

[Legal Notice No. 143]

PROVINCIAL GOVERNMENT ACT 1981
(No. 7 of 1981)

THE ISABEL PROVINCE TOWN COMMITTEE
ORDINANCE 1993

AN
ORDINANCE
TO

ESTABLISH THE BUALA TOWN COMMITTEE.

Enacted by the Isabel Provincial Assembly.

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PART I

PRELIMINARY

1. This Ordinance may be cited as the Isabel Province Buala Town Committee Ordinance 1993 and come into force upon approval by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette.

Title and
commence-
ment.

Interpre-
tation.

2. In this Ordinance except where the context requires otherwise -
- “Assembly” means the Isabel Provincial Assembly established in accordance with Section 7 of the Provincial Government Act 1981.
- “Executive” means the Isabel Provincial Executive in accordance with Section 21 and 22 of the Provincial Government Act 1981 aforesaid.
- “Member” means a member of the Buala Town Committee appointed in accordance with the provisions of Section 4.1 hereof but does not include an invited adviser.
- “Premier” means the person for the time being holding the office of the Premier of Isabel Provincial Government.
- “Resident” means a person having his or her habitual place of residence within the area defined in Section 3.2 hereof.
- “Township” means the area of land designated as town land by order of the Commissioner of Lands pursuant to Section 125(4) of the Lands and Titles Act.
- “Year” means twelve months clear reckoned according to the Gregorian Calendar.

PART II ESTABLISHMENT OF BUALA TOWN COMMITTEE

3.1 A Town Committee shall be established in Buala in the Province of Isabel.

3.1 The boundaries of the area represented by the Town Committee shall be the area bounded by a line commencing at the point 90 00860 North 567400 East at the mouth of the Paphaja River and bearing due South which follows the river up stream being the common boundary to a point 9000429 North 564549 East thence along the common boundary line with customary land due East to a point 90 000 15 North 565206 East thence along the Jejevo river down stream to a point thereby is the returning point generally along the coastal line sea front due west to the point of commencement.

3.2 The function of the Town Committee shall be to advise the Executive in relation to matters concerning the Government of Buala Town.

Membership.

4. The Town Committee shall consist of no less than nine and not more than 15 members.

4.1 The members of the Town Committee shall be appointed in the following manner that is to say -

The Premier shall appoint the following persons to serve as members of the Town Committee -

- (a) The Provincial Secretary
- (b) The Provincial Planning Officer
- (c) The public Health Inspector
- (d) The Senior Works Officer
- (e) The District Police Commander
- (f) The Physical Planning Officer

or any other such person acting for the time being in that capacity.

4.2 There shall in addition be appointed by common consent of the relevant organisation existing for the time being within Buala Town and being resident therein -

- (a) A representative for Sports and Recreation
- (b) A representative for Women's Organisations
- (c) A representative for the Business Community
- (d) A representative of the Religious Community

4.3 No person referred to in paragraph 4.2 hereof shall be appointed to the Committee without his or her express consent.

4.4 Such persons shall have attained the age of eighteen years and be eligible to vote in elections both National and Provincial.

4.5 Such appointment can be renewed by common consent of the relevant Organisations referred to in paragraph 4.2 hereof for up to five years.

4.6 The Town Committee shall have power to co-opt up to additional members to serve on the Town Committee.

4.7 No member may be admitted as a Member of the Committee who is also a member of the Assembly or a member of Parliament or a member of an Area Council.

5.0 Members are entitled to be paid travelling and subsistence allowances for attending meetings of the Town Committee such allowances to be fixed by the Executive and may be reviewed by the Executive from time to time.

Entitlement.

5.1 Expenses and subsistence allowances referred to in paragraph 5 hereof shall be payable from the Town Committee Fund.

Invited
Advisers.

6.0 The Town Committee may invite any person suitably qualified to give information or advice on any matter before the Town Committee which matter is within that person's area of experience.

6.1 The expenses incurred in attending such meeting by an Invited Adviser shall be submitted by the Chairman of the Town Committee to the Premier for approval and payment out of the Town Committee Fund.

Voting.

7.0 On the first meeting of the Town Committee a Chairman, Vice Chairman and a Secretary shall be elected by a majority vote and the members of the Committee shall elect persons to such office annually and current holders of such offices being eligible for re-election for up to five years.

Meetings.

8.0 The Town Committee shall meet at least four times in one year provided always that additional meetings may be convened if in the opinion of the Chairman such additional meetings are deemed to be necessary.

8.1 All meetings of the Town Committee shall be held in public.

8.2 A member of members may move a motion during a meeting that the public be excluded from the meeting of the Town Committee during consideration of a particular matter and if that motion is duly passed the general public shall then be excluded for that part of the meeting during the discussion of that particular matter and must then be readmitted.

Functions.

9.0 It shall be the function of the Town Committee to advise the Executive on matters affecting the Government of Buala Town and make recommendations in particular regarding the following matters -

- (a) the maintenance and improvement of Buala Town
- (b) waste disposal and cleansing services
- (c) rest house
- (d) markets
- (e) food production
- (f) domestic animals
- (g) public nuisances
- (h) sport and recreation

- (i) services which are or should be provided for the residents of Buala Town
- (j) Any other matters affecting the general public and citizens of Buala Town which the Committee deem to be appropriate.

9.1 The Town Committee shall be conducted in accordance with the provisions of Schedule I hereof.

9.2 The Executive may devolve responsibility for further functions and services to the Town Committee from time to time as it thinks fit.

SCHEDULE I

1. The Chairman of the Town Committee shall determine the time and place of meetings.
2. The Chairman shall keep order at meetings.
3. If the Chairman is absent from a meeting for whatever reason the chair shall be taken by the Vice-Chairman who will assume all the duties of the Chairman in the conduct of the meeting.
4. If the Chairman and the Vice-Chairman are both absent for whatever reason the meeting shall be adjourned to a future date.
5. The Chairman is entitled to order that removal from a meeting of any member of the Committee or member of the public who behaves in a disorderly manner or constantly disobeys orders from the Chairman. Such member of the Committee or member of the public shall not be allowed admission to any future meetings unless a written apology is handed to the Chairman who shall make known to the members of the Committee the contents of such written apology.
6. The decision of the Chairman on a point of order is final.

Any members may move a Motion of No Confidence in the Chairman but notice of such motion must be given in writing to every member of the Town Committee and to the Secretary no less than seven days prior to such motion being put to the meeting. Such notice must specify the grounds upon which the motion is based.

8. The Chairman may resign by giving four weeks clear notice in writing to the Vice Chairman and to the Secretary. The Vice-Chairman will on receipt of such notice assume all the duties and functions of the Chairman until a successor has been duly elected in a meeting of the full committee by a majority vote of members present at the meeting at which such election is held.
9. The Vice-Chairman may resign as Vice-Chairman four weeks clear notice in writing to the Chairman and the Secretary. The Secretary shall then arrange as soon as possible the election of a new Vice-Chairman.
10. The Secretary shall carry out the following duties -
 - (a) Convene all meetings of the Town Committee on the direction of the Chairman and prepare and serve all notices relating to such meetings at least seven days before the meeting is to take place.
 - (b) The Secretary shall also give notice of the meeting to the General Public by posting a notice in some place where it can be conveniently read informing the public that they are entitled to attend the meeting but not to contribute to the discussions or to vote on any issues, but to have the right to attend and observe the proceedings.
 - (c) Attend all meetings of the Town Committee if possible and if unable to do so must inform the Chairman as soon as practicable the reason for his absence.
 - (d) Prepare and circulate the Agenda for the meetings of the Town Committee together with copies of the Papers.
 - (e) Take the Minutes of the meetings of the Town Committee.
 - (f) Circulate the Minutes to all members of the Town Committee.
 - (g) Keep a file of Minutes of meetings of the Committee.
 - (h) Keep a record of all resolutions of the Town Committee.
 - (i) Forward copies of all proposals and recommendations passed by the Town Committee to the Provincial Secretary.
 - (j) Forward all details of proposed projects of the Town Committee to the Provincial Secretary for consideration and approval by the Executive and to the Provincial Development Authority and the Minister.

- (l) Assist the Chairman of the Town Committee with all matters relating to the Administration of the Town Committee.
 - (m) Advise the Town Committee on Procedural matters.
 - (n) Conduct the elections of the Chairman and Vice Chairman of the Town Committee.
12. The Secretary may resign by giving four weeks clear notice in writing to the Chairman who shall then arrange for a successor to be elected by a majority vote at a full meeting of the Town Committee to be arranged as soon as practicable.
13. Any member of the Town Committee referred to in paragraph 4.2 hereof may resign by giving written notice to the Chairman and the Secretary not less than four weeks before the proposed resignation. The Secretary shall then inform the relevant organisations with a request that a successor be appointed.
14. A Quorum of the Town Committee shall be seven members. Quorum.
15. No business shall be conducted at a Town Committee meeting of a quorum is not present and the meeting must be adjourned to a future date.
16. A resolution of the Town Committee is passed by a majority of votes of the members present in person. Resolutions.
17. In the event of an equal division of votes on any resolution the Chairman shall make the deciding vote.
18. The Chairman shall determine acceptance or rejection of a resolution by a show of hands.
19. A member of the Town Committee must declare to the Town Committee any personal or financial interest he or she has in any motion or matter before the Committee at the commencement of discussion of that motion or matter and such member is then not entitled to vote on the resolution or matter being discussed unless that member has the prior consent of the majority of members present.
20. The Provisions of this Ordinance may only be amended by the Executive by Subsidiary legislation.