

SUPPLEMENT to the Solomon Islands GazetteTuesday 8th April, 2014

S.I. No. 24

[Legal Notice No. 35]

**PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)****GUADALCANAL PROVINCIAL GOVERNMENT (EMERGENCY
RESPONSE AND TRANSFER OF POWER) ORDER 2014**

WHEREAS under section 34 of the Provincial Government Act (“the Act”) the Guadalcanal Provincial Assembly is required to pass an annual Appropriation Ordinance by 31 March 2014;

WHEREAS the Guadalcanal Provincial Assembly failed to meet by 31 March 2014 to pass an Appropriation Ordinance under section 34 of the Act thereby committing a statutory breach creating a difficulty in relation to the application or implementation of the Act;

WHEREAS on 28 March 2014 the High Court issued an Interim Injunction Order preventing the Guadalcanal Provincial Assembly from convening until such time as outstanding legal matters have been resolved, making it necessary and expedient for me to make this Order;

WHEREAS a Declaration of a State of Disaster was issued by the Minister for Environment, Climate Change, Disaster Management, and Meteorology under the National Disaster Council Act (Cap. 148) on 4 April 2014, to deal with the unforeseen or special circumstances that prevail at present; and

NOW THEREFORE, in pursuance of powers vested in me under section 47 of the Act I, Silas K.V. Tausinga, Minister for Provincial Government and Institutional Strengthening, do hereby order as follows:

- (1) All functions and powers vested in the Provincial Executive under section 33 of the Act are hereby transferred to the Provincial Secretary of Guadalcanal Province (“the Provincial Secretary”), under the oversight of the Permanent Secretary of the Ministry of Provincial Government and Institutional Strengthening (“the Permanent Secretary”);

- (2) In relation to the application of the Act:
- (a) the requirement to pass an Appropriation Ordinance under section 34 is, for the duration of this Order, suspended and the Provincial Secretary is authorised to prepare an interim Appropriation Order, to be assented to by the Minister, to allow the Province to receive funds into the Provincial Fund; and
 - (b) the requirement that no funds shall be issued from the Provincial Fund except in accordance with section 36(1) and (2) is, for the duration of this Order, suspended and the Provincial Secretary is authorised to sign warrants disbursing funds from the Provincial Fund.
- (3) In performance of the functions and duties described in paragraphs 1 and 2, the Provincial Secretary may:
- (a) ensure appropriate funds are made available for relief efforts as a result of the State of Disaster;
 - (b) employ, suspend, dismiss or take any other appropriate action in respect of direct employees and/or contractors currently engaged by Guadalcanal Provincial Government provided such action is, where applicable, in accordance with the Province's Staff Instructions and Scheme of Service;
 - (c) account for all Provincial Government assets and take action as appropriate to ensure assets are kept in the possession and control of the Provincial Government unless disposed of in accordance with the Province's Financial Management Ordinance; or
 - (d) do any other thing, take any other action, or make any order that he considers appropriate and in the best interests of Guadalcanal Province, provided such an action or order is lawful.

- (4) In performance of the functions and duties described in paragraphs 1, 2, and 3, the Provincial Secretary must:
- (a) act and make decisions in a way that promotes, encourages, and benefits the interests of the people of Guadalcanal;
 - (b) consult with and obtain the approval of the Permanent Secretary for any expenditure exceeding \$50,000;
 - (c) keep the Permanent Secretary informed of all matters concerning the functioning and management of Guadalcanal Province;
 - (d) fully account for all expenditure out of, and receipts into, the Provincial Fund; and
 - (e) not take or receive any instruction from a Member of the Guadalcanal Provincial Assembly.
- (5) Save for legislative powers, the Provincial Executive and Provincial Assembly are prohibited from exercising any of the powers or doing any of the things described in this Order, or otherwise interfering with the Provincial Secretary's performance of these functions, until such time as:-
- (a) all legal action in relation to the current political impasse has been resolved and a Premier confirmed in accordance with the Guadalcanal Provincial Assembly Standing Orders; and
 - (b) this Order has been rescinded.
- (6) This Order comes into effect on the date that it is published in the *Gazette*.

Dated and signed this eighth day of April, 2014.

HON. SILAS K.V. TAUSINGA
Minister for Provincial Government and Institutional Strengthening