

# REPRINT

## **NATIONAL TRANSPORT FUND ACT 2009**

**As in force at: 4 June 2010**

**STATUS: CURRENT**

For details see Endnotes

**AN ACT TO ESTABLISH THE NATIONAL TRANSPORT FUND FOR THE PURPOSES OF DEVELOPING, MAINTAINING AND MANAGING TRANSPORT INFRASTRUCTURE AND SERVICES, AND FOR RELATED MATTERS.**

# NATIONAL TRANSPORT FUND ACT 2009

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# NATIONAL TRANSPORT FUND ACT 2009

As in force at: 4 June 2010

## 1 Short title and commencement

This Act may be cited as the *National Transport Fund Act 2009*, and commences on a date appointed by the Minister, by notice in the *Gazette*.

## 2 Interpretation

In this Act, unless the context otherwise requires:

**“Fund”** means the National Transport Fund established under section 3;

**“manager of the Fund”** means the Board or the Fund Manager appointed, from time to time in accordance with Regulations made under this Act, to manage the Fund;

**“Ministry”** means the Ministry responsible for transport;

**“National Transport Plan”** means the National Transport Plan for transport setting out policy guidelines, statements and other related matters, including specified projects requiring funding from the Fund;

**“transport”** means air, road or maritime transport.

## 3 National Transport Fund

- (1) This section establishes the National Transport Fund, as a special fund pursuant to section 100 of the *Constitution*, for the purposes of developing, maintaining and managing transport infrastructure and services in Solomon Islands.
- (2) The Fund shall be managed by the Ministry and the Ministry responsible for Finance in accordance with Regulations made under this Act.
- (3) Subject to this Act, the Minister responsible for Finance may give

written directions or issue Financial Instructions in relation to the proper control, management and accounting of the Fund.

#### **4 Source of funds**

- (1) Funds to be paid into the Fund are those provided by donor and development agencies in support of:
  - (a) the development and management of transport services in Solomon Islands;
  - (b) the development, design, construction, management and maintenance of transport infrastructure in Solomon Islands; and
  - (c) any other purpose consistent with section 5.
- (2) The Fund may receive money from other sources in accordance with section 21(1) of the *Public Finance and Audit Act* (Cap. 120).

#### **5 Use of funds**

- (1) The money held in the Fund may, with the approval of Cabinet, only be expended for the following purposes directly relating to:
  - (a) the purposes set out in sections 3(1) and 4(1)(a) and (b);
  - (b) routine, recurrent and periodic maintenance and development of transport infrastructure;
  - (c) routine, recurrent and periodic maintenance and development of footpaths;
  - (d) the installation of road markings, signs, traffic islands, median strips and barriers;
  - (e) the management and operation of the franchise shipping schemes;
  - (f) the provision of other shipping services to remote areas;
  - (g) the development and maintenance of wharves and jetties;
  - (h) matters which are necessary to achieve compliance with the

*Shipping Act 1998*, and with international obligations under maritime conventions and agreements;

- (i) transport related safety projects;
  - (j) training of personnel to manage the Fund, and to perform the functions under this Act;
  - (k) research, education and training related to the maintenance, operation or development of transport infrastructure; and
  - (l) retaining professional services for the proper financial management of the Fund.
- (2) Subject to subsection (3), all projects approved for funding from the Fund must be specified in the National Transport Plan prepared by the Ministry.
- (3) The managers of the Fund may approve a project for funding if the project is consistent with a clear statement of policy in the National Transport Plan.
- (4) Monies may be received by the Fund from donor and development agencies who specify a specific purpose for the monies to be applied that is consistent with this section, and in such cases the managers of the Fund shall ensure that the amount of the contribution is applied to the purposes so specified.

## **6 Public Finance and Audit Act and the Civil Aviation Act 2008**

- (1) Sections 5(3) and 21(2) of the *Public Finance and Audit Act* (Cap. 120) apply to the Fund.
- (2) Signed statements of account required under section 38(1)(a)(v) and (2)(a) of the *Public Finance and Audit Act* (Cap. 120) must be prepared in relation to the Fund and transmitted to the Auditor-General.
- (3) The Minister shall present all audited accounts of the Fund to the Parliament at the next sittings of the Parliament after the accounts have been made available by the Auditor-General.
- (4) This Act does not affect the operation of the Aviation Special Fund

established under the *Civil Aviation Act 2008*.

## **7 Regulations**

The Minister for Finance may make regulations to give effect to the provisions of this Act for the proper and effective management of the Fund, and in particular to prescribe the following matters:

- (a) the establishment and appointment of a Board or Fund Manager to manage the Fund, or for any other appropriate Fund management arrangements;
- (b) the functions, powers and responsibilities of the Board or Fund Manager;
- (c) the powers, duties and obligations of members of the Board and Fund Manager;
- (d) the procedures of the Board;
- (e) the investment of monies held in the Fund;
- (f) procedures and processes for the assessment, approval and implementation of projects to be funded by the Fund; and
- (g) the accounting, audit and reporting requirements applying to the Fund.

## ENDNOTES

### 1 KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

### 2 LIST OF LEGISLATION

#### ***National Transport Fund Act 2009 (No. 3 of 2009)***

Assent date	8 May 2009
Gazetted	8 May 2009*
Commenced	4 June 2010

*[\*Note: the date of Gazettal is validated by s4 of the Constitution (Amendment and Validation) Act 2023 and s57 of the Legislation Amendment, Repeal and Validation Act 2023]*

### 3 LIST OF AMENDMENTS