

[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.

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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

Section:

PART I - PRELIMINARY

- 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

PART III - REVENUES AND DEVELOPMENTS

- 9 Entitlements from Provincial Fund
- 10 Collection of revenues on behalf of Provincial Executive
- 11 Other revenue generating activities
- 12 Prohibition on lending, borrowing or seeking other funding
- 13 Application of entitlements of Ward Development Authorities
- 14 Grants for small scale income generating projects
- 15 Application for other funds generated by Ward Development Authorities