

[Legal Notice No. 89]

THE PROVINCIAL GOVERNMENT ACT 1981

THE CHOISEUL PROVINCIAL EXECUTIVE GOVERNING
RULES 1995

These rules are made by the Choiseul Provincial Assembly pursuant to S20 of the Provincial Government Act 1981.

These rules govern the discharge by the Choiseul Provincial Executive of the functions conferred on it under the Provincial Government Act 1981.

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1. Citation, Commencement and Application of Rules.
 - 1.1 These rules may be cited as the Choiseul Provincial Executive Governing Rules 1995.
 - 1.2 These rules come into force on the date they are approved by the Choiseul Provincial Assembly.
 - 1.3 These rules repeal all previous Governing Rules.
 - 1.4 These rules are subject to the Provincial Government Act 1981 and to the Standing Orders of the Choiseul Provincial Assembly.

2. Duty of the Executive to Observe Rules
 Subject to the provisions of the Provincial Government Act or any other enactment or rule or law, the Executive shall discharge its functions in accordance with these rules.

3. Provincial Ministers
 Provincial Ministers shall be appointed from among the elected members of the Provincial Assembly by the Minister of Provincial Government and Rural Development acting in accordance with the advice of the Premier of Choiseul Province.

4. Composition of Executive.
 The Executive shall consist of -
 - (a) a Premier, elected by secret ballot by an absolute majority of the elected members of the Provincial Assembly;
 - (b) a Deputy Premier, appointed by the Minister of Provincial Government and Rural Development acting in accordance with the advice of the Premier;
 - (c) Provincial Ministers not exceeding one half of the total number of members of the Assembly, appointed by the Minister of Provincial Government and Rural Development acting in accordance with the advice of the Premier.

5. Termination of Term of Office of Provincial Ministers.
 The term of office of a Provincial Minister comes to an end on the election for a new Premier.

6. Resignation of Provincial Ministers.
 - 6.1 A Provincial Minister may resign his Ministry by giving notice in writing to the Premier.
 - 6.2 If the Provincial Minister is a member of the Executive, his membership of the Executive ceases on such resignation becoming effective.

7. **Removal From Office of Provincial Ministers**
The Premier may at any time, without having to give any reason, remove from office a Provincial Minister. If the Provincial Minister is a member of the Executive, his membership of the Executive automatically ceases.
8. **Cessation of Provincial Minister's Membership of the Executive**
A Provincial Minister of the Executive ceases automatically and immediately to be a member of the Executive if:
 - (a) he becomes disqualified from membership of the Choiseul Provincial Assembly by virtue of section 16 of the Provincial Government Act 1981; or
 - (b) he resigns his seat in the Choiseul Provincial Assembly; or
 - (c) he is absent from Solomon Islands for more than two (2) months in a row; or
 - (d) he fails to attend any two (2) Executive meetings in any one calendar year without the prior written permission of the Premier.
9. **Attendance of Provincial Ministers at Executive Meetings**
 - 9.1 Provincial Ministers of the Executive shall use their best endeavours to attend all Executive meetings.
 - 9.2 Failure to attend every day of an Executive meeting is a failure to attend a meeting for the purposes of Rule 8(d) and disentitles the Provincial Minister from Provincial Executive allowances for the whole meeting.
10. **Appointment**
 - 10.1 Upon taking office, and whenever a vacancy occurs, the Premier shall appoint, in accordance with section 2 of the Provincial Government Act, a sufficient number of Provincial Ministers to be responsible for the conduct of all the Provincial Ministries.
 - 10.2 The Provincial Ministers shall be called and described by reference to the Ministry to which they are assigned.
 - 10.3 The Provincial Ministers shall be given a brief description of their duties and responsibilities and the workings of their assigned Ministries, prepared by the Provincial Secretary in consultation with the Premier.
 - 10.4 The Provincial Secretary shall arrange appropriate publication of the names, contact addresses and areas of responsibility of the Provincial Ministers so as to properly inform the people of Choiseul Province.

11. Appointment of Provincial Ministers to the Executive
 - 11.1 From among the Provincial Ministers appointed, the Premier shall appoint Provincial Ministers to be members of Choiseul Provincial Executive.
 - 11.2 The number of Provincial Ministers so appointed shall not exceed one half of the total number of members of the Assembly.
 - 11.3 The Provincial Ministers so appointed shall, together with the Premier and Deputy Premier, constitute the Choiseul Provincial Executive.

12. Change of Ministerial Responsibility

The Premier may, at any time, without giving any reason, change the Ministry or area of responsibility of any Minister.

13. Temporary Assignment of Ministerial Responsibility

If a Provincial Minister is temporarily unable to discharge his duties or responsibilities the Premier may temporarily assign those duties and responsibilities to another Provincial Minister.

14. Annual Reports by Provincial Ministers
 - 14.1 Every Provincial Minister shall present an annual report to the Provincial Assembly.
 - 14.2 The annual report shall be presented to the first Assembly meeting after the end of the financial year, or at least within three (3) months of the end of the financial year, whichever is sooner.
 - 14.3 The annual report shall describe the operations and performance of the Ministry for which the Provincial Minister is responsible in summary form but in sufficient detail so as to properly inform the Assembly of the workings and efficiency of the Ministry.

15. Deputy Premier

The Premier shall appoint a Deputy Premier in accordance with section 22(4) of the Provincial Government Act 1981.

16. Duties and Powers of Deputy Premier
 - 16.1 The Deputy Premier shall exercise the duties and responsibilities of the Premier in the absence or incapacity of the Premier.
 - 16.2 The Deputy Premier in the absence or incapacity of the Premier may exercise powers of the Premier contained in these Rules as may be delegated to him by the Premier from time to time.

17. Presiding at Executive Meetings

The Premier shall preside at all meetings of the Executive, except that in the absence of the Premier, the Deputy Premier shall preside.

18. Quorum of Executive

18.1 The quorum of the Executive is the Premier or Deputy Premier plus 1½ Provincial Ministers of the Executive.

18.2 A vote, resolution or decision of the Executive is valid provided a quorum was present when the vote, decision or resolution was made.

19. Executive Meetings

19.1 The Executive shall meet no less than nine (9) times per year at such times and at such places as the Premier directs.

19.2 An Executive meeting shall be called by the Premier or Deputy Premier or Provincial Ministers in consultation with the Premier.

20. Notice of Executive Meetings

20.1 Subject only to Rule 20.2, no meeting of the Executive shall be held unless a notice setting out the time, date and place of the meeting is mailed or delivered to Provincial Ministers of the Executive no less than seven (7) days prior to the date of the meeting. The Provincial Ministers of the Executive may in addition be advised of the Executive meeting by service message on the radio.

20.2 An emergency meeting of the Executive may be convened without compliance with Rule 20.1 PROVIDED HOWEVER that the convenor uses his best endeavours to notify every Provincial Minister of the Executive of the time, date and place of the emergency meeting of the Executive.

20.3 Subject to compliance with Rules 20.1 and 20.2, a meeting of the Executive is duly convened and the proceedings of the meeting of the Executive are valid notwithstanding that a Provincial Minister has not received notice of the meeting.

21. Agenda

21.1 An agenda for each Executive meeting shall be prepared and read to the Executive at the opening of the meeting. The convenor of the meeting shall use best endeavours to circulate the agenda to the Provincial Ministers of the Executive, the Legal Adviser and Treasurer, prior to each meeting.

21.2 Items on the Agenda take precedence over all other business unless the Executive by majority vote, decide otherwise.

21.3 Subject to Rule 21.2, any Provincial Minister of the Executive may raise any business not on the Agenda at an Executive meeting, after the business on the Agenda is completed.

22. Papers

22.1 A Provincial Minister of the Executive may submit to the Executive a written paper relating to his area of responsibility.

22.2 "Paper" means and includes any policy, proposal, question, contract, legislation or any matter for consideration by the Executive.

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

22.4 A Provincial Minister of the Executive shall use best endeavours to have the Paper put on the Agenda but if that is not practicable, then the Paper may be discussed in accordance with Rule 21.3.

22.5 Unless a Provincial Minister of the Executive is unable to attend an Executive meeting for some valid reason, every Paper shall be presented to the Executive by the Provincial Minister of the Executive responsible for that Paper in person.

22.6 At the conclusion of discussion of the Paper, the Provincial Minister of the Executive responsible for the Paper shall move that the resolution be put to the meeting.

22.7 If a Provincial Minister of the Executive responsible for a Paper is absent and the Executive considers that the subject matter of the Paper demands urgent consideration, the Premier or Deputy Premier shall present that Paper, and at the conclusion of discussion of that Paper, shall move that the resolution be put to the meeting.

23. Resolutions and Voting

23.1 Resolutions of the Executive shall be passed by a simple majority vote.

23.2 In the event of equal division of votes on any resolution the Premier shall make a deciding vote.

23.3 The Premier shall determine acceptance or rejection of a resolution by hearing the collected voices of the Provincial Ministers of the Executive saying "Yes" or "No".

24. Personal Interest of Provincial Ministers of the Executive

- 24.1 A Provincial Minister of the Executive shall declare to the Executive any personal or financial interest he has in any matter which comes before the Executive, and is only entitled to vote on such matter with the prior consent of a majority of the Executive.
- 24.2 A Provincial Minister of the Executive shall absent himself from the Executive meeting during any discussions or debate about a matter in which he has any personal or financial interest unless he is entitled to vote on that matter in accordance with Rule 24.1.
- 24.3 A personal or financial interest includes (but is not limited to) any interest in any trust, company or business venture of any kind of the Provincial Minister of the Executive, or of his spouse or children.
- 24.4 A Provincial Minister of the Executive who fails to comply with Rule 24 shall be dismissed from the Executive by the Premier and his vote in the matter in question shall not be counted.

25. Minutes

- 25.1 The Provincial Secretary or his Deputy shall keep proper and full minutes of the proceedings of every Executive meeting.
- 25.2 A copy of the minutes shall be circulated to every Provincial Minister of the Executive after every meeting.
- 25.3 A copy of the minutes of every Executive meeting shall be filed in a Minute Book, file or register kept solely for that purpose.
- 25.4 A written record of every Executive resolution shall be kept in a separate book, file or register and filed in date order.
- 25.5 The Provincial Secretary shall ensure that the Minutes and Resolutions are recorded in accordance with this Rule.

26. Subsidiary Legislation

- 26.1 When the Executive makes or passes any Orders, Rules or Regulations ("subsidiary legislation") such subsidiary legislation shall be laid before the next following sitting of the Provincial Assembly.
- 26.2 Subsidiary legislation does not come into force until it has been approved by the Choiseul Provincial Assembly.
- 26.3 Should the Choiseul Provincial Assembly fail to approve subsidiary legislation then the subsidiary legislation is annulled and is of no effect.

26.4 When subsidiary legislation has come into force a copy of it shall be displayed on a public notice board at all administrative headquarters and substations on Choiseul Province for not less than seven days as soon as practicable after the date the subsidiary legislation comes into force.

27. Execution of Executive Documents

27.1 Every contract, agreement, charge, certificate, transfer or other document of the Executive shall be executed on behalf of the Executive in the following manner.

(a) the following shall be typed or printed or written by hand, on the document:

“Executed on behalf of the Choiseul)
Provincial Executive by the Premier)
in the presence of two witnesses) Premier

.....
Witness Witness

.....
Occupation of Witness Occupation of Witness

(b) the Premier shall sign the document in the presence of two of the authorised witnesses specified in Rule 27.2 who shall also sign their name and occupation.

27.2 Authorised witnesses for the purpose of Rule 27.1 are the Provincial Secretary, the Deputy Provincial Secretary, the Provincial Treasurer and Provincial Ministers of the Executive.

27.3 The Premier or the Provincial Secretary shall keep a register or file containing a true copy of every document executed on behalf of the Executive.

27.4 No document shall be executed on behalf of the Executive unless there has been a prior resolution of the Executive authorising the execution of either that document or of documents of that type.

28. Committee of the Executive

28.1 The Executive may appoint Executive Committees comprising Provincial Ministers of the Executive for any special or general purpose.

28.2 The Premier or Deputy Premier shall chair any Executive Committee.

- 28.3 The members of the Committee, their terms of reference, their terms of office and all other relevant matters shall be decided by the Executive and confirmed in writing to the Committee. This information shall be made available to the public on request.
- 28.4 Every Committee shall report to the Executive on its proceedings within the time specified by the Executive under Rule 28.3.
- 28.5 Every Committee is entitled to regulate its own procedure.
29. Political Secretary
The Executive may resolve that some or all of the duties, powers and functions of the Provincial Secretary contained in these rules be transferred to a Political Secretary.

