



# SOLOMON ISLANDS GAZETTE

NO. 20

Tuesday 17<sup>th</sup> April,

2012

## EXTRAORDINARY GAZETTE

[79]

### STATEOWNED ENTERPRISES ACT 2007

#### APPOINTMENT OF DEPUTY CHAIRMAN FOR SOLOMON AIRLINES LIMITED BOARD

IN exercise of the power conferred by section 6(2) of the SOE Act (2007), I **Rick N Houenipwela**, Minister for Finance and Treasury and the sole Accountable Minister for Solomon Airlines Limited hereby appoints:

#### **DENTON RARAWA**

to be a Deputy Chairman of Solomon Airlines Limited Board for a period of one (1) year effective from 26th March 2012.

Dated at Honiara this twentieth-sixth day of March, 2012.

HON. RICK NELSON HOUENIPWELA  
Minister for Finance and Treasury

[80]

**TRADE DISPUTES ACT, 1981****APPOINTMENT OF MEMBER TO THE TRADE DISPUTES PANEL**

IN exercise of the powers conferred upon me by section 2(3) of the Trade Disputes Act 1981, I, **HONOURABLE ELIJAH DORO MUALA**, Minister of Commerce, Industries, Labour and Immigrations do hereby appoint:-

**JACQUELINE R. TURANGA**

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

Dated at Honiara this eighth day of March, 2012.

HON. ELIJAH DORO MUALA  
Minister for Commerce, Industries, Labour and Immigrations

[81]

**SOLOMON ISLANDS INDEPENDENCE ORDER 1978**  
(LN No.43 of 1978)

**OATH OF ALLEGIANCE**

I, **SIR ALLAN KEMAKEZA, KBE**, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and successors, according to law. [So help me God].

Sworn at Honiara this tenth day of April, 2012.

**SIR ALLAN KEMAKEZA, KBE**

Sworn before me at Honiara this tenth day of April, 2012.

**SIR JUSTICE ALBERT R PALMER, CBE**  
CHIEF JUSTICE

[82]

SOLOMON ISLANDS INDEPENDENCE ORDER 1978  
(LN No. 43 of 1978)

OATH OF THE DUE EXECUTION OF THE OFFICE OF  
GOVERNOR-GENERAL

I, **SIR ALLAN KEMAKEZA, KBE**, do swear that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and successors in the Office of the Governor-General of Solomon Islands. [So help me God].

Sworn at Honiara this tenth day of April, 2012.

**SIR ALLAN KEMAKEZA, KBE**

Sworn before me at Honiara this tenth day of April, 2012.

**SIR JUSTICE ALBERT R PALMER, CBE**  
**CHIEF JUSTICE**

---

[83]

**STATEOWNED ENTERPRISES ACT 2007**

**APPOINTMENT OF NEW DIRECTORS FOR SOLOMON ISLANDS  
PORTS AUTHORITY BOARD**

**IN** exercise of the power conferred by section 6(2) of the SOE Act (2007), I, **RICK NELSON HOUENIPWELA**, Minister for Finance and Treasury and I, **SETH GUKUNA**, Minister for Infrastructure Development and the Accountable Minister for Solomon Islands Ports Authority do hereby appoint:

**NOLLEN LENI** as Chairman and

**MOSES VIRIVOLOMO**

to be Director of Solomon Islands Ports Authority Board for a period of three (3) years effective from 1st April 2012.

Dated at Honiara this twentieth day of March, 2012.

**HON. RICK HOUENIPWEAL, MP**  
Minister for Finance and  
Treasury

**HON. SETH GUKUNA, MP**  
Minister for Infrastructure  
Development

---

[84]

**STATEOWNED ENTERPRISES ACT 2007**

**APPOINTMENT OF NEW DIRECTORS FOR SOLOMON ISLANDS  
PORTS AUTHORITY BOARD**

IN exercise of the power conferred by section 6(2) of the SOE Act (2007), I,  
**RICK NELSON HOUENIPWELA**, Minister for Finance and Treasury and I,  
**SETH GUKUNA**, Minister for Infrastructure Development and the Accountable  
Minister for Solomon Islands Ports Authority do hereby appoint:

**JANE MUGAFALU WAETARA** as Deputy Chairlady, and

**KENNETH JOHN GROSSMITH**

to be Director of Solomon Islands Ports Authority Board for a period of two (2)  
years effective from 1st April 2012, thus, the appointments of:-

**JUSTICE DENI  
MAMU PAZA  
ANDREW MAOMIASI  
EDMUND GAGAHE**

to be Directors of Solomon Islands Ports Authority Board are hereby revoked  
effective from 1st April, 2012.

Dated at Honiara this twentieth day of March, 2012.

**HON. RICK HOUENIPWELA, MP**  
Minister for Finance and  
Treasury

**HON. SETH GUKUNA, MP**  
Minister for Infrastructure  
Development

---

**STATEOWNED ENTERPRISES ACT 2007**

**APPOINTMENT OF NEW DIRECTORS FOR SOLOMON ISLANDS  
PORTS AUTHORITY BOARD**

IN exercise of the power conferred by section 6(2) of the SOE Act (2007), **I, RICK NELSON HOUENIPWELA**, Minister for Finance and Treasury and **I, SETH GUKUNA**, Minister for Infrastructure Development and the Accountable Minister for Solomon Islands Ports Authority do hereby appoint:

**PASCAL PALMER OHO'AU**

to be Director of Solomon Islands Ports Authority Board for a period of one (1) years effective from 1st April 2012.

Dated at Honiara this twentieth day of March, 2012.

**HON. RICK HOUENIPWELA, MP**  
Minister for Finance and  
Treasury

**HON. SETH GUKUNA, MP**  
Minister for Infrastructure  
Development

---

[86]

**THE SOLOMON ISLANDS NATIONAL PROVIDENT FUND ACT  
(CAP. 109)**

**APPOINTMENT OF OTHER MEMBERS OF SOLOMON ISLANDS  
NATIONAL PROVIDENT FUND BOARD**

IN exercise of the powers conferred by section 3 of the Solomon Islands National Provident Fund Act, I, **RICK NELSON HOUENIPWELA**, Minister of Finance and Treasury, do hereby appoint:-

**BAORO KORAU**

to be a member of the Solomon Islands National Provident Fund Board for a term of three (3) years with effect from 7th March, 2012 and further appoint him to be Chairman of the Solomon Islands National Provident Fund Board with effect from 30th March 2012 for a period of three (3) years to the expiry date of his tenure as member to the Solomon Islands National Provident Fund Board in place of:

**AUSTIN HOLMES**

Whose appointment is hereby revoked effective from 27th February, 2012.

Dated at Honiara this fourth day of April, 2012.

**HON. RICK NELSON HOUENIPWELA**  
Minister of Finance and Treasury

---

**SOLOMON ISLANDS**

**THE OATHS ACT  
(CAP. 23)**

**CANCELLATION OF APPOINTMENT**

**IN EXERCISE** of the powers conferred by Sub-Section (1) of section 3 of the Oaths Act, I hereby revoke the appointment as Commissioner for Oaths dated 11th day of April 1995 of:

**ALLEN MA'ARIA**

Dated at Honiara this thirteenth day of February, 2012.

**HON. SIR JUSTICE ALBERT ROCKY PALMER, CBE  
CHIEF JUSTICE**

---

[88]

**SOLOMON ISLANDS****THE OATHS ACT  
(CAP. 23)****COMMISSION**

**BY, SIR ALBERT ROCKY PALMER CBE** Chief Justice of the High Court of Solomon Islands at Honiara in Solomon Islands.

**TO: PASCAL PALMER OHO'AU**

**IN EXERCISE** of the powers conferred upon me by Sub-Section (1) of section 3 of the Oaths Act, I hereby appoint you Pascal Palmer Oho'au to be Commissioner for Oaths for the Solomon Islands for a period of two years with effect from 16th day of March 2012.

Given under my hand and seal of the High Court of Solomon Islands at Honiara in Solomon Islands this 16th day of March 2012.

**HON. JUSTICE SIR ALBERT ROCKY PALMER, CBE  
CHIEF JUSTICE**

---

[89]

**SOLOMON ISLANDS**

**THE OATHS ACT  
(CAP. 23)**

**COMMISSION**

**BY, SIR ALBERT ROCKY PALMER CBE** Chief Justice of the High Court of Solomon Islands at Honiara in Solomon Islands.

**TO: JOHNLEY HATIMOANA**

**IN EXERCISE** of the powers conferred upon me by Sub-Section (1) of section 3 of the Oaths Act, I hereby appoint you **Johnley Hatimoana** to be Commissioner for Oaths for the Solomon Islands for a period of two years with effect from 16th day of March 2012.

Given under my hand and seal of the High Court of Solomon Islands at Honiara in Solomon Islands this 16th day of March 2012.

**HON. JUSTICE SIR ALBERT ROCKY PALMER, CBE  
CHIEF JUSTICE**

---

[90]

**LOCAL COURTS ACT  
(CAP. 19)**

**APPOINTMENT OF MEMBERS  
TO THE MAKIRA LOCAL COURT**

**IN EXERCISE** of the powers conferred upon me by Section 3 of the Local Courts Act (Cap. 19), I hereby appoint:-

**ALICK WA'APA  
MICHAEL WAO  
THEO SUTENIA  
EDWARD HAGASUA  
GOLDEN GIZA  
CHARLES FOX TAUTAUMAE  
NEMESIO MIGIOGA  
ROBERT TAWEA  
HENRY HIO TARO  
CHARLES F KUARANGI  
ARMSTRONG KEKE  
ALFRED R MANANGA  
ANDREW TEMAE  
JOB CHARLES BENI  
WALTER MASURA'A  
BARTHOLOMEW MAE (Jnr)  
SAMSON HEKO  
JOHN HAGAMAE  
NICK ARNOLD SURONGO  
VINCENT RIKI  
FRED RIITAU  
ANISETO GIRO  
MODESTO KISIA MATARE  
MARGARET MAO KARITO  
RACHEL AGOSI**

as members of the Makira Local Court with effect from 1st day of August 2011.

Dated at Honiara this ninth day of August, 2011.

**SIR ALBERT R PALMER Kt, CBE  
CHIEF JUSTICE**

---

[91]

**LOCAL COURTS ACT  
(CAP. 19)**

**APPOINTMENT OF MEMBERS  
TO THE UGI ULAWA LOCAL COURT**

IN EXERCISE of the powers conferred upon me by Section 3 of the Local Courts Act (Cap. 19), I hereby appoint:-

**JOHN PALM HAUNUNUMANIA  
ALLAN SAUTEHI  
JAMES TOHUTOLO  
NELSON NAWAMA  
CHARLES URANGA'I  
HUBERT MONO  
DAVID HO'ASI  
DONALD MUTI SAU  
ALFRED PETER WAITASU**

as members of the Makira Local Court with effect from 1st day of August 2011.

Dated at Honiara this ninth day of August, 2011.

**SIR ALBERT R PALMER Kt, CBE  
CHIEF JUSTICE**

---

[92]

**LAND AND TITLES ACT  
(CAP. 133)**

**APPOINTMENT TO THE EASTERN INNER ISLANDS CUSTOMARY  
LAND APPEAL COURT**

IN EXERCISE of the powers conferred on me by Section 255 of the Land and Titles Act, (Cap. 133), I hereby appoint:-

**LYNETTE TARO  
GAD HAGASURAMO  
SILAS SARU FAGATEA  
EDMUND MEHARE  
ESTON WETARA  
VINCENT HAGAWUSIA  
STANLEY WAISI  
DAVID WAGURU**

to be members of the Eastern Inner Islands Customary Land Appeal Court with effect from 1st day of August 2011.

Dated at Honiara this ninth day of August, 2011.

**SIR ALBERT R PALMER Kt, CBE  
CHIEF JUSTICE**

---

[93]

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

**MALAITA CHAZON DEVELOPMENT AUTHORITY  
ORDINANCE 2012**

**AN ORDINANCE** to establish a Public Authority to be known as the Malaita Chazon Development Authority, to provide for its incorporation, functions and powers and for matters related therewith and also repeal the Malaita Development Authority Ordinance 1987 and matters related thereto.

**ENACTED** by the Provincial Assembly of Malaita Province with the assent of the Minister –

ARRANGEMENT OF SECTIONS

SECTION      PART 1 - PRELIMINARY

1.      Short title and commencement
2.      Interpretation

PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE  
AUTHORITY

3.      Establishmentn of the Authority
4.      Functions of the Authority
5.      Powers of the Authority
6.      Additional functions
7.      Matters of policy

PART 3 - FINANCE

8.      Funds to be established
9.      Sources of funds of the Authority
10.     Borrowing powers
11.     Guarantees
12.     Lending powers
13.     Powers of investment
14.     Application of funds

**PART 4 - MISCELLANEOUS**

16. Indemnify
17. Regulations

Schedule 1 - Areas of Investment

Schedule 2 - The Members of the Authority

**PART 1 – PRELIMINARY**

Short title and  
commencement

1. This Ordinance may be cited as the Malaita Chazon Development Authority Ordinance 2012 and shall come into force on the date of Publication in the *Gazette*.

Interpretation

2. In this Ordinance, unless the context requires otherwise –

“area of investment” means any of the investment listed in Schedule 1 including any amendments from time to time;

“Assembly” means the Malaita Provincial Assembly;

“Authority” means the Malaita Chazon Development Authority established under this Ordinance;

“enterprise” means any activity, business or undertaking carried on by a person, public or private, profit, or non profit, for himself or as agent or trustee of another, affecting the economic development of the Province;

“limited liability enterprise” means an enterprise that is a company registered under the Companies Act or a society with limited liability registered under the Cooperative Societies Act;

“Executive” means the Malaita Provincial Executive;

“Financial interest” means owning equity share capital in any enterprise;

“financial year” means the twelve (12) months ending 31 March;

“General Manager” means the General Manager of the Authority appointed under paragraph 5 of Schedule 2;

“member” means a member of the Authority appointed under paragraph 1 of Schedule 2;

“Province” means Malaita Province;

“subsidiary” means any enterprise in which the Authority either is a member and controls the composition of the board of directors or holds more than half of the equity share capital, as more particularly define in Section 148 of the Companies Act;

**PART 2 – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUTHORITY**

Establishment of Authority

3. (1) There is hereby established an Authority to be known as the Malaita Chazon Development Authority which shall be a body corporate under that name with perpetual succession and a common seal; which may in such name, sue or be sued, may enter into contract and, subject to the provisions of this Ordinance may acquire, purchase, take, hold and enjoy real and personal property to every description and may convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of, or deal with, real or personal property and may do all other things necessary for or incidental to its functions under this Ordinance.

(2) The members of the Authority shall be responsible for the policy and management of the Authority in accordance with the provisions of this Ordinance.

(3) Schedule 2 shall govern the constitution and proceedings of the Authority, including the appointment and remuneration and other matters concerning the Authority and its members.

4. (1) For purposes of furthering economic development, expanding or improving local agriculture, commerce and industry and improving the quality of life of the people of the Province, the functions of the Authority shall be –

Functions c  
Authority

- (a) to provide financing to persons carrying on or proposing to carry on within the Province any limited liability enterprise by investing in the share capital of such enterprise;
- (b) to establish and carry on within the Province jointly with any other person any limited liability enterprise by investing in the share capital of such enterprise;
- (c) To participate in the management, control and operation of any enterprise in which the Authority has a financial interest;
- (d) To provide goods and services within the Province by establishing and carrying on any limited liability enterprise;
- (e) To initiate, invite and include investments and to seek and accept grants, donations, appropriations and any other form of assistance, financial or otherwise, from any source;
- (f) To cause to be recorder, surveyed and registered any alienated and custom and land within the Province and to acquire leaseholds in such land for the purpose of facilitating negotiations with investors for the economic development of such lands;
- (g) To make such grants and loans, provide such guarantees and secure other credit facilities on such conditions as may be approved by the Executive to persons carrying on any enterprise in which the Authority has a financial interest;

- (h) To undertake studies, surveys, investigations and research into any matter affecting any existing or proposed enterprise within the Province; or
- (i) To provide advisory and consulting services to persons engaged in enterprises within the Province;

(2) The functions of the Authority listed in subsection (1) shall be limited to the areas of investment listed in Schedule 1.

(3) In exercising its function, the Authority shall take all reasonable steps necessary to protect the interests of customary landowners including, but not limited to, assisting them in negotiations with investors.

Powers of  
Authority

5. (1) For purpose of performing its functions under this Ordinance, the Authority may –

- (a) appoint such employees and agents as its reasonably requires, upon such terms and conditions and on such remuneration as it thinks fit;
- (b) with the consent of the Executive, contribute to any scheme of pensions, gratuities and retiring allowances for its employees;
- (c) act as agent or trustee for persons desiring to invest money or other property in any enterprise within the Province;
- (d) charge fees for services performed by the Authority;
- (e) with the consent fo the Executive, form bodies corporate; or
- (f) appoint members to the boards of companies, societies and other undertakings.

(2) The powers of the Authority listed in subsection (1) shall be limited to the areas of investment listed in Schedule 1.

6. (1) The Executive may, after consultation with the Authority, by order published in the *Gazette*, require the Authority to exercise such functions and powers not listed in sections 4 and 5 as may be specified in the order, and the Authority shall comply with the order. Additional  
function

(2) The Executive may, after consultation with the Authority, by order published in the *Gazette*, amend Schedule 1.

7. (1) In exercising its functions the Authority shall consider the objectives and policies set forth in any national or provincial development plan. Matters of pc

(2) The Authority shall provide the Executive with such information relating to its activities or proposed activities as the Executive may from time to time require.

### PART 3 - FINANCE

8. (1) The Authority shall establish – Funds to be  
established

(a) a general fund; or

(b) any special funds for any function, investment or enterprise authorized by this Ordinance.

(2) The funds established under subsection (1) shall be kept in a separate account.

(3) Monies from a fund established under this section shall not be used for any purpose except that for which the fund was established.

Sources of  
funds

9. The funds of the Authority shall consist of –

- (a) monies transferred to the Authority from any funds of the Province or National Government;
- (b) income earned from any investment or enterprise;
- (c) monies received by or falling due to the Authority in respect of any loan or guarantee made by it or the interest payable in respect of such loan or guarantee; or
- (d) any others monies from any source invested in, grant, donation or loaned to or otherwise earned by the Authority.

Borrowing  
powers

10. (1) Subject to subsection (2), the Authority or any subsidiary of the Authority may borrow for itself or for any enterprise in which it has a financial interest.

- (a) by way of temporary loan or overdraft such sum as required to meet the recurrent expenditures; or
- (b) such sum as required to –
  - (i) perform its functions under this ordinance, and
  - (ii) provide for capital expenditures.

(2) the aggregate of sums borrowed under subsection (1) shall not exceed such sum as may be fixed by order of the Executive.

11. (1) The Authority may, with the approval of the Executive, <sup>Guarant</sup> guarantee as it thinks fit the repayment of the principle, interest and other charges on any loan raised by any person other than a member, officer, or employee of the Authority of a Provincial Assembly member or officer of the Government or Province for the purpose of carrying on any enterprise in which the Authority has a financial interest.

12. (1) (a) The Authority may, with the approval of the Executive, lend money on such terms and conditions as it thinks fit to any enterprise for the purpose of carrying on that enterprise in which the Authority has an interest. <sup>Lending  
ers</sup>

(b) The Authority may in no circumstances or on any terms lend money to Provincial Assembly Members or Officer of the Provincial or National Government.

(2) The aggregates of –

(a) the amount of principle and interest outstanding on any loan made by the Authority; and

(b) sums the repayment of which have been guaranteed under Section 11, shall not exceed such sum as may be fixed by order of the Executive.

13. (1) Subject to subsection (2) the Authority may invest the <sup>Investment  
powers</sup> funds as its disposal in such manner and under such terms and conditions as it thinks fit but only inside Solomon Islands.

(2) Any proposed investment over the sum of \$10,000 or whereby the Authority or any of its subsidiaries shall acquire more than 49 percent of the equity share capital of a body corporate shall require the consent of the Executive.

(3) Subsection (2) shall not restrict the power to form subsidiaries or other bodiess corporate under section 5(1)(e).

Application of  
funds

14. (1) The Authority shall apply the funds at its disposal or such part of its funds as it thinks fit –

- (a) in the exercise of its functions, and
- (b) to the payment of the remuneration, allowances and salaries of its members, officers, employees and agents.

(2) At least 25 percent of the annual net profit of the Authority, as determined by the audit prescribed in section 15, shall be put in a reserve fund to be used for the functions of the Authority.

(3) Any remaining annual net profit may be paid into the Provincial Fund or put in the reserve fund as may be determined by the Executive after consultation with the Authority.

Annual account  
report

15. (1) The Authority shall keep proper books of accounts in which shall be true and full audit and accounts of all its affairs and transactions.

(2) The books of account shall be kept at the office of the Authority or at such other places as the members may think fit and shall at all times be open to inspection by the members.

(3) (a) The Authority shall prepare and submit to the Executive within three month after the end financial year a report on the Authority together with detailed profit and loss account showing classifications of revenue and expenditure, a balance-sheet and such other statements of account as the Executive may require.

- (b) The annual report and all statements of account shall be signed by the Chairman and counter signed by the General Manager.

(4) The Premier shall sign the annual report and statements of account on behalf of the Executive and transmit them to the Auditor General within nine months after the end of the financial year.

(5) (a) The Auditor General shall audit, certify and report on the annual report and statements of account and shall lay copies of them before the Assembly together with his own report.

(b) The Auditor General or any other persons appointed by him to audit the accounts of the Authority may during the time of the audit –

(i) summon any member, officer, employee or agent of the Authority to give such information as is necessary for the performance of the audit; and

(ii) require production of any records, books, accounts, vouchers and other documents of the Authority as is necessary for the performance of the audit.

(6) (a) The Assembly shall refer the annual report, statements of accounts and Auditor General's report to the Provincial Accounts Committee which shall review them in accordance with Part IX of the Malaita Province Financial Management Ordinance 1983.

(b) In reviewing such accounts and report the Provincial Accounts Committee shall have the same powers as the Auditor General as stated in paragraph (b) of subsection (4).

(7) If any member of the Authority willfully fails to take all reasonable steps to secure compliance with this section he shall be guilty of an offence and liable on conviction to a fine of \$100 payable to the Provincial Fund.

Indemnity

Indemnity

16. Every member, officers, employee or agent of the Authority shall be indemnified out of the assets of the Authority against any expenses incurred by him.

- (a) in defending any proceedings, civil or criminal, in which judgment is given in his favour or he is acquitted or he is granted relief by the court from liability because he has acted honestly, reasonably and within the scope of his authority; and
- (b) in applying to a court for relief when he believes a claim will be brought against him and he is granted relief as under paragraph (a).

Power to make regulations

17. (1) The Authority may, with the consent of the Executive make regulations for the conduct of its functions.

(2) Members of the Executive, their spouses and children are prohibited from holding any financial interest direct or indirect in any investments, loans, projects, business pursuits, enterprises or transactions in which the Authority is involved or has an interest, should it be discovered that an Executive Member his spouse or children hold a prohibited interest any transactions establishing that interest between the Executive Member, his wife or children, and the Authority, shall be null and void.

Repeal /  
Transitional  
provision

18. (1) Notwithstanding such repeal from and after the commencement of this Ordinance –

- (a) All staff or employees under the repealed Authority shall continue and deem employees of the Authority established under this Ordinance.

- (b) All property movable and immovable, owned by the Authority immediately prior to that day shall vest in the Authority with further assurance, and the Authority shall have all powers necessary to take possession, recover and deal with such property;
- (c) All rights, powers, privileges and interests arising in or out of such property shall be vested in the Authority and liabilities subsisting on that date shall be deemed to be liabilities of the Authority;
- (d) All contracts and agreements entered into for the purpose of the Authority and subsisting on that day may be deemed to be contracts and agreements entered into by the Authority.
- (e) All actions or proceedings instituted by or against the Authority pending on that day may be deemed to be actions and proceedings instituted by or against the Authority;
- (f) Every ordinance or orders made under the repealed Ordinance as is in force on that day of coming into operation of this section, insofar as such application is not inconsistent with the provisions of this Ordinance shall be deemed to be ordinance or orders made under this Ordinance and may be amended or rescinded by orders under this Ordinance with the approval by the Executive.

**Schedule 1**  
**Areas of Investment**

ITEMS	DESCRIPTIONS
1	Shipping
2	Ship Building
3	Ship repairs and maintenance
4	Butcheries and fish markets
5	Ground and Air Transport
6	Motor repair
7	Construction
8	Real Estate Development
9	Agriculture and livestock
10	Timber-logging, milling, reforestation
11	Rural markets
12	Wholesaling and retailing of goods
13	Resthouse, restaurant and snack bar
14	Financial institution
15	Manufacturing and processing
16	Commodities Export
17	Tourism, Entertainment
18	Tourism, Entertainment and Recreational facilities
19	Marine Resources
20	Mineral Resources
21	Banking Agencies
22	Stevedoring

**Schedule 2****(Section 3)****The members of the Authority**

1. The Authority shall consist of the following members –
  - (a) Five (5) voting members, all of whom have experience in commerce, industry, agriculture, finance or administration, provided that no voting member shall hold elected office in an Area Council, the Assembly or Parliament, nor shall he be a public officer or provincial government officer as defined in the Constitution.
  - (b) Up to five voting members appointed by the Executive to represent regions on Malaita in which the Authority carries on investment activities.
  - (c) Three (3) ex-officio members as follows –
    - (i) the Provincial Secretary or other public officer or provincial government officer nominated by him;
    - (ii) The General Manager appointed pursuant to paragraph 5 of this Schedule;
    - (iii) The Premier or other Executive member nominated by him;
    - (iv) For the purpose of obtaining advice on any particular matter, any person co-opt by the Authority to be a member for such meetings as are required and while so co-opted the person shall have all the rights, duties, remuneration and powers of an ex-officio member.
2. (1) The voting members shall be appointed by the Executive by notice published in the *Gazette* on such terms and conditions as may be specified in their respective letters of appointment for terms of not more than three (3) years and may be re-appointed at the end of each term.

- (2) A voting member may at any time by written notice to the Executive resign his office.
3. (1) The members shall be entitled to such remuneration in respect of their service provided and to be determined by the Authority with the approval of the Executive.
- (2) The members shall be entitled to reimbursement for all reasonable travelling, accommodation and other expenses properly incurred by them in attending Authority meetings or in connection with the business of the Authority.
- (3) Remuneration and expenses payable under this section shall be paid out of the funds of the Authority.
4. (1) Subject to sub-paragraph (2), a voting member may be removed from office if such person –
- (a) becomes bankrupt or suspends payment to his creditors;
  - (b) absent from two consecutive Authority meetings without permission of the person presiding;
  - (c) becomes of unsound mind;
  - (d) misconduct in office or abuse of authority; or
  - (e) commits a felony.
- (2) No member shall be removed from office unless –
- (a) An impartial and independent person appointed by the Executive enquires into the allegation of bankruptcy, absence, unsound mind, misconduct, abuse or commits a felony; and
  - (b) The member concerned has an opportunity to defend himself at such enquiry; and
  - (c) The person holding the enquiry recommends removal of the member.
  - (d) Such person is subject to automatic removal under section 12.

5. (1) The Authority shall, with the approval of the Executive appoint a General Manager for such term, at such remuneration and such conditions as they may think fit, who shall have responsibility for the day to day management of the Authority, subject to the general or specific directions of the Authority, and who shall act as Secretary to the Authority.  
  
(2) When by death, removal, resignation or otherwise the office of General Manager is vacant, the Authority may appoint an acting General Manager until such vacancy is filled by regular appointment.
6. (1) Each member shall appoint a person, subject to the approval of the Executive, to act as his alternate during times the member is unable by reason of illness or otherwise to perform the duties of his office.  
  
(2) During such periods of incapacity the alternate shall have all the rights, duties, remuneration and power of the member he is replacing to the exclusion of that member.  
  
(3) A member may revoke the appointment of his alternate at anytime and if the member should cease to be a member then the alternate appointed shall cease to be an alternate.
7. (1) The Authority shall appoint from amongst its members a Chairman and Deputy Chairman of the Authority.  
  
(2) The Chairman shall preside at meetings of the Authority and his absence the Deputy Chairman shall preside.  
  
(3) If neither Chairman nor Deputy Chairman are present, the members present shall appoint one of their numbers to preside at that meeting who shall for that meeting have all the powers of the Chairman.
8. (1) A majority of the voting members and the Chairman, Deputy Chairman, or General Manager shall constitute a quorum.  
  
(2) All acts or decisions of the Authority shall be determined by a majority of the votes of the members present at any meeting and in the event of an equality of votes the person presiding shall have a casting vote in addition to his deliberate vote, if any.

(3) The members shall meet at such times and places as shall be determined by the Chairman and the General Manager but not less often than once every three months.

(4) The Authority may make Standing Orders for the conduct of its business not inconsistent with this Ordinance.

9. Subject to the presence of a quorum, the validity of any proceedings of the Authority shall not be affected by any vacancy among the members of defect or irregularity in the appointment of any member.
10. The common seal of the Authority shall be kept in the custody of a person authorized by the Authority and shall be affixed to a document only in the presence and with the authenticating.
- (a) Signature of the Chairman, Deputy Chairman or some other member authorized for that purpose by the Authority, either generally or specially; and
  - (b) Countersignature of the General Manager / Secretary or some other office, servant or agent of the Authority authorized for that purpose by the Authority, either generally or specially.
11. The Executive shall satisfy itself by due enquiry before appointing a person to be a member or General Manager that such person, his spouse and children have no financial or other interest direct or indirect in any investments, loans, projects, business pursuits, enterprises or transactions in which the Authority is involved or has an interest other than his duties and functions as a member or General Manager.
12. Should it be discovered by the Executive at any time that a member or the General Manager or their spouses and children have a direct or indirect interest in any investments, loans, projects, business pursuits, enterprises or transactions in which the Authority is involved or has an interest other than his duties and functions as a member or General Manager, that member or General Manager shall be immediately relieved of his position at the Authority by the Executive and any transaction establishing that interest shall be null and void.

Passed by the Malaita Provincial Assembly this twentieth-third day of August,  
2012.

MATHEW MAEFAI  
Clerk to Assembly

With the Assent of the Minister this ..... day of ..... 2012.

HON. SILAS TAUSINGA  
Minister for Provincial Government and Institutional Strengthening

[94]

**THE MALAITA DEVELOPMENT AUTHORITY**  
**Standing Orders**

(Made under Section 8 (4) of Schedule 2 of the Malaita Development Ordinance 1987).

Interpretation

1. The definitions in the Interpretation clause contained in the Malaita Development Ordinance 1987 shall apply to these Standing Orders.

Corporate records

2. (i) The Corporate Records of the Authority, including, the Seal, Minute Book, Resolution Book, Securities and Assets Registers, Land Titles and other related documents shall be maintained by the General Manager who shall also be responsible to the Board for their safe custody.

(ii) The General Manager shall also be responsible to the Board for safe custody of all Books of Account.

Board papers

3. Board Meeting Papers, including Notice of Meeting, Minutes of previous Meeting and the current Agenda with supporting documents shall be sent to all Board members by the General Manager not less than seven days prior to the next meeting.

Agenda

4. Any member wishing to place a matter for discussion at a Board meeting must intimate this in writing to the General Manager at least ten days prior to the date of the meeting. The Agenda shall be approved by the Chairman before it is sent out to Members.

Withdrawal of subject

5. A member prior to discussion of a subject he has placed on the Agenda may with the consent of the Chairman withdraw it from the Agenda. Once discussion has begun on a subject it shall only be withdrawn from further discussion by the majority vote of members present and agreeing to that proposal.

Order of business

6. The Order of Business at Board Meetings shall be as follows –

(1) Opening prayer

(2) Minutes of the previous meeting

- (3) Any Statement by Chairman
- (4) Matters arising from previous Meeting
- (5) Items held over for discussion from previous meeting
- (6) New items for discussion
- (7) Any other Business
- (8) Use of Seal
- (9) Date of next meeting

It shall be open to the Chairman to alter the normal order of business where it appears to him to be in the best interest for the conduct of the meeting to do so.

7. (i) Ordinary meetings of the Board shall normally be held <sup>Conduct of meetings</sup> bi-monthly or monthly if business demands on a date and place agreed at the earlier meeting.

- (ii) The Chairman, Deputy Chairman or a person so appointed for a particular meeting shall preside. He shall ensure that all members who wish to contribute to a discussion are allowed to do so, and that prior to any vote on the matter being taken.
- (iii) The Chairman shall have power to suspend discussion temporarily on any subject during a meeting to enable members to reflect on their position.
- (iv) All acts and decision of the Authority shall be determined by a majority of the votes of the members present at any meeting. Voting initially shall be by acclamation "Aye" in favour and "No" against. In the event of uncertainty any member may call on the Chairman for a count and each member shall then indicate his vote for or against with the person presiding having a casting vote, as well in addition to his deliberative vote, if any –

Committee and  
Board

8. It shall be competent for the Board to appoint adhoc Committees to examine in detail any particular proposal. Each Committee shall appoint from its number a chairman and it shall work in accordance with the remit and within the time limit given to it by the Board. It shall be open to any member or members of a Committee to present a minority report to the Board.

Alternate  
member

9. Alternate members may attend any Board Meeting as observers when their Principal is also present. They shall have no voting rights but they may take part in any discussion. They shall also be subject to all obligations of confidentiality and declaring of Financial Interest incumbent on full Board Members. Any expenses incurred by alternate members attending in such circumstances, shall, subject to the approval of the Chairman, be reimbursed.

Declaration by  
members

10. At any meeting subsequent to his appointment any member shall forthwith declare any connection, business, family or financial, direct or indirect that he has with any subject under consideration by the Board. Failure to do so may be construed by the Board as misconduct under Section 4(1)(d) of Schedule 2 of the Ordinance if a voting member, or the matter referred to the Executive if a non-voting member.

Public state-  
ment

11. All public statements concerning the Authority's Affairs shall be issued only by the Chairman, or by the General Manager with the prior approval of the Chairman, and subsequent ratification by the Board.

Standing orders

12. These Standing Orders are Supplementary to any provisions in the Malaita Development Authority Ordinance 1987, and in any conflict between the provisions, the terms of the Ordinance shall prevail.

Approved by the Malaita Chazon Development Authority Board this ..... day of ..... 2012.

CHAIRMAN

Honiara, Solomon Islands  
Printed under the authority of the  
Solomon Islands Government  
Printed by Public Service Commission.