined by the Solomon Islands Government from time to time which revenue may include funds for development projects within the area of authority of the Area Council channelled through the Provincial Development Unit.
- (e) Any revenue payable under any Act of Parliament or other enactment.

2.2 The Treasurer is the only person authorised to receive monies payable to the Area Council.

2.3.1 The Treasurer must issue receipts for all monies received.

2.3.2 Every receipt must be in the form prescribed in Appendix B, written in ink and completed in triplicate.

2.3.3 A receipt must not be altered. An error must be rectified by cancellation of the receipt and the completion of a new receipt.

2.3.4 The original of a receipt must be given to the payer of the monies.

2.3.5 The first copy of the receipt must be attached to the monthly Cash Book Sheet.

2.3.6 The second copy of the receipt must be kept in the Receipt Book.

2.3.7 Receipts must be used in strict numerical order.

EXPENDITURE

3.1 The Area Council must not expend any funds unless there is provision for such expenditure in the Budget or a supplementary appropriation approval.

Procedure
Relating to
expenditure.

3.2.1 Every payment must be supported by a payment voucher in the form prescribed in Appendix C.

3.2.2 Every payment voucher must be signed by the Secretary and countersigned or marked by the payee.

3.2.4 The first copy of the payment voucher must be delivered to the payee.

3.2.5 The second copy of the payment voucher must be kept in the Payment Voucher Book.

3.3.1 The Cash Book must be in the form prescribed in Appendix D.

3.3.2 The Secretary must sign the original pages of Cash Book.

3.3.3 Each Cash Book sheet must be supported by the first copy of every receipt and the original of every payment voucher.

3.3.4 The Cash Book must always be kept to date and ready for inspection at any time.

BANKING

4.1.1 The Treasurer must open and keep open a Savings Account or Accounts in the name of the Area Council with a Trading Bank

Bank Accounts
and Banking.

operating within and having an agency in the area of authority of the Area Council.

4.1.2 If no Trading Bank operates in or has any agency within the area of authority of an Area Council the Treasurer must open and keep open a Savings Account in the name of the Area Council with a Trading Bank operating in Taro Station, whom failing, Gizo.

4.2.1 Subject only to Section 24 of the Ordinance, the signatories to the bank accounts are the Treasurer, President and Secretary.

4.2.2 Two signatories must sign all cheques and other banking papers and documents.

4.3 The Treasurer must promptly pay all monies received into the Area Council Bank Account.

4.4 The Treasurer may retain at the Area Council Headquarters sufficient cash to meet daily requirements of the Area Council for a period not exceeding one month. In fixing the amount to be retained the Treasurer must take into account the facilities or for keeping that cash safe.

4.5 Should there be no banking agency within the area of authority of an Area Council then:

- (a) The Secretary or Treasurer must visit Taro Station or Gizo at regular intervals to do the banking.
- (b) The provision of Regulation 4.4 are waived to take into account the fact that greater amounts of cash must be retained in Area Council Headquarters.
- (c) The Area Council must use its best endeavours to provide good safekeeping facilities for cash.

FINANCIAL INSPECTIONS

5.1 The following accounting records must be produced or sent to the Provincial Treasurer for inspection upon demand:

- (a) Unused receipts.
- (b) The original and first copies of cancelled receipts.
- (c) The original and first copies of cancelled payment Vouchers.
- (d) The Cash Book.
- (e) Any other financial records.

5.2 Upon demand by the Provincial Treasurer the Treasurer must in the presence of the Provincial Treasurer:

Accounting
Checks.

- (a) Count and agree the cash held with the current page of the Cash Book.
- (b) Check the last completed Cash Book sheet against the copies of the receipts and the original Payment Vouchers.
- (c) Check all unused receipts and Payment Vouchers.
- (d) Check the entry of any cash remitted by the Provincial Treasurer onto the current Cash Book Sheet.

5.3.1 The Provincial Treasurer must sign the fixed copy of the Cash Book Sheet to acknowledge receipt of the original of the Cash Book Sheet.

5.3.2 The Provincial Treasurer must give a receipt for all financial records or documentation retained by the Provincial Treasurer.

5.4 The Treasurer must upon demand by the Provincial Treasurer appear in person at the Provincial Offices in Choiseul Bay to discuss any aspect of the financial management of the Area Council.

REQUISITIONS FOR GOODS AND SERVICES

6. Should the Area Council wish to purchase goods or services through the agency of the Provincial Treasurer:

Requisition.

- (a) Requisitions for such goods and services must be submitted to the Provincial Treasurer in the form prescribed in Appendix E, such form to be signed by the Treasurer and the Secretary.
- (b) The original and first copy of each Requisition must be sent to the Provincial Treasurer.
- (c) The provincial Treasurer must retain the original requisition to support payment from the Provincial funds.
- (d) The first copy of the requisition must be returned to the Treasurer with a debt note demanding payment from the Area Council for the goods or services.

AREA COUNCIL PROPERTY

7.1 The Treasurer must maintain a register of all property owned by an Area Council.

Property.

7.2 The Treasurer must report to the Area Council any loss or damage to Area Council property and all Area Council property which is worn out or no longer able to be efficiently or satisfactorily used.

Disposal of
Property.

7.3.1 The Area Council must authorise and give instructions concerning the disposal of any Area Council property.

7.3.3 No member of an Area Council and no employee of an Area Council is entitled to purchase or receive Area Council property without the prior consent in writing of the Executive. To give such consent the Executive must be satisfied that the Member or the employee is, if appropriate, paying the fair market value of such property.

7.3.4 The proceeds from any disposal of Area Council property must be paid to the Treasurer.

Loan of
Property.

7.4.1 The Area Council must not lend any Area Council property to any person, company, co-operative, association or other body of persons unless:

- (a) The Area Council consents to such loan.
- (b) The borrower agrees to pay the Area Council upon demand:
 - (i) Compensation for any damage caused to the property by the borrower or by any other person whilst such property was on loan to the borrower.
 - (ii) Payment for any repairs required to the property arising from the use of the property by the borrower.

7.4.2 The Area Council may charge a fee for the loan of any Area Council property and impose such other terms and conditions as it thinks fit.

7.4.3 The Secretary or Treasurer must keep a record of all property loaned, such record to include:

- (a) The name of the borrower.
- (b) The address of the borrower.
- (c) The period for which the property is loaned.
- (d) A description of the property including its condition or state of repair.
- (e) Any charge imposed for the loan.
- (f) Any other terms and conditions of the loan.

MISCELLANEOUS

8. An Area Council is not entitled or permitted to:

Borrowing.

(a) take out any loans or borrow any funds without the prior written approval of the Executive.

(b) Guarantee payment of any monies.

9. The Provincial Treasurer may delegate to any member of the Treasury Division of the Choiseul Provincial Government or to any other Senior Provincial Officer the duties of the Provincial Treasurer under the Ordinance and under these Regulations.

10. All forms prescribed by these Regulations and Cash Books, Receipt Books and Payment Voucher Books must be ordered and purchased by an Area Council from the Government Printing Office.

Stationery.

APPENDIX B
CHOISEUL PROVINCE

DATE:

NO:

AREA COUNCIL

RECEIPT VOUCHER

Received from the sum of
..... in respect of
(in words)
.....

Allocation Head

.....

Treasurer

Subhead

Distribution Original:- Payer
1st copy: Provincial Treasurer
2nd copy: Receipt Book

APPENDIX C
CHOISEUL PROVINCE

Date:

AREA COUNCIL.....

NO:

PAYMENT VOUCHER

Allocation: Head Subhead

For Goods/Services:

.....
.....
.....
.....
.....

..... Gross Pay

Authority Deductions

Net Pay

I certify and approve that funds are available in the above allocation and that goods/services and received/rendered are an authorised expenditure.

.....
Secretary or Treasurer

Date:

Goods/Services received by: on

Distribution: Original - Provincial Treasurer
Duplicate - Payee
Triplicate - In Book

CHOISEUL PROVINCE
 AREA COUNCIL
 CASH BOOK

Prepared by Date MONTH OF

Checked by Date

	PARTICULARS	HEAD/SUBHEAD	RECEIPT NUMBER/ PAYMENT NUMBER	\$ AMOUNT		ACCOUNT BALANCE

