

[Legal Notice No. 7]

**PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 of 1997)**

**THE TEMOTU PROVINCE (LATA TOWNSHIP)
COMMITTEE ORDINANCE 2005**

PART 1 - PRELIMINARY

1 This Ordinance may be cited as the Temotu Province Lata town Committee Ordinance 2005 and shall come into force upon approval by the Minister in accordance with section 32 of the Provincial Government Act.

2. In this Ordinance except where the context requires Otherwise -

“Assembly” means the Temotu Provincial Assembly in accordance with the Provincial Government Act.

“Executive” means the Temotu Provincial Executive in accordance with the Provincial Government Act;

“Member” means a member of the Lata town Committee appointed in accordance with the provisions of section 5 (a) i - viii, (b) i - iv, and section 6 and 7, but does not include an invited advisor;

“Premier” means a person for the time holding the office of the Premier of Temotu Provincial Government;

“Resident” means a person having his or her habitual place of residence within the area defined in section 2;

“Township” means the area of land designated as town land by order of the Commissioner of Lands pursuant to

section 125 (4) of the Lands and Titles Act;

“Financial Year” means the 12 months period ending 31st March.

PART II - ESTABLISHMENT OF LATA TOWN COMMITTEE

3. A Town Committee shall be established in Lata in the Province of Temotu.
4. This Ordinance applies only to the area situated and known as Lata town and encompasses the areas known as LR 751, 668, 896, 791, 589 lot 2, 700, 925,926 lot 3, 797, 750, 813 and 926 lot 1.

Membership

5. The Town Committee shall consist of no less than 12 and not more than 15 members as follows:
 - (a) Eight (8) members shall be the officers who occupy the following positions or any such other person acting for the time being in that capacity:
 - (i) Provincial Treasurer
 - (ii) Health Inspector or Medical Officer
 - (iii) Police Commander
 - (iv) Assistant Secretary - Infrastructure Development
 - (v) Education Officer
 - (vi) Agriculture Officer
 - (vii) Member of the Assembly - Ward 8
 - (viii) Assistant Secretary - Home Affairs
 - (b) **A representative from each of the following groups:**
 - (i) commercial community
 - (ii) religious community
 - (iii) women; and
 - (iv) youth and sports

6. The representatives referred to in section 5 (b) shall:
 - (a) be appointed by the relevant organisation existing for the time. Should there be no organisation then by appointment by the Executive; and
 - (b) be at least 18 years and who shall have their principal place of residence in the Township.
7. The Town Committee has power to co-opt three (3) additional members
8. No member may be admitted as a Member of the Committee who is also a member of the Assembly or a Member of Parliament, except MPA for the Ward that represents Lata Township.
9. Members are entitled to be paid a sitting or travel allowance where appropriate for attending meetings of the Town Committee such allowance are to be fixed by the Executive and may be reviewed by the Executive from time to time.

Invited advisors

10. The Town Committee may invite any persons suitably qualified to give information or advice on any matter before the Town Committee

Voting

11. On the first meeting of the coming into effect of this Ordinance, a Chairperson and a Vice Chairperson shall be elected by a majority vote.
 - 11.1 The election shall be by secret ballot;
 - 11.2 Nominations of candidates for each office shall be made orally from the floor,
 - 11.3 The Provincial Treasurer shall be the treasurer of the Town Committee;
 - 11.4 The Assistant Secretary for Home Affairs shall be the Secretary to the Committee.

Terms of office

12. The elected officers of the Town Committee -
 - (a) shall serve for two (2) years;
 - (b) may be re-elected; and
 - (c) if elected to a vacant position shall serve only the unexpired term.

Meetings

13. The Town Committee shall meet at least four (4) times in one year provided that additional meetings may be convened if in the opinion of the Chairperson such additional meetings are deemed to be necessary.
 - 13.1 All meetings of the Town Committee shall be open to the public;
 - 13.2 A member may move a motion to exclude the public during the consideration of a particular matter and if that motion is passed the public shall then be excluded for that part of the meeting during the discussion of that matter.
 - 13.3 The Town Committee shall be conducted in accordance with the provisions of Schedule 1.

Functions

14. It shall be the function of the Town Committee to advise the Executive on matters affecting the Government of Lata and shall be responsible for the following functions:
 - (a) the maintenance, planning and improvement of Lata
 - (b) waste disposal and cleansing services
 - (c) vagrancy
 - (d) public nuisances
 - (e) domestic animals
 - (f) markets
 - (g) parks and recreation grounds
 - (h) sports and recreation
 - (i) building standards
 - (j) public toilets
 - (k) food production, and
 - (l) any other matter affecting the general public of Lata and for the provision of services which the Town Committee deem to be appropriate.
- 14.1 The Executive may devolve responsibility for further functions to the Town Committee from time to time as it thinks fit.
- 14.2 The Town Committee is responsible for the administration and enforcement of the following ordinances within the Township:
 - (a) Refuse and Disposal Ordinance 1994;
 - (b) Market Ordinance 1994;
 - (c) Livestock Ordinance 1994;
 - (d) Dog Control Ordinance 1995.

- 15 The Town Committee has the power to do what is necessary and proper to carry out the functions listed in section 14 subject to law.

Financial Management

16. There shall be constituted for the purposes of estimates of revenue and expenditure under the Financial Management Ordinance 2005 the head of Lata Township for which the Provincial Treasurer shall be the Accounting Officer.

- 16.1 The Town Committee shall prepare estimates of revenue and expenditure for the head Lata Township in the form the Executive may decide in accordance with the requirements of the Financial Management Ordinance 2005.

- 16.2 Except where otherwise authorised or determined by an Ordinance, the Town Committee, with the approval of the Executive, may charge a fee for services or the hire or use of the Town Committee's equipment or premises.

REPEAL

17. The Lata Town Committee Ordinance 1989 is repealed.

SCHEDULE 1

1. The Chairperson of the Town Committee shall determine the time and place of meetings.
2. If the Chairperson is absent from a meeting the chair shall be taken by the Vice Chairperson who will assume the duties of the Chairperson and conduct the meeting.

3. If the Chairperson and Vice Chairperson are both absent the meeting shall be adjourned to a future date.
4. The Secretary shall carry out the following duties:
 - (a) Convene all meetings on the direction of the Chairperson and serve all notices relating to such meetings including the Agenda at least 7 days before the meeting takes place;
 - (b) Give notice of the meeting to the General Public in some place where it can be conveniently read;
 - (c) Take the Minutes of the meetings;
 - (d) keep records of all resolutions of the Town Committee;
 - (e) Forward copies of all proposals by the Town Committee to the Premier and Provincial Secretary;
 - (f) Assist the Chairperson with all matters relating to the administration of the Town Committee;
 - (g) To make him or her familiar with this Ordinance and to advise the Town Committee on procedural matters;
 - (h) Conduct the elections of the Chairperson and Vice Chairperson of the Town Committee.
5. A Quorum of the Town Committee shall be seven members
6. If a quorum is not present the meeting must be adjourned to a future date.
7. A resolution of the Town Committee is passed by a majority of votes of the members present in person.
8. In the event of an equal division of votes on any resolution the Chairperson shall have the deciding vote.
9. A member must declare any personal or financial interest he or she has in any motion or matter before the Committee at the commencement of discussion of that motion or matter and such

member is then not entitled to vote on the resolution or matter being discussed unless that member has the prior consent of the majority of members present.

Passed by the Temotu Provincial Assembly this first day of September 2005

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

.....
Clerk to Provincial Assembly

Assented to by the Honourable Minister for Provincial Government
this sixth day of December 2005

.....
Minister for Provincial Government

**PROVINCIAL GOVERNMENT ACT 1997
(No. 7 of 1997)**

**THE TEMOTU (LATA TOWNSHIP) WATER SUPPLY
ORDINANCE 2005
AN
ORDINANCE
TO
PROVIDE FOR THE MAINTENANCE OF WATER SUPPLY
SYSTEMS AND THE RECOVERY OF WATER CHARGES
AT LATA TOWN**

Enacted by the Temotu Provincial Assembly

ARRANGEMENT OF SECTIONS

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 12. Appointment of Authorised Officers
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 14. Notices
 15. Liability for water rates
 16. Offences
1. **Short title and commencement** - This Ordinance shall be cited as the Temotu (Lata Township) Water Supply Ordinance 2005 and shall come into force after assent by the Minister of Provincial Government.
 2. **Interpretation** - In this Ordinance, unless the context otherwise requires -
 "Executive" means the Temotu Provincial Executive.

 "Water System" means the totality of the water and infrastructure from an including the water source to the supply of water to the consumer.

3. **Area of application** - This Ordinance applies only to the area situated and known as Lata Town and encompasses the areas known as LR 751, 668, 896, 791, 589 lot 2, 700, 925, 926 lot 3, 797, 750, 813 and 926 lot 1.
4. **Responsibility to provide water supply** - Subject to the provisions of this Ordinance, the Provincial Government is responsible for the supply of wholesome water to Lata Township and the installation and maintenance of the water supply system and to make reasonable charges for the supply of water and the installation of fittings and for the maintenance and repair of the system.
5. **Consent required connecting or disconnecting water** - A person intending to use or disconnect water supplied under this ordinance shall obtain the consent of the Provincial Assembly.
6. **Power to stop water** - The Provincial Government may stop water services temporarily if that is necessary to:
 - (a) undertake repairs to any part of the water service;
 - (b) respond appropriately to a situation or an event that is or may become a nuisance or danger to public health: or
 - (c) in the event of water shortage.
7. **Power to restrict water supply** - The water supply to a person's property or building may be restricted if the person:
 - (a) commits an offence under this Ordinance; or
 - (b) fails or refuses to do anything required by this Ordinance in respect of water, or water system;
 - (c) refuses entry to, or obstructs an Authorised Officer.

8. **Wastage of water** - A person who is supplied reticulated water under this Ordinance must not waste the water or allow to be wasted or misused
 - 8.1 The expenses reasonably incurred by the Provincial Government in discovering the wastage or misused of water shall be recoverable by them whether or not the cause of the wastage or misuse was by supply pipes or fittings which the Provincial Government is not obligated to maintain.
9. **Supply of water fittings** - The Provincial Government may supply and regulate the supply of water fittings and may do any work in connection with the installation, repair and alteration of water fittings whether supplied by them or not.
10. **Charges for the supply of work done on water fittings** - the Provincial Government may charge for any fittings supplied or any materials provided and for any work done in regard to to the installation, repair or alteration of water fittings.
11. **Chargeable water rate** - The Provincial Government may charge water rates under this Ordinance and such rates shall be fixed by the Executive from time to time.
 - 11.1 Such water rates shall be payable monthly and if not so paid shall be payable on demand as provided in section 15.1.
12. **Appointment of Authorised Officers** - The Provincial Government may appoint suitable persons to be Authorised Officers to ensure that the matter covered by this Ordinance are adequately administered and enforced.
13. **Right of entry** - Any Authorised Officer and duly authorized agents and servants of the Provincial Government shall on producing if required some authenticated document, have the right of access to any premises at all reasonable times to which water is supplied for the purpose of:
 - (a) ascertaining whether there is in connection of the premises any contravention of this Ordinance;

- (b) ascertaining whether or not circumstances exist which would authorise or require the Provincial Government to take action or execute any work under this Ordinance; and
 - (c) taking any action or executing any work authorised or required under this Ordinance.
- 13.1 Admission to any dwelling not being a workshop or work place shall not be demanded as of right unless 24 hours of notice of the intended entry has been given to the occupier in writing.
- 13.2 Any person who willfully obstructs any person upon whom a right of entry has been conferred under this Ordinance shall be liable on a summary conviction to summary conviction to a fine not exceeding \$200.00.
14. **Notices** - All notices, consents, demands and other documents authorised under this Ordinance shall be in writing and signed by such person the Provincial Government so authorises.
- 14.1 Any notice, consent, demand or other document required to be served under this Ordinance may be served either:
- (a) by delivering it to the person on whom it is to be served; or
 - (b) in the case of an incorporated society or body be delivering it to the secretary; or
 - (c) by leaving it with an adult Occupier of the premises or place to which the notice relates or by posting it upon a conspicuous part of the premises or place.
15. **Liability for water rates** -The Occupier of premises whether domestic or commercial shall be liable for the payment of water rates. For the purpose of this section the water rate includes any additional charges under this Ordinance and payable to the Provincial Government.
- 15.1 The water rate is payable on demand. If any person fails to pay within 14 days after a demand is made in

writing and served on the Occupier for payment of water rate due in respect of the premises, the Provincial Government may, subject to section 15.2, cut off the supply of water to premises and recover the expenses reasonably incurred by them in doing so.

15.2 If before the expiration of the 14 days, the Occupier gives notice to the Provincial Government that there is a dispute as to the amount due in respect of the water rate or as to liability to pay the rate the Provincial Government shall not cut off the water until dispute is settled.

15.3 Where the Provincial Government cuts off the supply of water to an inhabited house, it shall within 48 hours notify that they have done so to the Environmental Health Authority for th district.

16. **Offences** - Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who:
- (a) obtains water without the consent of the Provincial Government;
 - (b) takes water from the Provincial Government to supply another person without consent; or
 - (c) permits that other person to take water supplied by the Provincial Government;
 - (d) fraudulently altering the index of any meter or other device used for measuring water supplied to them or prevents such a device from registering correctly the quantity of water supplied;
 - (e) baths or washes cloths or other things in, or throws animals, refuse, litter or debris into the water of a water source;
 - (f) carries out work on or in relation to a water source without first -
 - (i) notifying the Provincial Government of the intention to carry out the work;

- (ii) obtaining authorisation from the Provincial Government to undertake work on terms the Provincial Government thinks fit.
- 16.1 If a person willfully or negligently or without the consent of the Provincial Government opens, shuts or otherwise interferes with any valve or other work or apparatus belonging to the Provincial Government which causes the supply of water to be interfered with shall be guilty of an offence and liable to a fine not exceeding \$500. Provided that this section shall not apply to a consumer closing a stop-clock fixed on the service pipe supplying his or her premises so long as he or she has obtained the consent of any other consumer whose supply will be affected by the closure
- 16.2 The Provincial Government may:
- (a) recover expenses reasonably incurred in enforcing this Ordinance; and
 - (b) in addition to, or instead of, the penalty for the offence under section 16, recover the cost incurred in repairing any damage done to the water system.

Passed by the Temotu Provincial Assembly this first day of September 2005.

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

.....
Clerk of the Provincial Assembly

Assented to by the Honourable Minister for Provincial Government

this sixth day of December 2005.

.....
Minister for Provincial Government

Honiara, Solomon Islands
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Solomon Islands Government

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