

SUPPLEMENT to the Solomon Islands Gazette

Wednesday 21st June 2006

S.I. No. 19

[Legal Notice No. 40]

TRADE DISPUTES ACT 1981
(No. 3 of 1981)

APPOINTMENT OF MEMBER TO THE TRADE DISPUTES PANEL

IN exercise of the powers conferred by section 2(3) of the Trade Disputes Act, 1981 upon Me, **I, HONOURABLE FRANCIS BILLY HILLY**, Minister for Commerce, Industries and Employment do hereby appoint -

NEGO SISOLO

To be a member of the Trade Disputes Panel for a period of two (2) years with effect from the date hereunder.

Dated at Honiara this eighth day of June 2006

FRANCIS BILLY HILLY
MINISTER FOR COMMERCE, INDUSTRIES & EMPLOYMENT

[Legal Notice No. 41]

PRICE CONTROL ACT
(Cap. 64)

THE PRICE CONTROL (APPLICATION TO GOODS AND RESTRICTION OF PRICES) (AMENDMENT) (NO. 1) ORDER 2006

IN exercise of the powers conferred by sections 4 and 6 of the Price Control Act, and after consultations with the Prices Advisory Committee, **I, FRANCIS BILLY HILLY**, Minister of Commerce, Employment and Trade, do hereby make the following Order -

1. This Order may be cited as the Price Control (Application to Goods and Restriction of Prices) (Amendment) (No. 1) Order 2006 and shall come into operation on 1st June 2006.

2. Schedule 3 to the Price Control (Application to Goods and Restriction of Prices) Order 1987* is hereby amended by deleting serial No. 13 thereof and substituting therefore the following -

“ 13 PETROLEUM PRODUCTS

		WHOLESALE (maximum price in cents per litre)	RETAIL (maximum price in cents per litre)
(a)	Petroleum Motor Spirit - (PMS)	499.93	614.9
(b)	Distillate - (ADO)	567.60	692.7
(c)	Kerosene - (KERO)	496.20	(maximum percentage mark - up)
			- cost into store plus 15% for sales of packaged product
			- cost into store plus 20% for break-bulk sales.”

Dated at Honiara this eighth day of June, 2006

FRANCIS BILLY HILLY
Minister of Commerce, Employment and Trade

*L.N. No.47/87 p.104

[Legal Notice No. 42]

PROVINCIAL GOVERNMENT ACT 1997

(No. 7 of 1997)

**APPOINTMENT OF NEW DEPUTY PREMIER TO MALAITA PROVINCIAL
EXECUTIVE**

IN exercise of the powers conferred by section 20(4) of the Provincial Government Act 1997 and acting in accordance with the advice of the Honourable Reuben T. Moli, Premier of Malaita Province, **I, JAPHET WAIPORA**, Minister of Provincial Government and Constituency Development hereby appoint -

HONOURABLE WILFRED MAELUMA to be the new Deputy Premier of Malaita Province.
and member of the Malaita Provincial Executive with effect from 12th day of April 2006.

Dated at Honiara this twenty ninth day of May, 2006

HON. JAPHET WAIPORA, MP
Minister of Provincial Government and Constituency Development

[Legal Notice No. 43]

PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 of 1997)

APPOINTMENT OF MINISTER TO TEMOTU PROVINCIAL EXECUTIVE

IN exercise of the powers conferred by section 20(4) of the Provincial Government Act 1997 and acting in accordance with the advice of the Honourable Johnson Levela, Premier of Temotu Province, I, JAPHET WAIPORA, Minister of Provincial Government and Constituency Development hereby appoint -

HONOURABLE FRANCIS BADENOGO

to be the Minister for Sports, Youth and Women's Interest Development for Temotu Province and Member of the Temotu Provincial Executive with effect from 10th day of May, 2006.

Dated at Honiara this twenty ninth day of May, 2006.

HON. JAPHET WAIPORA, MP
Minister of Provincial Government and Constituency Development

[Legal Notice No. 44]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE COUNCILS OF CHIEFS ORDINANCE
2006**

**AN ORDINANCE to establish Ward Council of Chiefs and a Great
Council of Chiefs, and to provide for their functions and funding**

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections

Section:

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1. Title and Commencement
2. Interpretation
3. Purpose
4. Status of Chiefs and customs

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5. Ward Councils of Chiefs
6. Constitution of Ward Councils of Chiefs
7. Functions of Ward Councils of Chiefs

PART III GREAT COUNCIL OF CHIEFS

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[Legal Notice No. 45]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE COUNCILS OF CHIEFS ORDINANCE
2006**

PART I PRELIMINARY

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Councils of Chiefs Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

In this Ordinance, except where the context otherwise requires, words have the following meanings -

“Assembly” means Makira Ulawa Provincial Assembly;

“Associate” means a woman or youth representative appointed as an associate to a Council of Chiefs under this Ordinance;

“Chief” means a chief, tribal leader, or traditional leader in Makira Ulawa Province;

“Council of Women” means the Makira Ulawa Provincial Council of Women;

“Executive” means Makira Ulawa Provincial Executive;

“Province” means Makira Ulawa Province;

“Standing Orders” means the most recent version of the Standing Orders of the Makira Ulawa Provincial Assembly;

- “Traditional leader associate” means a representative of the Great Council of Chiefs appointed to the Assembly under Standing Orders as a non-voting associate;
- “Village Peace Council” means a village Peace Council established under the Village Peace Councils Ordinance;
- “Village Peace Council Ordinance” means the Makira Ulawa Peace Council Ordinance 2006 or its successors;
- “Ward” means a Ward in the Province as provided under the Provincial Government Act 1997 or its successors;
- “Ward Development Authority” means a Ward Development Authority established under the Makira Ulawa Provincial Ward Development Authorities Ordinance 2006 or its successors;
- “Ward Development Authorities Ordinance” means Makira Ulawa Province Ward Development Authorities Ordinance 2006 or its successors.

3. Purpose

The purpose of this Ordinance is to:

- a) Establish Ward Councils of Chiefs, and provide for their constitution and funding;
- b) Establish a Great Council of Chiefs, to be constituted by representatives of the Ward Councils of Chiefs, and provide for their funding;
- c) Make provision for appointment of Chiefs and other leaders to be appointed as Traditional Leader Associates of the Assembly, under the provisions of Standing Orders;
- d) Provide for the Councils of Chiefs to be consulted by and to provide advice to the Assembly, Executive, and Ward Development Authorities;
- e) Provide appropriate avenues for Councils of Chiefs to participate in governance activities in the Province;
- f) Encourage the maintenance and promotion of traditional cultures and customs.

4. Status of Chiefs and Customs

- 1) For the avoidance of doubt it is hereby declared that this Ordinance does not affect the status of any Chief of the Province, and in particular this Ordinance does not;
 - a) Remove the status of Chief from any person who is a Chief, whether the status is derived by birth or some other customary method of appointment;
 - b) Confer the status of Chief on any person who is not a Chief.
- 2) For the avoidance of doubt it is further declared that this Ordinance does not affect any custom of the Province.

PART II WARD COUNCILS OF CHIEFS**5. Ward Councils of Chiefs**

There may be established in each Ward in the Province a Ward Council of Chiefs, representing the Chiefs of that Ward.

6. Constitution of Ward Councils of Chiefs

- 1) Subject to the provisions of this Ordinance a Ward Council of Chiefs may regulate its own procedure, and such procedure may include generally accepted customary practices within the particular Ward.
- 2) Every Chief in a Ward may be a member of the Ward Council of Chiefs for that Ward, and the Member of the Provincial Assembly for that Ward may be a member of the Ward Council of Chiefs if he is a Chief.
- 3) If there are too many members of a Ward Council of Chiefs for the Ward Council of Chiefs to be able to manage meetings within its financial budget or to be able to effectively make decisions, or for any other practical reason there are too many members, the Ward Council of Chiefs may limit the number of members who may attend meetings and:
 - a) Options for limiting the number of Chiefs who may attend may include:
 - (i) setting a maximum number of Chiefs who may represent each village, or represent each tribe; or
 - (ii) establishing a smaller governing body that meets regularly and the full membership meets occasionally for significant decisions and consultation;
 - b) Where the number of members who may attend are limited in any way, the Ward Council of Chiefs must also determine how the attendees are chosen and appointed, the period for which they are appointed, and how their appointment may be revoked.
 - c) Where there is any dispute about limiting the number of people who may attend, or the Ward Council of Chiefs can not resolve the matter, the matter shall be referred to the Great Council of Chiefs whose decision on the matter shall be final.
- 4) When a Ward Council of Chiefs is appointed, it must provide contact details for two persons who will be responsible for receiving communications on behalf of the Council of Chiefs and copy of its membership (including Women and Youth Associates

appointed under this section) to:

- a) The Provincial Secretary of the Province;
 - b) The Great Council of Chiefs;
 - c) The Ward Council of Chiefs;
- 5) Every Ward Council of Chiefs must appoint at least two women's representatives and two youth representatives as Associates of the Ward Council of Chiefs, and those Associates:
- a) May be nominated by the women and youth of the Ward respectively;
 - b) May hold office for a term of two years, after which their appointment will lapse;
 - c) May be appointed to hold office for a further term or terms;
 - d) May attend all meetings of the Ward Council of Chiefs, and and participate in all debates and activities,
 - e) Will act as advisors to the Ward Council of Chiefs, in relation to matters as they impact on women or youth respectively;
 - f) May not vote at the meetings unless the Ward Council of Chiefs grants voting rights to them;
 - g) Must consult with women and youth within the Ward in relation to the business of the Ward Council of Chiefs;
 - h) May be removed from office by the Ward Council of Chiefs on recommendations from the women (for women Associates) or youth (for youth Associates) of the Ward.
- 6) Ward Councils of Chiefs may invite any other person to attend their meetings, for advice or consultation, including representatives of the ward Development Authority and the Member of the Provincial Assembly for the Ward.
- 7) Ward Councils of Chiefs may meet at intervals and locations within their Ward that best achieve the objectives of this Ordinance.

7. Functions of Ward Councils of Chiefs

- 1) Ward Councils of Chiefs may provide advice to the Great Council of Chiefs on any matter, and the Great Council of Chiefs may consult with the Ward Councils of Chiefs on any matter.
- 2) A Ward Council of Chiefs may provide advice to its Ward Development Authority on any matter, and a Ward Development Authority may consult

- 3) A Ward Council of Chiefs may request the Executive to enact by-laws having effect in all or part of the Ward;
- 4) Ward Councils of Chiefs are encouraged to develop, promote and demonstrate appropriate Chiefly conduct.
- 5) Ward Councils of Chiefs may carry out the functions delegated to them under the Village Peace Councils Ordinance regarding membership and certification of Village Peace Councils.
- 6) The Ward Council of Chiefs must:
 - a) Keep their respective Village communities informed of the business of the Ward Councils of Chiefs;
 - b) Consult with the members of their respective Village's about all matters being considered by the Ward Councils of Chiefs.
- 7) Ward Councils of Chiefs may:
 - a) Make appointments to the Great Council of Chiefs as provided in **section 9** of this Ordinance;
 - b) Make appointments to the Ward Development Authority for their respective Wards, and approve its activities, as provided in the Ward Development Authorities Ordinance;
 - c) Co-ordinate the documentation of genealogy and customs of the Ward;
 - d) Carry out any other functions delegated under any Provincial Ordinance or subsidiary legislation.
- 8) Ward Councils of Chiefs shall not engage in development projects and activities, as these are the functions of Ward Development Authorities.

PART III GREAT COUNCIL OF CHIEFS

8. Great Council of Chiefs

There may be established in the Province a Great Council of Chiefs, representing the Chiefs of the Province.

9. Constitution of Great Council of Chiefs

- 1) Subject to the provisions of this Ordinance the Great Council of Chiefs may regulate its own procedure, and such procedure may include generally accepted customary practices within the Province.
- 2) Every Ward Council of Chiefs in the Province may appoint one Chief from that Ward Council of Chiefs to be its representative on the Great Council of Chiefs and those representatives:
 - a) May hold office for a term of two years, after which their appointment will lapse;
 - b) May be appointed to hold office for a further term or terms;
 - c) May be removed from office for any reason by the Ward Council of Chiefs who appointed them.

- 3) Notwithstanding that they might be Chiefs, Members of the Provincial Assembly may not be appointed to the Great Council of chiefs.
- 4) The Great Council of Chiefs must appoint at least two women's representatives as Associates of the Great Council of Chiefs, and those Associates:
 - a) May be nominated by the Council of Women, but do not need to be member of the Council of Women;
 - b) May hold office for a term of two years, after which their appointment will lapse;
 - c) May be appointed to hold office for a further term or terms;
 - d) May attend all meetings of the Great Council of Chiefs, and participate in all debates and activities;
 - e) Will act as advisors to the Great Council of Chiefs, in relation to matters as they impact on women;
 - f) May not vote at the meetings unless the Great Council of Chiefs grants voting rights to them;
 - g) Must consult with the Council of Women and the women members and associates of the Ward Councils of Chiefs in relation to the business of the Great Council of Chiefs;
 - h) May be removed from office by the Great Council of Chiefs on recommendations from the Council of Women or the women members and associates of the Ward Councils of Chiefs.
- 5) When a Great Council of Chiefs is appointed, it must provide to the Clerk to the Assembly and the Provincial Secretary:
 - a) A copy of its membership, including associates;
 - b) Contact details for two person who will be responsible for receiving communications from the Assembly or Executive.
- 6) The Great Council of Chiefs may invite any person to attend its meetings, for advice or consultation.
- 7) The Great Council of Chiefs must inform the Assembly and the Executive of the times and locations of any proposed meeting, and those meetings:
 - a) Must be held at least quarterly in the Provincial centre, in the months of February, May, August and November of each year;
 - b) May otherwise be held at intervals and locations that best achieve the objectives of this Ordinance.

10. Functions of Great Council of Chiefs

- 1) The Great Council of Chiefs may nominate its members and associates to be appointed as Traditional Leader Associates of the Assembly as provided in **section 11** of this Ordinance.

- 2) The Great Council of Chiefs may provide advice to the Assembly and the Executive on any matter, and the Assembly and the Executive may consult with the Great Council of Chiefs on any matter.
- 3) The Great Council of Chiefs are encouraged to develop, promote and demonstrate appropriate Chiefly conduct.
- 4) The Great Council of Chiefs may request the Assembly or the Executive to enact laws having effect in all or part of the Province.
- 5) The Great Council of Chiefs may co-ordinate the documentation of genealogy and customs of the Province.
- 6) Where a Ward Council of Chiefs needs to limit the number of Chiefs who may attend the Ward Council of Chiefs meetings under **section 6** and is unable to resolve the matter, the Great Council of Chiefs may decide the matter and its decision shall be final.
- 7) The Great Council of Chiefs may carry out any other functions delegated under any Provincial Ordinance or subsidiary legislation.
- 8) The Ward representatives on the Great Council of Chiefs must :
 - a) Keep their respective Ward Councils of Chiefs informed of the business of the Great Council of Chiefs;
 - b) Consult with their respective Ward Councils of Chiefs about all matters being considered by the Great Council of Chiefs.
- 9) The Great Council of Chiefs shall not engage in development projects and activities, as these are the functions of Ward Development Authorities.

PART IV TRADITIONAL LEADER ASSOCIATES

11. Nomination of Traditional Leader Associates of the Assembly

- 1) The Great Council of Chiefs may nominate its members and associates to be appointed as Traditional Leader Associates of the Assembly .
- 2) The nominees must be members or associates of the Great Council of Chiefs and include;
 - a) Eight members of the Great Council of Chiefs; the Great Council of Chiefs may choose its own method of selecting the nominees which may include selecting one nominee to represent the traditionally accepted Ward and language groupings in the Province:
 - (i) Arosi, Wards 5,6,7,8;
 - (ii) Bauro, Wards 9, 10, 11;
 - (iii) Haununu, Ward 20;
 - (iv) Ravo, Wards 18,19;
 - (v) Santa Ana and Santa Catalina, Wards 15, 16;
 - (vi) Star Harbour, Wards 14, 17;
 - (vii) Ugi and Ulawa, Wards 1, 2, 3, 4;

- (viii) Wainoni, Wards 12, 13;
- b) At least two women, who may be members or associates of the Great Council of Chiefs.

- 3) If appointed to the Assembly, the Traditional Leader Associates:
 - a) Hold office in accordance with Standing Orders and any applicable law;
 - b) May be nominated to hold office for a further term or terms;
 - c) May be removed from office for any reason by the Great Council of Chiefs.

12. Rights and Responsibilities of Traditional Leader Associates

The Traditional Leader Associates have the rights, entitlements, responsibilities and obligations provided for under Standing Orders and any applicable law.

PART V TERMINATIONS AND TEMPORARY APPOINTMENTS

13. Termination of office

- 1) A Chief or Associate may resign, or be removed from office in accordance with this Ordinance, at any time before the appointment lapses.
- 2) A Chief who ceases to be a member of the Ward Council of Chiefs automatically ceases to be a member of the Great Council of Chiefs.
- 3) A Chief or Associate who ceases to be a member or Associate of the Great Council of Chiefs may automatically cease to be a Traditional Leader Associate of the Assembly.

14. Temporary appointments

- 1) Vacancies in any Council of Chiefs or Traditional Leader Associates may be temporarily filled in the same manner as full-term appointments are made to the Council or Assembly.
- 2) Temporary appointments will lapse at the same time as the full-term appointments to the Council or Assembly lapse.

PART VI FINANCES

15. Financial Year and accountability

- 1) The financial year for Council of Chiefs shall be from 1st January to 31st December.
- 2) In January of each year each Council of Chiefs must prepare an annual financial report summarising its income and expenditure for the previous financial year, and by 30 January:
 - a) Provide a copy of the financial report to the Provincial Finance Division;

- b) Each Ward Council of Chiefs must also provide a copy of its financial report to the Great Council of Chiefs;
 - c) The Councils of Chiefs may provide a copy of their financial reports to the Ward Development Authorities.
- 3) A model for a simple financial report is set out in Schedule One.

16. Funding and resources for Councils of Chiefs

- 1) Councils of Chiefs will be directly funded by Ward Development Authorities as provided in the Ward Development Authorities Ordinance.
- 2) Each Council of Chiefs is responsible for the management and allocation of its funds, and must budget its funds to ensure it can finance the involvement of its representatives in the business of the Council of Chiefs.
- 3) The Great Council of Chiefs will be responsible for its own accommodation, travel, and related expenses in relation to attending meetings in the Provincial centre, and:
 - a) The Executive may assist the Great Council of Chiefs to establish a permanent meeting and accommodation venue in the Provincial centre;
 - b) Until the Great Council of Chiefs establishes such permanent venues the Executive may negotiate a special rate at the Provincial Rest House for accommodation of members and associates of the Great Council of Chiefs during their meeting periods, and may provide a venue in the Provincial centre for the Great Council of Chiefs to meet free of any charge.
- 4) When the Assembly or Executive provide any communication or consultation documents to the Councils of Chiefs:
 - a) The Assembly must provide all the Traditional Leader Associates with copies of all documents distributed to Elected Members of the Assembly;
 - b) In any other circumstances, two copies of the documents only will be provided to the respective Councils of Chiefs, being one copy to each of the two persons nominated under either **section 5** or **section 8** of this Ordinance as appropriate.
- 5) The Assembly and the Executive are not required to provide any other funding or resources to the councils of Chiefs, however they may provide workshops or other similar education programs in co-operation with the Councils of Chiefs.

17. Prohibition on lending, borrowing or seeking other funding

- 1) No Council of Chiefs may lend any funds or provide any type of credit to any of its members or associates, or to any other person or organisation.
- 2) No Council of Chiefs may borrow funds from any source, or seek to obtain any goods or services on credit.
- 3) No Council of Chiefs may seek or solicit funding from any source other than those provided in this Ordinance, unless the application for funding or other financial assistance is:

- a) Authorised by Order of the Executive; and
- b) For one-off projects designed to help achieve the purposes of this Ordinance; and
- c) Not for funding the ongoing governance and consultation functions of the Councils of Chiefs; and
- d) Not for any activity prohibited under this Ordinance.

PART VII SUBSIDIARY LEGISLATION

18. Executive may make Orders

The Executive may make such Orders and Regulations as appear to them necessary or expedient for carrying out the objects of this Ordinance, including but not limited to the following objects:

- a) Approval of applications for funding by Councils of Chiefs;
- b) Formalising any advisory functions of the Councils of Chiefs, or consultation processes.

**PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY
THIS 30TH DAY OF MARCH 2006**

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

Clerk to the Makira Ulawa Provincial Assembly

**ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT
THIS TWENTY NINTH DAY OF MAY 2006**

Minister for Provincial Government

SCHEDULE ONE

(Section 15)

Model for Financial Report for Councils of Chiefs

Financial Report of Council of Chiefs

for the financial year 1st January to 31st December

1 BALANCE CARRIED FORWARD FROM LAST FINANCIAL YEAR		\$
2 Entitlements from Ward Development Authority:		
a) ... percent of Ward Development Grant		\$
b) ... percent of Commission on revenue collection activities;		\$
c) ... percent of revenue sharing allocation for Ward Business Licences		\$
3 Other income from Ward Development Authority:		
a)		\$
b)		\$
4 Income from applications approved by Order of the Executive		
a) Donor:		\$
Project		\$
b) Donor:		\$
Project		\$
5 TOTAL INCOME for the year (total of all income at 2, 3 and 4)		\$
6 TOTAL REVENUE (total of 1 and 5)		\$
7 Expenditure for governance activities		
a) Transport for meetings of the Council of Chiefs;		\$
b) Accommodation costs for meetings;		\$
c) Other costs associated with meetings;		\$
d) Other costs associated with the business of the Council of Chiefs:		
i)		\$
ii)		\$
iii)		\$
8 Project expenditure		
a) Donor:		
Project		\$
Is project completed? Yes/no		
b) Donor:		\$
Project		
Is project completed? Yes/no		
9 TOTAL EXPENDITURE for the year (total of all expenditure at 7 & 8)		\$

10 Surplus of revenue over expenditure		
Total Revenue at 5	\$	
Less Total Expenditure at 8	\$	
BALANCE CARRIED FORWARD to next financial year		\$

[Legal Notice No. 46]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO 7 OF 1997)**

THE MAKIRA ULAWA PROVINCE WARD DEVELOPMENT AUTHORITIES ORDINANCE 2006

AN ORDINANCE to provide for Development Authorities for each Ward in the Province, who may receive from the Provincial Fund Ward Development Grants and other revenue sharing allocations.

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections

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- 1 Title and Commencement
- 2 Interpretation
- 3 Purpose

PART II - CONSTITUTION AND POWERS OF WARD DEVELOPMENT AUTHORITIES

- 4 Ward Development Authorities
- 5 Constitution of Ward Development Authorities
- 6 Decisions of Ward Development Authorities
- 7 Functions of Ward Development Authorities
- 8 Relations with other Ward Development Authorities

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- 9 Entitlements from Provincial Fund
- 10 Collection of revenues on behalf of Provincial Executive
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- 18 Duty of Ward Development Authorities to account
- 19 Reporting to the Executive
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- 22 Subvention to organisations ceased
- 23 Executive may make Orders
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- Schedule Two - Conditions for revenue collection
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**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

THE MAKIRA ULAWA PROVINCE WARD DEVELOPMENT AUTHORITIES ORDINANCE 2006

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

PART I - PRELIMINARY

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Ward Development Authorities Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

In this Ordinance, except where the context otherwise requires, words have the following meanings -

- “Assembly” means Makira Ulawa Provincial Assembly;
- “Executive” means Makira Ulawa Provincial Executive;
- “Councils of Chiefs Ordinance” means the Makira Ulawa Province Councils of Chiefs Ordinance 2006 or its successors;
- “Great Council of Chiefs” means the Great Council of Chiefs established under the Council of Chiefs Ordinance;
- “Province” means Makira Ulawa Province;
- “Province Fund” means the Provincial Fund established under the Provincial Government Act 1997 or its successors;
- “Registered electors” means persons whose names appear in the most recent Register of Electors for the Province
- “Special Fund” means the Special Fund established under the Special Fund Ordinance;
- “Special Fund Ordinance” means the Makira Ulawa Province Special Fund For Ward Development Authorities Ordinance 2006 or its successors;
- “Village” means a Village in the Province identified in the most recent Register of Electors for the Province;
- “Ward” means a Ward in the Province as provided under the Provincial Government Act 1997 or its successors;
- “Ward Business Licence” means a business licence issued in respect of a Ward only under the Makira Ulawa Province Business Licence Ordinance 2006 or its successors;
- “Ward Council of Chiefs” means a Ward Council of Chiefs established under the Councils of Chiefs Ordinance;
- “Ward Development Grant” means the sum appropriated under the head or sub-head named Ward Development Grant in the most recent Makira Ulawa Province Appropriation Ordinance, divided equally between all the Wards in the Province.

3. Purpose

The purpose of this Ordinance is to:

- a) Provide for the establishment of Ward Development Authorities for each Ward in the Province;
- b) Delegate to Ward Development Authorities the management and application of Ward Development Grants;
- c) Delegate to Ward Development Authorities the supervision of specified revenue collection activities in their respective Wards, and the management and application of the revenues allowable in respect of those activities and Ward Business Licences;
- d) Delegate to Ward Development Authorities the authority to promote or undertake a range of developmental activities in the Ward.

PART II - CONSTITUTION AND POWERS OF WARD DEVELOPMENT AUTHORITIES

4. Ward Development Authorities

There may be established in each Ward in the Province a Ward Development Authority constituted under the provisions of this Ordinance.

5. Constitution of Ward Development Authorities

- 1) Subject to the provisions of this Ordinance a Ward Development Authority may regulate its own procedure, and such procedure may include generally accepted customary practices within the particular Ward.
- 2) Each Ward Development Authority may have a minimum of five (5) members and a maximum of ten (10) members.
- 3) The Member of the Provincial Assembly for the Ward may ex- officio be a member of the Ward Development Authority, and such Member:
 - a) Shall not hold any executive position in the Ward Development Authority;
 - b) Shall not receive any payments or allowances for attendance at meetings or carrying out any of the functions of office;
 - c) Shall cease to hold office when he or she ceases to be the Member of the Assembly for that Ward.
- 4) The Ward Council of Chiefs for the Ward may appoint all other members who:
 - a) May not be a member of a Ward Council of Chiefs or the Great Council of Chiefs;
 - b) May hold office for a term of two years, after which their appointment will lapse;
 - c) May be appointed to hold office for a further term or terms;
 - d) May be removed from office for any reason by the Ward Council of Chiefs;
 - e) Shall be removed from office by Order of the Executive;
 - (i) for any substantial breach of the Leadership Code;
 - (ii) for any misconduct in relation to the funds of the Ward Development Authority or the Province, including any breach of the provisions of this Ordinance.
- 5) Each Ward Development Authority must appoint three (3) signatories to its funds, and two (2) of those signatories must sign any withdrawal or cheque drawn on the Authority's bank account and any request for funds held in the Special Fund;

- 6) When a Ward Development Authority is appointed, it must provide to the Provincial Secretary written notice of:
 - a) Its membership, including any executive positions allocated to members;
 - b) Address for the member who is authorised to receive communications on behalf of the Ward Development Authority;
 - c) It's bank account (if any);
 - d) The names of the three (3) signatories to its funds;
 - e) Whether it elects to have the payments from the Provincial Fund made into it's bank account or into the Special Fund;
 - f) Any changes to membership, address for communications, executive positions, bank account or signatories.
- 7) A Ward Development Authority may invite any other person to attend its meetings for consultation or advice.
- 8) Ward Development Authorities may encourage members of the community, including community groups, to assist them to carry out their functions.
- 9) Ward Development Authorities must comply with all reporting requirements set out in this Ordinance.

6. Decisions of Ward Development Authorities

- 1) All decisions of Ward Development Authorities must be made by a majority of the members (more than half of the members).
- 2) All decisions of Ward Development Authorities to apply for or allocate funds, or undertake developments, must be approved by the Ward Council of Chiefs for the Ward and should comply with or achieve the aims of the Community Development Plan for the Ward.

7. Functions of Ward Development Authorities

- 1) All activities of Ward Development Authorities must be carried out in accordance with this Ordinance and any other law applying to the area.
- 2) Ward Development Authorities may carry out the following functions:
 - a) Management of the entitlements and other revenues of the Ward Development Authority consistent with this Ordinance;
 - b) Developments in the Ward consistent with the Community Development Plan and this Ordinance;
 - c) Collection of revenues on behalf of the Provincial Executive in accordance with **section 10**;
 - d) Assisting and supporting members of the community and community groups to seek donor funding, including assisting them to complete and lodge applications and provide any appropriate endorsements;
 - e) Any other function delegated by or under any Provincial Ordinance.

- 3) Each Ward Development Authority must prepare an Annual Community Development Plan:
- a) That identifies the developments it proposes to undertake for the financial year and how it proposes to fund those developments;
 - b) Which must be approved by the respective Ward Council of Chiefs before implementation;
 - c) Once approved by the Ward Council of Chiefs, a copy must be forwarded to the Provincial Planning Division for co-ordination with the Provincial Development Plan and advising the Executive of planned Ward Developments;
 - d) Any amendments to the Community Development Plan must be approved by the Ward Council of Chiefs and a copy forwarded to the Provincial Planning Division;
 - e) In preparing its Annual Community Development Plan, a Ward Development Authority may choose to focus on just a few categories of development each year.

8. Relations with other Ward Development Authorities

Ward Development Authorities may form Sister relationships with other Ward Development Authorities, and may undertake joint projects and other co-operative activities with other Ward Development Authorities.

PART III - REVENUES AND DEVELOPMENTS

9. Entitlements from Provincial Fund

- 1) Each Ward Development Authority is entitled to receive from the Provincial Fund:
 - a) The Ward Development Grant for that Ward;
 - b) Forty percent (40%) commission on any Provincial revenues collected by the Ward Development Authority in accordance with this Ordinance;
 - c) Forty percent (40%) of the licence fee for any Ward Business Licence issued to have effect in the Ward.
- 2) The entitlements from the Provincial Fund shall, upon being received into the Provincial Fund, be paid:
 - a) To a bank account in the name of the entitled Ward Development Authority, which must require at least two (2) signatories for any withdrawals or cheques drawn on the account; or
 - b) To the Special Fund where:
 - (i) The Ward Development Authority elects in writing to have the payments made into the Special Fund; or
 - (ii) The Ward Development Authority does not have a bank account or has not provided details of its bank account and signatories as required by this Ordinance; or

- (iii) There is currently no properly constituted Ward Development Authority for the particular Ward; or
 - (iv) The entitlements are being withheld under this section.
- 3) While the Province continues to receive a significant portion of its revenues by way of monthly Provincial Service Grant, the Ward Development Grants shall also be paid on the basis of monthly installments; should the system of monthly Provincial Service Grants change then the timing of payments of Ward Development Grants shall be varied accordingly.
 - 4) No advances may be made of the entitlements.
 - 5) The entitlements from the Provincial Fund or the Special Fund may, by resolution of the Executive, be withheld from a Ward Development Authority in the following circumstances:
 - a) If a Ward Development Authority fails to provide any report required under this Ordinance, the Authority's entitlement shall be withheld until a satisfactory report is received;
 - b) If a Ward Development Authority, or any of its members, breaches any of the provisions of the Leadership Code or this Ordinance the Authority's entitlements may be withheld until a solution satisfactory to the Executive is achieved;
 - c) If there is no properly constituted Ward Development Authority for a Ward, the entitlements for that Ward may be withheld until such Authority is properly constituted.
 - 6) When the Executive resolves to withhold the entitlements of any Ward Development Authority it shall inform the Ward Development Authority in writing of the decision and the reasons for that decision, and provide a copy of the letter to the Ward Council of Chiefs for the Ward and the Great Council of Chiefs.
 - 7) When there is no properly constituted Ward Development Authority for a Ward for a period of six (6) consecutive months;
 - a) The Executive:
 - (i) May by Order determine that the entitlements in relation to that Ward shall cease; and
 - (ii) If so, the Executive shall by Order provide for any entitlements held in the Special Fund for the Ward to be divided equally between all properly constituted Ward Development Authorities in the Province;
 - (iii) Provide a copy of the Order to the Ward Council of Chiefs for the Ward and to the Great Council of Chiefs.

- b) If a Ward Development Authority for the Ward is properly constituted at some later time, it may begin its entitlements from the date it provides the required written notice to the Provincial Secretary.

10. Collection of revenues on behalf of the Provincial Executive

- 1) The Executive may by Order appoint any Ward Development Authority to collect, within its Ward, any Provincial revenues on behalf of the Executive as are prescribed by Order of the Executive.
- 2) In undertaking revenue collections activities on behalf of the Executive, Ward Development Authorities shall be bound by the conditions set out in **Schedule Two** of this Ordinance and any other conditions the Executive may prescribe by Order.
- 3) Every Ward Development Authority that undertakes revenue collections activities on behalf of the Executive is responsible for the collection and safe keeping of the revenues until they are handed over to the Provincial Finance Division.
- 4) Any person appointed by a Ward Development Authority to collect revenues on behalf of the Ward Development shall be responsible to the Ward Development Authority and:
 - a) Shall be bound by the conditions set out in **Schedule Two**; and
 - b) The Ward Development Authority shall be responsible for the acts of the appointed persons and for any remuneration agreed between the Ward Development Authority and the appointed persons.
- 5) If the Executive is not satisfied with the revenue collection performance of any Ward Development Authority it may, by Order, revoke the appointment of the Ward Development Authority and in such circumstances:
 - a) The Ward Development Authority will cease to be entitled to any commission on revenues collected in the Ward;
 - b) The Executive may by resolution appoint any other employee or agent to undertake the revenue collection on its behalf.

11. Other revenue generating activities

- 1) Ward Development Authorities may carry out any business activities within the Wards, after obtaining the appropriate business license under the Business License Ordinance.
- 2) Ward Development Authorities may enter into joint ventures with private business organisations upon approval of the Executive by Order.
- 3) Except as excluded in this Ordinance, the Executive may approve by resolution Ward Development Authorities carrying out any other revenue generating activities allowable under and in compliance with the laws applicable to the area, and such activities may include:
 - a) Applications for donors funding;
 - b) Community fund raising activities.

- 4) Any application for Executive approval must include:
 - a) Description of the type of fund raising or other activity proposed;
 - b) Location of proposed activity;
 - c) A statement of the purposes for which funds are being raised or sought;
 - d) An estimate of the amount of funds proposed to be raised by the activity;
 - e) Proposed timeframes for the activity;
 - f) Any specific requirements in relation to donor funding applications;
 - g) A statement of how the activity achieves the objectives of the Community Developments Plan for the Ward.
- 5) The Executive shall not approve any application that is not accompanied by the information by this section; sample application forms are set out in **Schedule One** for guidance.

12. Prohibition on lending, borrowing or seeking other funding

- 1) No Ward Development Authority may lend any funds or provide any type of credit to any of its members or associates, or to any other person or organisation.
- 2) No Ward Development Authority may borrow funds from any source, or seek to obtain any goods or services on credit.
- 3) No Ward Development Authority may seek, solicit, generate or obtain funding from any source other than those provided in this Ordinance and approved by either resolution or Order of the Executive as required by this Ordinance.
- 4) No Ward Development Authority may solicit funds from any investor who holds, or wishes or intends to obtain, a Ward Business License and the Executive shall not approve any application from any Ward Development Authority that in any way involves soliciting funds from such investors.
- 5) No Ward Development Authority may use any business enterprise or other entity or person it is associated with to carry out any of the activities prohibited by this section.

13. Application of entitlement of Ward Development Authorities

- 1) Each Ward Development Authority must provide to the Great Council of Chiefs five percent (5%) of its entitlements provided from the Provincial Fund.
- 2) Each Ward Development Authority must provide to the Ward Council of Chiefs for its Ward fifteen percent (15%) of its entitlement provided from the Provincial Fund.
- 3) The payments must be made to the Councils of Chiefs upon being received by the Ward Development Authority.

- 4) Each Development Authority may apply up to ten percent (10%) of its entitlements from the Provincial Fund to administration purposes, including the funding of its meeting and preparation of reports required under this Ordinance.
- 5) Each Ward Development Authority must use the balance of its entitlements, being at least seventy percent (70%) of the entitlement, for any or all of the following categories of developments in the Ward that benefit the Community of Ward:
 - a) Promoting or developing the welfare of women or youth, including their participation in governance;
 - b) Promoting or developing sporting and cultural activities;
 - c) Promoting or developing the protection of environment, culture, or heritage;
 - d) Health and sanitation promotion or development;
 - e) Provision of community services or utilities ;
 - f) Physical infrastructure development;
 - g) Supporting development of primary industries by providing scale income generating projects under to small under the provisions in **section 14**;
 - h) Contributing to the costs of workshops and other educational programs provided by the Executive for the purpose of assisting Ward Development Authorities to carry out their functions; such contributions must be approved by Order of the Executive;
 - i) Any other developmental activities consistent with the objects of this Ordinance and approved by Order of the Executive.

14. Grants for small scale income generating projects

- 1) Any person or community group may apply to the Ward Development Authority for their Ward for a grant to support a small scale income generating primary industries related project, and subject to the provisions of this Ordinance the Ward Development Authority may approve such grant for any income generating project which in the the opinion of the Authority will provide goods or services, or training or employment, of benefit to the community of the Ward.
- 2) Ward Development Authorities may provide grants to small scale income generating projects for primary industries within the Ward under the following conditions:
 - a) The grant may be allocated once only to any small scale income generating project;
 - b) The maximum amount of any grant to any project shall be one thousand dollars (\$1,000.00);
 - c) The grant may be applied to any goods or services reasonably required by the project and approved by the Ward Development Authority;
 - d) The grant shall not be provided directly to the applicant but may be paid, on the production of written invoices or quotes, to the

- to the supplier of the goods or services required by the project;
 - e) Any project which is a business within the meaning of the Business License Ordinance must obtain the appropriate business license before being approved a grant;
 - f) The grant may not be provided to any business or project which has been funded fully or partly by donor funding;
 - g) Any goods or services paid for by the grant remain the property of the Ward Development Authority and if the project no longer requires the items the project shall return the items to the Ward Development Authority who may allocate them to another project which has completed the application process;
 - h) Any goods or services approved or paid for by the grant, which are not used for the approved project within three (3) months of being approved, may be recovered by the Ward Development Authority who may allocate them to another project which has completed the application process.
- 3) A maximum number of grants may be provided in any financial year, being:
- a) Villages with less than twenty registered electors, one grant;
 - b) Villages with twenty and less than one hundred registered electors, two grants; Villages with one hundred or more registered electors, three grants.
- 4) Applications for grants must:
- a) Be in the format set out in Schedule Three and contain the information provided in that format;
 - b) Provide any further information the Ward Development Authority may request.
- 5) Any Ward Development Authority that intends to approve a grant:
- a) May approve the entire application or only some items;
 - b) Must obtain the endorsement of the Ward Council of Chiefs for the Ward before giving its final approval to the grant.
- 6) Any Ward Development Authorities who approves a grant:
- a) May impose any other conditions that are not inconsistent with this Ordinance and that in the opinion of the Ward Development Authority will ensure best use of the grant;
 - b) Shall monitor the project and if it is not satisfied with the progress of the project, or that the items provided by the grant are being used for the purposes of the approved project, may:
 - (i) Withhold any balance of the approved grant until a Satisfactory improvement is made;
 - (ii) Terminate the grant;
 - (iii) Recover any goods or services provided and allocate them to another project which has completed the application process.

- 7) Any person who is dissatisfied with any decision of a Ward Development Authority under this section may appeal to the Ward Council of Chiefs for the Ward, whose decision shall be final.

15. Application of other funds generated by Ward Development Authorities

- 1) Any funds obtained by licensed business activities of Ward Development Authorities may be applied to:
- a) Managing and developing the business activity and its assets;
 - b) Any developments in the Ward as provided under **section 13**;
 - c) Expenses in relation to administration of the Ward Development Authority, including the costs associated with meetings and employing persons to assist with administration activities;
 - d) Providing further discretionary funding to the Councils of Chiefs;
 - e) Providing funding to Village Peace Councils within the Ward;
 - f) Providing further grants to villages, or one further grant of up to one thousand dollars (\$1,000.00) to any applicant who has been approved a grant under **section 14**, under the same terms and conditions as provide in **section 14**.
- 2) Any funds from fund raising activities or donor funding obtained by a Ward Development Authority by must:
- a) Be applied to the purpose the funds were raised or applied for and in compliance with the application approved by the Executive; and
 - b) Any excess funds left after the completion of project must be treated as entitlements and applied in the manner specified for entitlements under **section 13**.

PART IV - ACCOUNTABILITY

16. Financial year

The financial year for Ward Development Authorities shall be from the first day of January in each year until the thirty first day of December of that year.

17. Provincial Finance Division to provide statements of account

- 1) When the Province allocates any entitlements to a Ward Development Authority, it shall also provide the Ward Development Authority with a summary of:
- a) The source of the entitlement and how the sum is calculated; and
 - b) A breakdown of how the funds must be applied in accordance with the percentages set out in **section 13**;
 - c) Whether the funds have been deposited into the Authority's bank account or are held in the Special Fund.
- 2) At the end of the financial year the Provincial Finance Division shall provide to each Ward Development Authority an annual financial

statement, and provide a copy of that annual financial statement to the Ward Council of Chiefs for the Ward and to the Great Council of Chiefs; the financial statement to show:

- a) The entitlements of the Ward Development Authority for the year, including the sources of those entitlements;
- b) The required allocation of the total of those entitlements in accordance with the percentages set out in section 13;
- c) Payments that have been made into the Ward Development Authority's bank account;
- d) Entitlements that are held in the Special Fund;
- e) If any entitlements are being withheld, the reason for the withholding;
- f) The details required to be provided under the Special Fund Ordinance.

18. Duty of Ward Development Authorities to account

- 1) Each Ward Development Authorities must prepare and provide to the Provincial Finance Division and to the Ward Council of Chiefs for the Ward the following financial reports:
 - a) A quarterly financial report, providing a breakdown of all revenue and expenditure for that quarter including the allocations to Councils of Chiefs and for the administration of the Ward Development Authority, the quarters being:
 - (i) January to March;
 - (ii) April to June;
 - (iii) July to September;
 - (iv) October to December.
 - b) An annual financial report, providing:
 - (i) A breakdown of all revenue and expenditure for that financial year, including the allocations to Councils of Chiefs and for the administration of the Ward Development Authority;
 - (ii) A summary of how the expenditure achieved the objectives of the Community Development Plan for the year.
 - c) Any further financial report when requested by the Executive.
- 2) The financial reports must be set out in the format prescribed by Order of the Executive and contain the information indicated in that format.
- 3) Ward Development Authorities must:
 - a) Provide their quarterly reports within three weeks of the end of the relevant quarter;
 - b) Provide their annual report by the last day of January.
- 4) Ward Development Authorities must provide receipts for all revenue or income they receive, except for income obtained from donor funding or fundraising activities approved by the Executive, and keep copies of receipts for all payments they make.

- 5) Ward Development Authorities are not required to provide copies of their receipts with their financial reports, however:
 - a) A Ward Council of Chiefs may at any time inspect the records of the Ward Development Authority for its Ward;
 - b) The Provincial Finance Division may inspect the records of a Ward Development Authority at any time;
 - c) The Executive may resolve that the records of a Ward Development Authority be inspected or audited at any time, and if the Executive so resolves the Ward Development Authority must hand over all receipts and other records of account to the person(s) authorised by the Executive.

19. Reporting to the Executive

- 1) The Provincial Finance Division shall forward to the Executive a copy of all financial reports of Ward Development Authorities, and provide a report detailing any discrepancies or irregularities in any of the financial reports.
- 2) When the entitlements of any Ward Development Authority are withheld for failing to provide any financial report, the Provincial Finance Division shall forward to the Executive a copy of the report from that Ward Development Authority as soon as it is received along with a report detailing any discrepancies or irregularities in the Ward Development Authority's financial report.

20. Annual Public Meeting

Every Ward Development Authority must at least once a year hold a public meeting in the Ward and:

- a) The mandatory annual meeting must be held in the first quarter of the year (January to March);
- b) The Ward Development Authority must report to the public of the Ward about the income and expenditure for the previous year, and the developments that have been undertaken;
- c) The Ward Development Authority must explain the Community Development Plan for the current year, and obtain input from the community into the next Community Development Plan;
- d) The Ward Development Authority must provide an opportunity for the community to ask questions about the functioning of the Ward Development Authority and to make suggestions.

PART V - MISCELLANEOUS

21. Funds of Area Councils transferred

When permitted by law:

- a) Any funds owed to an Area Council established under the Makira Province Council Ordinance 1985 may be collected by the

- b) Any funds being held by or owing to an Area Council shall be paid into the Special Fund, and for the purposes of the Special Fund Ordinance shall be deemed to be an entitlement of Ward Development Authorities;
- c) The funds from each Area Council shall be divided equally among the Ward that the particular Area Council represented.

22. Subvention to organisation ceased

The head in the Provincial Budget titled "subvention to organisations" shall be deleted.

23. Executive may make Orders

The Executive may make such Orders for the following purposes:

- a) Removing any member of a Ward Development Authority from office in accordance with **section 5**;
- b) Determining that the entitlements of a Ward Development Authority shall cease, and that the funds shall be divided between all properly constituted Ward Development Authorities, in accordance with **section 9**;
- c) Appointing Ward Development Authorities to undertake revenue collection activities on behalf of the Executive, or revoking such appointments, in accordance with **section 10**;
- d) Prescribing the revenues that Ward Development Authorities may collect on behalf of the Executive, in accordance with **Section 10**;
- e) Prescribing further conditions applying to revenue collection action activities, in accordance with **section 10**;
- f) Approving Ward Development Authority entering into joint ventures in accordance with **section 11**;
- g) Approving Ward Development Authorities contributing to the costs of workshops and other educational programs in accordance with **section 13**;
- h) Approving Ward Development Authorities undertaking any other developmental activity in accordance with **section 13**;
- i) Prescribing the format of financial reports in accordance with **Section 18**;

24. Schedule of estimates

A schedule of the estimates of revenue and expenditure, required by the Standing Orders of Makira Ulawa Provincial Assembly, is set out in **Schedule Four**.

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS 31ST DAY OF MARCH 2006

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

Clerk to the Makira Ulawa Provincial Assembly

ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT

THIS TWENTY NINTH DAY OF MAY 2006

Minister for Provincial Government

**Sample application to the Makira Ulawa Provincial Executive
for approval of fund raising or other revenue generating activities**

Ward Development Authority: Ward _____ Ward number _____

Description of the type of fund raising or other activity proposed: _____

Location of proposed activity: _____

The purposes for which funds are being raised or sought: _____

Estimate of the amount of funds proposed to be raised by the activity: _____

Proposed timeframes for the activity: _____

How the development meets the objectives of the Ward's Community Development Plan:

_____ for _____ Ward Development Authority _____
(name/signature) (name of WDA) (date)

The proposed fundraising activity:
(a) endorsed
(b) recommended to be approved with the following modifications: _____
(c) rejected

By the _____ Ward Council of Chiefs for the following reasons: _____
(name of WCC)

_____ for _____ Ward Council of Chiefs _____
(name/signature) (name of WCC) (date)

The proposed fund raising activity is:
(a) endorsed
(b) approved with the following modifications: _____
(c) rejected

By the Makira Ulawa Provincial Executive for the following reasons: _____

MUP Premier (or Minister supervising): _____ Date: _____
(signature)

SCHEDULE TWO
(Section 10)

Conditions for Revenue Collection

1. All revenues collected must be receipted on the official receipts issued by the Provincial Finance Division.
2. All copies of the receipt must be clearly written out in indelible ink and be readable.
3. All revenues collected must be remitted to the Provincial Finance Division together with all receipts and revenue collector's cash book.
4. Any shortfall in revenue shall be made good by the Ward Development Authority, and may be deducted from any entitlements of the Ward Development Authority.
5. Any discrepancies must be reported to the Provincial Finance Division as soon as they are discovered by the Ward Development Authority.
6. All revenues collected belong to the Province and may not be used for any purpose, whether purpose of the Ward Development Authority or any other purpose such as personal purpose, borrowing, or lending.
7. The Provincial Finance Division are authorised to check on the Ward Development Authority at anytime to ensure compliance with these instructions, and the Ward Development Authority may be requested to hand over all books and receipts and so on at any time.
8. All Ward Development Authorities approved to undertake revenue collection activities must maintain a record of the following, and provide a copy of it to the Provincial Finance Division:
 - a) All businesses operating in the Ward;
 - b) All eligible basic rate payers in the Ward;
 - c) Any other category of payer where the authority is delegated to the Ward Development Authority to collect the payments;
 - d) All persons who have paid to the Ward Development Authority the revenue they are required to pay under a Provincial Ordinance and the authority to collect it has been delegated to the Ward Development Authority;
 - e) Any person or business who fails or refuses to pay any revenue they are required to pay under a Provincial Ordinance and the authority to collect it has been delegated to the Ward Development Authority.
9. If any Ward Development Authority appoints any other person to collect revenues on its behalf, the Ward Development Authority:
 - a) Is responsible for ensuring that person complies with these conditions; and
 - b) Remains responsible to the Executive for compliance with these conditions; and
 - c) Remains responsible to the Executive for remitting the funds and receipts and so on to the Provincial Finance Division, and any shortfalls or other breaches of these conditions.

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SCHEDULE FOUR
(Section 24)

Schedule of estimates of revenue and expenditure of public funds*

A. REVENUE AND EXPENDITURE OF WARD DEVELOPMENT AUTHORITIES

1. Annual entitlements from Provincial Fund:	
a) Ward Development Grant;	\$
b) Commission on revenue collection activities;	\$
c) Revenue sharing allocation for Ward Business Licences.	\$
Estimated total annual revenue from public funds	\$

2. Annual expenditure:	
a) Fifteen percent (15%) of total public revenue to Ward Councils of Chiefs for governance activities;	\$
b) Five percent (5%) of total public revenue to Great Council of Chiefs for governance activities;	\$
c) Ten percent (10%) of total public revenue for administration of Ward Development Authorities;	\$
d) Seventy percent (70%) of total public revenue for development.	\$
Estimated total annual expenditure of public funds	\$

B. REVENUE AND EXPENDITURE FROM PROVINCIAL FUND

1. Annual expenditure from Provincial Fund:	
a) Ward Development Grant (a current expenditure)	\$
b) Commission on revenue collection activities (a current expenditure)	\$
c) Revenue sharing allocation for Ward Business Licences (a newly introduced expenditure, however Ward Business Licences are also newly introduced and increase the overall from business licensing).	\$
Estimated total annual expenditure from public funds	\$

2. Annual revenues to Provincial Fund:	
Ward Development Authorities do not directly contribute funds to the Provincial Fund, however there will be indirect contributions and savings including the following:	
a) Increased Provincial revenue collection;	
b) Decreased need to allocate expenditure for rural developments;	
c) Need to allocate expenditure to fund the governance and law enforcement activities of Chiefs is eliminated;	
d) The expenditure head "Subventions to Organisations" is to be deleted from the Budget.	

* Notes:

- a) The estimates are based on the estimates currently proposed for the Makira Ulawa Province Appropriation Bill for the 2006/2007 Provincial financial year.
- b) The Ward Development Authorities may have other revenue and expenditure which does not form part of public funds.

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS
ORDINANCE 2006**

AN ORDINANCE to support Chiefs to maintain peace in their villages and tribal lands in Makira Ulawa Province by establishing Village Peace Councils and delegating certain peace-keeping and law enforcement authority to them.

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections

Section:

PART I - PRELIMINARY

- 1. Title and Commencement**
- 2. Interpretation**
- 3. Purpose**

PART II - CONSTITUTION OF VILLAGE PEACE COUNCILS

- 4. Establishment and certification of Village Peace Councils**
- 5. Associates of Village Peace Councils**
- 6. Village Peace Warden**
- 7. Revocation of certification of Village Peace Council or removal of members**
- 8. Appointment of further members, Associates, or Wardens**

PART III - JURISDICTION and OBLIGATIONS

- 9. Jurisdiction**
- 10. Substituting a customary alternative for infringement fee**
- 11. Limitation of jurisdiction**
- 12. Customary land disputes excluded**
- 13. Reporting of criminal matters**
- 14. Reconciliations in criminal or civil matters**

PART IV - MATTERS INVOLVING OTHER VILLAGE PEACE COUNCILS

- 15. Village Peace Councils to co-operate**
- 16. Disputes between villages**
- 17. Village Peace Councils may amalgamate or form co-operatives**

PART V - FINANCES

18. Finances of Village Peace Council
19. Prohibition on lending, borrowing or seeking other funding

PART VI - MISCELLANEOUS

20. Executive may make Orders

Schedules

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

THE MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

PART 1 - PRELIMINARY**1. Title and Commencement**

This Ordinance shall be cited as the Makira Ulawa Province Village Peace Councils Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

In this Ordinance, except where the context otherwise requires, words have the following meanings -

- “Executive” means Makira Ulawa Province Executive;
- “infringement offence” means an offence identified in any Provincial Ordinance as an infringement offence in accordance with the Penalties For Offences Ordinance;
- “Penalties For Offences Ordinance” means the Makira Ulawa Penalties For Offences Ordinance 2006 or its successors;
- “Police” means Royal Solomon Islands Police;
- “Province” means Makira Ulawa Province;
- “Provincial Government” means Makira Ulawa Provincial Government;
- “Village Peace Council” means a Village Peace Council established and certified in accordance with this Ordinance.

3. Purpose

The purpose of this Ordinance is to:

- (a) Support Chiefs to resolve conflicts, and maintain and promote peace, in their villages and tribal lands in Makira Ulawa Province by establishing Village Peace Councils and delegating certain peace-keeping and law enforcement authority to the Village Peace Councils;
- (b) Provide for a system where authority is or may be delegated to Chiefs and other members of Village Peace Councils to issue infringement notices and collect the infringement, fees for identified infringement offences, in their villages and their tribal lands; and
- (c) Provide for the appointment of Village Peace Wardens to assist the Village Peace Councils with peace-keeping and law enforcement activities, including providing reports to various law enforcement agencies, and
- (d) Authorise Village Peace Councils to utilise infringement fees and other law enforcement income for peace-keeping and law enforcement activities in their respective areas.

PART II - CONSTITUTION OF VILLAGE PEACE COUNCILS**4. Establishment and certification of Village Peace Councils**

- (1) Any Village in the Province may apply to the Ward Council of Chiefs for its Ward to be certified to carry out the peace-keeping and law enforcement activities provided for in this Ordinance, and:
 - (a) The Village must provide the details of:
 - (i) The identity of the Chiefs who have been selected to be members of the Village Peace Council;
 - (ii) The identity of the representatives who have been selected to be the Women and Youth Associates of the Village Peace Council;
 - (iii) The identity of the person or persons selected to be the Village Peace Wardens, and a summary of their skills that in the opinion of the Village make them suitable to be Village Peace Wardens;
 - (iv) The method upon which the proposed members, Associates, and Wardens were chosen and the method by which replacements will be chosen;
 - (v) An indication that the Village community accepts the nominations and the method by which the nominees were chosen;
 - (vi) The tribal lands the Village Peace Council applies to have jurisdiction over, and an indication of whether any of those lands are currently under dispute.

- (b) A form is set out in Schedule One as a guide to the information that must be provided by the Village when requesting certification.
- (c) If it is satisfied that the Village has identified the matters required in this section and has the capacity to adequately carry out the peace-keeping and law enforcement activities, the Ward Council of Chiefs may recommend to the Premier to certify that Village Peace Council in accordance with this Ordinance.
- (d) If the Premier:
 - (i) Accepts the recommendation of the Ward Council of Chiefs, the Premier may issue a certificate in the form in **Schedule Two**;
 - (ii) Is uncertain whether to act on the recommendation of the Ward Council of Chiefs, the Premier shall refer the matter to the Executive for the Executive to determine whether or not the Premier should issue a certificate in the form in **Schedule Two** and any limits that should be placed on the jurisdiction of the Village Peace Council, and the decision of the Executive shall be final.
- (e) When the Premier certifies any Village Peace Council, whether on the advice of a Ward Council of Chiefs or the decision of the Executive, the certification shall be deemed to be evidence of an Agency Agreement as provided in section 29 of the Provincial Government Act 1997 or its successors.
- (2) When considering an application the Ward Council of Chiefs, Premier, or Executive, may take into account any information they have about any of the tribal lands being in dispute, and may withhold approval to any area of land that is known to be in dispute and which has not been heard and determined by the relevant Chiefs in the customary manner.

5. **Associates of Village Peace Council**

Every Village Peace Council must appoint at least one women's representative and one youth representative as Associates of the Village Peace Council, and those Associates:

- (a) May be nominated by the women and youth of the Village respectively;
- (b) May hold office for a term of two years, after which their appointment will lapse;
- (c) May be appointed to hold office for a further term or terms;
- (d) May attend all meetings or sittings of the Village Peace Council, and participate in all debates and activities;
- (e) Will act as advisors to the Village Peace Council, in relation to matters as they impact

- (g) Must consult with women and youth within the Village in relation to the business of the Village Peace Council;
- (h) May be removed from office by the Village Peace Council on recommendation from the women (for women Associates) or youth (for youth Associates) of the Village.

6. Village Peace Warden

- (1) Every Village Peace Council shall appoint at least one Village Peace Warden to assist the Village Peace Council to enforce law and keep the peace.
- (2) The Village Peace Warden must be a suitable person to carry out the functions of the Warden, and have such characteristics and skills as:
 - (a) Good formal education, so he or she can assist the Chiefs to understand the laws and can carry out the clerical tasks associated with issuing infringement notices;
 - (b) Courage to address breaches of the peace and to intervene when necessary;
 - (c) Willingness to assist the Village Peace council to collect outstanding infringement fees and supervise customary penalties;
 - (d) Ability to minimise disputes;
 - (e) Physically fit for travelling
- (3) The functions to Village Peace Wardens include:
 - (a) Administration of the Village Peace Council;
 - (b) Advising the Village Peace Council about relevant laws of the Province;
 - (c) Receiving reports from the village community about suspect infringement offenses and other offenses;
 - (d) Issuing infringement notices and collecting infringement fees;
 - (e) Supervising and reporting on the implementation of any customary penalty substituted for an infringement fee;
 - (f) Completing the reporting process for infringement offences as provided under the Penalties For Offences Ordinance;
 - (g) Reporting criminal matters to the Police;
 - (h) Completing the annual report to the Executive regarding the infringement offences addressed by the Village Peace Council (a form for reporting is set out in **Schedule Three**)
- (4) The Village Peace Council shall provide the Village Peace Warden with a notice of appointment in the form set out in Schedule Four and shall display a copy of the notice in a prominent place in the Village.
- (5) The Village Peace Council may, at its own cost, provide the Village Peace Warden with an identification card or other means of identification.

- (6) When attending meetings or sittings of the Village Peace Council, the Village Peace Warden shall have the same status as an Associate.

7. Revocation of certification of Village Peace Councils, or removal of members

- (1) The Ward Council of Chiefs may;
- (a) Revoke the appointment of any Chief or other member of a Village Peace Council within its Ward, or any Village Peace Warden within its Ward, for any reason.
 - (b) Revoke the appointment of any associate to a Village Peace Council within its Ward, upon the recommendation of the women of the village (for Women's associate) or the youth of the village (for Youth's associate).
- (2) When a Ward Council of Chiefs revokes the appointment of any person, it must notify the person in writing and provide a copy of the notice to the Executive.
- (3) The Executive may, by Executive Order issued in the format in **Schedule Five**, revoke the certification of:
- (a) Any Village Peace Council in the Province;
 - (b) Any particular Chief or other member or associate of a Village Peace Council;
 - (c) Any Village Peace Warden.
- (4) The Executive may only exercise the authority to revoke certification after considering a report from:
- (a) The Provincial Police Commander, or any Police Officer for the time being supervising the Office of the Provincial Police Commander; and
 - (b) The Principal Magistrate, or any Magistrate for the time being supervising the Magistrate's Court in the Province; and
 - (c) The senior Legal Advisor or Officer to the Provincial Government.
- (5) Where the Executive revokes certification it shall provide a copy of the Order to the Village Peace Council concerned, the Ward Council of Chiefs for Ward, and the Police.

8. Appointment of further members, Associates, or Wardens

- (1) Certified Village Peace Councils may appoint replacement or further persons to a Village Peace Council, using the method of selecting nominees identified by the Village Peace Council in its application for certification.
- (2) Any such appointments must be notified to the Ward Council of Chiefs for the Ward.
- (3) No person whose appointment has been revoked, whether by the Ward Council of Chiefs or by Order of the Executive, may

be reappointed to a Village Peace Council unless the appointment is approved by resolution of the Executive.

PART III - JURISDICTION and OBLIGATIONS

9. Jurisdiction

- (1) Village Peace Councils may issue notices for infringement offences and collect the infringement fees for any infringement offence where the authority to do so is delegated in or under any Provincial Ordinance.
- (2) Notwithstanding anything to the contrary in any other Ordinance of the Province:
 - (a) Village Peace Councils shall not have Jurisdiction to address any offending that occurs, or is alleged to have occurred, outside the tribal lands of the village;
 - (b) Village Peace Councils shall not have jurisdiction to address any infringement or other offence for which a term of imprisonment may be imposed upon conviction;
 - (c) Village Peace Councils shall not have jurisdiction in any matter where the person alleged to have committed the offence is not indigenous to Solomon Islands;
 - (d) For the avoidance of doubt it is declared that a Village Peace Council is not a court and:
 - (i) Has no jurisdiction to conduct hearings or to finally determine any matter coming before it;
 - (ii) Has no jurisdiction to hear or determine any criminal matter.

10. Substituting a customary alternative for infringement fee

When a Village Peace Council substitutes a customary penalty for an infringement fee, in accordance with the provisions of the Penalties For Offences Ordinance, that customary penalty is not required to be of equal value to the infringement fee.

11. Limitation of jurisdiction

- (1) Where the Executive is satisfied that an area of land is in dispute and the matter has not been heard and determined by the relevant Chiefs in the customary manner the Executive may, by Order set out in the format in Schedule Six, prohibit a Village Peace Council from exercising any jurisdiction over offences occurring or alleged to have occurred within that land. Such Order shall be in addition to any land excluded in the certification of the Village Peace Council.
- (2) Where the Executive is satisfied that a Village Peace Council is failing to appropriately exercise jurisdiction in relation to any authority delegated to Village Peace Councils

- (3) Where the Executive prohibits a Village Peace Council from exercising any jurisdiction or authority it shall provide a copy of the Order to the Village Peace Council concerned, the Ward Council of Chiefs for the Ward, and the Police
- 12. Customary land disputes excluded**
The process for resolving customary land disputes is regulated under Solomon
- 13. Reporting of criminal matters**
A Village Peace Council must promptly report to the Police any crime that has occurred in its tribal lands or that it suspects has been committed in its tribal lands.
- 14. Reconciliations in criminal or civil matters**
Nothing in this Ordinance shall prevent a Village Peace Council from participating in reconciliations of civil or criminal matters in accordance with the Magistrates Courts Act [CAP 20] or its successors.

PART IV - MATTERS INVOLVING OTHER VILLAGE PEACE COUNCILS

- 15. Village Peace Councils to co-operate**
Where an infringement or other offence appears to have been committed within the tribal lands of a Village Peace Council, and the alleged offender is governed by another Village Peace Council:
- (a) In the case of an alleged criminal offence, report the matter to the Police;
 - (b) In Village Peace Council of the alleged offender will co-operate with that Village Peace Council in attempting to reconcile the matter.
- 16. Disputes between villages**
Where an infringement or other offence appears to have been committed within the tribal lands of a village Peace Council, and the alleged offender is governed by another Village Peace Council:
- (a) In the case of an alleged criminal offence, report the matter to the Provincial Government;
 - (b) The Village Peace Council of the alleged offender will co-operate with that Village Peace Council in attempting to reconcile the matter.
 - (c) In the case of a civil dispute, inform the parties that the matter can not be resolved by the Village Peace Councils and that the parties may apply to the Magistrates Court to have the matter heard.
- 17. Village Peace Councils may amalgamate or form co-operatives**
- (1) Any two or more villages, or established Village Peace Councils, may amalgamate by agreement for the better maintenance of peace within their respective tribal lands, and in such circumstances:

- (a) The amalgamated Village Peace Council shall for all the purposes of this Ordinance be treated as one Village Peace Council;
 - (b) The members of the amalgamated Village Peace Council shall jointly have jurisdiction over all the tribal lands of the Villages included in the amalgamation;
 - (c) The infringement fee (or customary alternative) for any offence shall be payable to the amalgamated Village Peace Council decides to apply its funds.
- (2) Any two or more Village Peace Council may form co-operatives by agreement, where they consider that for the better maintenance of peace within their respective tribal lands it is preferable that the Village Peace Council involved each determine matters affecting the other village and tribal lands and in such circumstances;
 - (a) The Village Peace Councils shall for all the purposes of this Ordinance remain separate Village Peace Councils;
 - (b) The Village Peace Councils will swap jurisdiction to determine the matters;
 - (c) The infringement fee (or customary alternative) for any offence shall remain payable to the Village Peace Council whose tribal lands the particular offence occurred on.
 - (3) Any Village Peace Councils who amalgamate or form co-operatives must, in writing, advise the Ward Council of Chiefs for their Ward and the Executive.

PART V - FINANCES

18. Finances of Village Peace Council

- (1) A Village Peace Council shall not charge any fee or payment for determining or reconciling any matter under this Ordinance.
- (2) Village Peace Councils may, in accordance with the Penalties For Offences Ordinance, Collect the infringement fees for any infringement notice it has properly issued and may retain those fees for funding and supporting their peace keeping activities.
- (3) Village Peace Councils may also use any goods or services provided by way of customary penalty (where the offender has consented to a customary alternative to the infringement fee) for funding and supporting their peace keeping activities.
- (4) Village Peace Councils have absolute discretion in relation to utilising the proceeds of the infringements they enforce, however they are required to appropriately support their Village Peace Wardens which may include:

- (a) Providing administrative resources for the Village Peace Warden to carry out his or her role; for example paper or photocopied forms, biros and so on;
- (b) Transportation;
- (c) Providing goods or services to make up for the Village Peace Warden's absences from tending his or her garden or private business affairs.

19. Prohibition on lending, borrowing or seeking other funding

- (1) No Village Peace Councils, may lend funds or provide any type of credit to any of its members or associates, or to any other person or organisation.
- (2) No Village Peace Council may borrow funds from any source, or seek to obtain any goods or services on credit.
- (3) No Village Peace Council may seek or solicit funding from any source other than those provided in this Ordinance or the Makira Ulawa Province Ward Development Authorities Ordinance 2006, unless the application for funding or other financial assistance is:
 - (a) Authorised by Order of the Executive;
 - (b) For one-off projects designed to help achieve the purposes of this Ordinance;
 - (c) Not for funding the ongoing peace-keeping and law enforcement functions of the Village Peace Council.

PART VI - MISCELLANEOUS

20. Executive may make Orders

The Executive may make Orders for all or any of the following objects:

- (a) Revoking the certification of any Village Peace Council, Chief or other member or associate, or Village Peace Warden, in accordance with **section 7**;
- (b) Limiting the jurisdiction of any Village Peace Council in accordance with **section 11**.

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS 31ST DAY OF MARCH 2006

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

Clerk to the Makira Ulawa Provincial Assembly

ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT

THIS TWENTY NINTH DAY OF MAY 2006

Minister for Provincial Government

188
SCHEDULE ONE
(Section 4)

MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCIL ORDINANCE 2006

**Application to Ward Council of Chiefs, of Ward, for
recommendation to the Premier for certification as Village Peace Council**

Village:Ward:

Tribal lands of the Village:

Identify any of the tribal lands that are currently disputed:

Chiefs nominated to be members of the Village Peace Council

.....

Nominated Associates: Women: Youth:

Nominated Village Peace Warden(s):

What skills does he / she / they have that will make them a good Village Peace Warden?

.....

.....

How were the people nominated chosen, and how will any replacements be chosen?

.....

.....

Does the Village community accept these nominations and the method used to choose them?

.....

Village Chief:
(name) (signature) (date)

Village Chief:
(name) (signature) (date)

The Ward Council of Chiefs has considered this applica-
tion and recommends to the Premier of Makira Ulawa Province that the application be:

- (c) Approved without amendment, or
- (d) Approved with the following amendments: or
- (e) Declined

For the following reasons:

For Council of Chiefs:
(name) (signature) (date)

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SCHEDULE TWO
(Section 4)

MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE
2006

CERTIFICATION OF VILLAGE
PEACE COUNCIL

(Village Peace Councils Certificate No of 20)

Under the powers conferred by Section 4 of the Makira Ulawa Province Village Peace Councils Ordinance 2006, the Premier of Makira Ulawa Province certifies the following -

- 1 **Certification to carry out peace keeping regime**
..... Village Peace Council, of Ward
is hereby certified to carry out the peace keeping regime provided in the Makira Ulawa Province Village Peace Councils Ordinance 2006 or its successors.

2. **Jurisdiction of Village Peace Council**
 - (a) The Village Peace Council specified in this Certificate has jurisdiction over the Village and all tribal lands the Chiefs of the Village exercise primary customary rights over except for the following land known as:
.....
.....
 - (b) If at any time it is determined by law that the Chiefs do not have primary rights over any land, the Village Peace Council will cease to have jurisdiction over that land.

- 3 **Revocation of Certification**

Makira Ulawa Provincial Executive reserves the right to make Orders;

 - (a) Revoking the certification of the Village Peace Council or any of its Chiefs, associates, or Wardens;
 - (b) Limiting the jurisdiction of any Village Peace Council, in relation to either the area of land it exercises jurisdiction over or the range of peace keeping activities it may carry out and receive funds for.

4 Revocation by Ward Council of Chiefs

The Ward Council of Chiefs for Ward retains the right to revoke the appointment of any Chief, Associate, or Warden of the Village Peace Council.

Certified on (date) by, Premier of Makira Ulawa Province (or Minister supervising the office of the Premier)

Witnessed by....., Provincial Minister for

Witnessed by, Provincial Secretary, Makira Ulawa Province

**SCHEDULE FOUR
(Section 6)**

MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006

Appointment of Village Peace Warden

..... Village Peace Council, of Ward

in Makira Ulawa Province appoints to be Village Peace Warden with authority to assist the Village Peace Council to keep the peace and enforce laws in the tribal lands of the Village Peace Council.

Village Chief:
(name) (signature) (date)

Village Chief:
(name) (signature) (date)

A copy of this notice shall be provided to the Village Peace Warden and a copy shall be displayed in a prominent place in the Village.

SCHEDULE FIVE
(Section 7 and 20)

MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006

..... **VILLAGE PEACE COUNCILS**
(REVOCATION OF CERTIFICATION) ORDER

(Village Peace Councils Order No of)

Under the powers conferred by **Sections 7 and 20** of the Makira Ulawa Province Village Peace Councils Ordinance 2006, the Makira Ulawa Provincial Executive issues the following Order -

1 Revocation of authority of Village Peace Council or members, associates, or Wardens

[delete options not relevant]

- (a) All authority delegated to Village Peace Council of Ward, under the Makira Ulawa Province Peace Ordinance 2006 or its successors, is hereby revoked.
- (b) All authority delegated to:
 - (i) Chief, of Village Peace Council;
 - (ii), Women's Associate for Village Peace Council;
 - (iii), Youth's Associate for Village Peace Council;
 - (iv), Village Peace Warden for Village Peace Council;

of Ward, under the Makira Ulawa Province Councils Ordinance 2006 or its successors, is hereby revoked and that person is no longer a member/Associate /Warden of the Village Peace Council.

2 Display of Order

The Village Peace Council named in this Order must display this Order in a prominent place in the Village for at least six months from the date of the Order.

[Insert the details for verification of enactment and display of Orders of the Executive, as required by the Makira Ulawa Province Executive Governing Rules]

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SCHEDULE SIX
(Section 11 and 20)

MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006

..... VILLAGE PEACE COUNCILS (LIMITATION
OF JURISDICTION OF VILLAGE PEACE COUNCIL) ORDER

(Village Peace Councils Order No of)

Under the powers conferred by Sections 11 and 20 of the Makira Ulawa Province Village Peace Councils Ordinance 2006, the Makira Ulawa Provincial Executive issues the following Order -

1 Limitation of jurisdiction of Village Peace Council

[delete options not relevant]

(a) The Village Peace Council of Ward is prohibited from exercising any of the authority delegated under the Makira Ulawa Province Village Peace Councils Ordinance 2006 or its successors, and/or the Makira Ulawa Province Ordinance in relation to the following area of land:

.....
.....

(b) The, Village Peace Council of Ward is prohibited from exercising the following authority delegated under the Makira Ulawa Province Village Peace Councils Ordinance 2006, and/or the Makira Ulawa Province Ordinance :

.....
.....

2 Display of Order

The Village Peace Council named in this Order must display this Order in a prominent place in the Village for at least six months from the date of the Order.

[Insert the details for verification of enactment and display of Orders of the Executive, as required by the Makira Ulawa Province Executive Governing Rules]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

and

**THE MAKIRA PROVINCE DEVOLUTION ORDER
(NO. 1 OF 1983)**

and

THE PUBLIC HOLIDAYS ACT [CAP 151]

**THE MAKIRA ULAWA PROVINCE
CHIEFS EMPOWERMENT DAY ORDINANCE 2006**

AN ORDINANCE to create a public holiday in Makira Ulawa Province to commemorate the empowerment of Chiefs' participation in community governance

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections

Section;

1. Title and Commencement
2. Public Holiday

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)
and
THE MAKIRA PROVINCE DEVOLUTION ORDER
(NO. 1 OF 1983)
and
THE PUBLIC HOLIDAYS ACT [CAP 151]**

**THE MAKIRA ULAWA PROVINCE
CHIEFS EMPOWERMENT DAY ORDINANCE 2006**

WHEREAS: When Solomon Islands gained its independence in 1978 a promise was made in section 114 of the Constitution of Solomon Islands that provision would be made for the role of traditional Chiefs in the Provinces. The Constitution also promised to make provision for customary law. However since independence very little has been done to fulfil those promises to maintain and uphold the chiefly and customary systems traditional to Solomon Islands.

Initial attempts were made by providing for the role of Chiefs in Area Councils, and the role of customary laws in Local Courts. For various reasons those institutions are no longer operating nationally and no alternatives have been provided. As a result Chiefs have been denied both their traditional rights and their constitutional rights, and the people of Solomon Islands have been deprived of the benefit of much of their customary heritage and traditional leadership.

Even though the national government has not successfully fulfilled its constitutional obligations Makira Ulawa Province has devised a sustainable program within the current constitution and legislative framework that are-empowers Chiefs, devolves governance (including development and law enforcement) to the community, and integrates customary laws and practices.

Because such measures are long overdue Makira Ulawa Province has decided to mark the occasion with an annual public holiday to commemorate this first significant step in reclaiming both the traditional rights and the constitutional rights of the Chiefs of the Province and their people, and also as a reminder of how such rights can be progressively diminished until they no longer exist (with the resulting deterioration of the community social structure) unless those rights are proactively protected and exercised in a sustainable manner.

The date chosen for the commemoration holiday is the day on which the people of Makira Ulawa Province exercised their will, through their Provincial Assembly, to enact the first Ordinance of a Comprehensive series of new laws designed to implement the Province's community governance strengthening program: the day on which the Makira Ulawa Province Councils of Chiefs Ordinance 2006 passed its third reading in the Provincial Assembly.

NOW THEREFORE under the powers conferred by Section 30 of the Provincial Government Act 1997, Order 5 of the Makira Province Devolution Order 1983, and Section 6 of the Public Holidays Act [CAP 151] the Makira Ulawa Provincial Assembly makes the following Ordinance -

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Chiefs Empowerment Day Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Public holiday

The 30th day of March in every year shall, for the purpose of the Public Holidays Act [CAP 151] or its successors, be a public holiday in all public offices in the Province to commemorate the empowerment of Chiefs' participation in community governance.

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS 30TH DAY OF MARCH 2006

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

Clerk to the Makira Ulawa Provincial Assembly

ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT

THIS TWENTY NINTH DAY OF MAY 2006

Minister for Provincial Government