

SUPPLEMENT to the Solomon Islands GazetteTuesday 16th December, 2014

S.I. No.83

[Legal Notice No. 116]

**PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)****PROVINCIAL ASSEMBLY MEMBERS' (SALARIES AND ALLOWANCES)
DETERMINATION 2015**

IN exercise of powers conferred under section 25 of the Provincial Government Act 1997, the Members of Parliament (Entitlements) Commission, in consultation with the Minister for Provincial Government and Institutional Strengthening, make this determination:-

1. Title and Commencement

This determination may be cited as the Provincial Assembly Members' (Salaries and Allowances) Determination 2015 and:

- (a) is made under section 25 of the Provincial Government Act 1997;
- (b) comes into force on 1 January 2015.

2. Definitions

Unless context otherwise requires:

Act means the Provincial Government Act 1997.

Annual means the provincial financial year beginning 1 April and ending on 31 March the following year.

Assembly means the Provincial Assembly as established under section 7 of the Act.

Dependant means a biological or adopted child of the Member who is:

- (a) not more than 18 years of age;
- (b) unmarried;
- (c) under the care and guardianship of the member; and
- (d) normally a resident in the Member's household.

Executive Member means a member of the Provincial Executive appointed under section 20 of the Act.

Member means a Member of the Provincial Assembly elected under section 9 of the Act.

Meeting means a meeting of the Executive or Assembly, including any committee(s) established under the Governing Rules or Standing Orders respectively.

Minister means the Minister responsible for Provincial Government.

Ministry means the Ministry responsible for administering the Provincial Government Act 1997.

Official residence means the house allocated by the Provincial Government as the official residence of the Premier of the Province and includes any house temporarily appointed by the Provincial Secretary as the official residence pending repair or renovation of the normal official residence.

Ordinary member means a member of the Provincial Assembly but does not include a Premier, Deputy Premier, or member of the Provincial Executive.

Permanent Secretary means the Permanent Secretary responsible for Provincial Government.

Provincial capital means the town boundaries of Taro, Lata, Gizo, Auki, Honiara, Kirakira, Tulagi, Tigoa, or Buala, however they are defined by the respective Provincial Government.

Travel means, for the purposes of a daily subsistence allowance:

- (a) traversing a distance that would ordinarily require the use of public transport, airplane, boat, truck or other vehicle; and
- (b) it is not reasonable to expect a member to travel this distance and return to their home in one day.

*Members' salaries***3. Members' salaries**

A member is entitled to the salary prescribed in the Schedule, commensurate to his or her position.

4. Advance of salary

- (1) A member may, with the permission of the Permanent Secretary, receive an advance of salary provided that:
 - (a) any advance does not exceed one month's salary; and
 - (b) any previous advance has been repaid in full.
- (2) Any advance must be repaid within one month from the date that it was advanced or it will be automatically deducted from the member's next salary payment(s).

*Housing allowances***5. Premier's housing allowance**

- (1) A Premier is entitled to free accommodation at the Official Residence of the Premier including:
 - (a) free electricity, water, and gas; and
 - (b) up to three domestic servants.
- (2) If the Province does not have an Official Residence then the Premier is entitled to a housing allowance as prescribed in the Schedule.
- (3) A Premier who elects not to stay in the Official Residence is not entitled to any form of housing allowance or other benefit.

6. Executive Members' Housing Allowance

- (1) Where available, an Executive Member is entitled to free housing within the Provincial capital.

- (2) If free housing is not available, the Executive Member is entitled to a monthly housing allowance at the rate prescribed in the Schedule.
- (3) No monthly housing allowance is payable to Executive Members who reside in their own home, or outside of the Provincial capital.

7. Ordinary Members' Housing Allowance

An Ordinary Member is not entitled to a housing allowance

Subsistence allowances

8. Entitlement to a daily subsistence allowance for meetings of the Provincial Assembly

- (1) A member of the Provincial Assembly is entitled to a daily subsistence allowance for attending a meeting of the Provincial Assembly at the rate prescribed in the Schedule.
- (2) A daily subsistence allowance will only be paid to members who are required to travel to attend a meeting.
- (3) A daily subsistence allowance may be paid in full or half days, a half day being 50% of the applicable prescribed rate.

9. Entitlement to a daily subsistence allowance for meetings of the Provincial Executive

- (1) A member of the Provincial Executive is entitled to a daily subsistence allowance for attendance at meetings of the Provincial Executive at the rates prescribed in the Schedule.
- (2) A daily subsistence allowance will only be paid to Executive Members who are required to travel to attend a meeting.
- (3) A daily subsistence allowance may be paid in full or half days, a half day being 50% of the applicable prescribed rate.

Sitting Allowances

10. Entitlement to a sitting allowance for meetings

- (1) A member is entitled to a sitting allowance for meetings at the rate prescribed in the Schedule.

- (2) A sitting allowance will only be paid to members:
 - (a) for the day or days that the meeting is convened; and
 - (b) provided that member is present for the entirety of that sitting or meeting.
- (3) A sitting allowance may be paid in full or half days, a half day being 50% of the applicable prescribed rate.

Travel Allowance

11. Definition of a daily travel allowance

A daily travel allowance is a sum of money paid to a member for expenses associated with travelling but which does not include accommodation, boat or air fares and tickets (including any taxes or duties payable on those fares or tickets).

12. Travel on Provincial Business With the Province

- (1) Any member required to travel on provincial government business within their province is entitled to a daily travel allowance at the rate prescribed in the Schedule.
- (2) A member may not claim a daily travel allowance for ward touring.

13. Travel on Provincial Business Within Solomon Islands

Any member required to travel on provincial government business within Solomon Islands but outside their province, is entitled to a daily travel allowance at the rate prescribed in the Schedule, provided that this travel is approved by, or at the invitation of, the Ministry.

14. International Travel on Provincial Business

Any member required to travel on provincial government business outside Solomon Islands is entitled to a daily travel allowance at the rate prescribed in the Schedule, provided they have first obtained the permission of the Minister to travel.

*Miscellaneous Allowances***15. Domestic Clothing Allowance**

- (1) A member is entitled to a domestic clothing allowance at the amount prescribed in the Schedule.
- (2) This allowance may be claimed only once during the life of the Assembly.

16. International Clothing Allowance

- (1) Any member who is required to travel internationally on Provincial Government business is entitled to an international clothing allowance up to the amount prescribed in the Schedule.
- (2) This allowance may only be claimed once during the life of the Assembly.

17. Dependant's Education Allowance

- (1) A member may receive an education allowance to help pay for the direct cost of educating up to four dependent children, up to the amount prescribed in the Schedule.
- (2) Direct costs include school or course fees, school uniforms, books, and stationery, but does not include fundraising costs or any other fees or charges including late fees.

18. Member's Education Allowance

- (1) A member who is enrolled in a higher education course with an accredited provider is entitled to a higher education allowance up to the amount prescribed in the Schedule.
- (2) A higher education allowance may be used for the direct costs associated with education including tuition and examination fees, text books, and stationery, but may not be used for ancillary costs such as:
 - (a) travel, food, or accommodation;
 - (b) late fees or charges;
 - (c) subsistence allowances.

- (3) For the avoidance of doubt, higher education is not provincial business for the purposes of any other allowance payable under this Determination.

19. Medical Allowance

- (1) A member is entitled to a medical allowance up to the amount specified in the schedule for costs associated with medical treatment.
- (2) The medical allowance covers:
 - (a) any treatment, including clinic visits, dental, and treatment of pre-existing conditions, provided that the medical treatment is carried out during the term of the Assembly, but does not include cosmetic or medically unnecessary treatment; and
 - (b) the travel and accommodation costs of up to one carer to travel with the member, if required.
- (3) The medical allowance is personal to the member and does not cover medical costs incurred by a spouse or dependant.

20. Resettlement Allowance

- (1) A member of the Provincial Executive is entitled to a resettlement allowance if:
 - (a) that member or their family is required to relocate to the provincial capital for the purpose of assuming a position in the Provincial Executive; and
 - (b) the member is a member of the Provincial Executive for a continuous period of at least two years.

21. Ward Touring Allowance

A member is entitled to a ward touring allowance at the amount prescribed in the Schedule, for the purpose of carrying out formal touring on official business in and around their electoral ward.

22. End of Term Allowance

- (1) At the successful completion of a full term in the Assembly, a member is entitled to an end of term allowance at the rate prescribed in the Schedule.
- (2) Any member who does not serve the full term of the Assembly may receive an end of term allowance at a pro-rate provided that member has served a minimum of 12 months as a member of the Provincial Assembly.
- (3) For the avoidance of doubt:
 - (a) a member is not entitled to an end of term allowance if they resign or are declared by the Speaker of the Assembly to be ineligible for office because of conduct unbecoming his or her position as a member of the Provincial Assembly;
 - (b) An end of service allowance is paid at the end of the member's service to the Provincial Assembly and may not be advanced.

23. Permanent Secretary to Oversee Determination and Provide Guidance

- (1) The Permanent Secretary is responsible for administering all salaries and allowances under this Determination.
- (2) To ensure the efficient and effective management of this Determination, the Permanent Secretary may, in relation to allowances:
 - (a) provide guidance or instruction to members on the application of these Awards; and
 - (b) require the supply of any information and prescribe application forms, provided that Permanent Secretary considers this action:
 - (i) reasonable in the circumstances;
 - (ii) necessary for the effective and efficient operation of this Determination;
 - (iii) as promoting accountable and transparent spending of public money.

- (3) In relation to any member who fails to comply with an instruction issued under sub-clause (2), the Permanent Secretary may:
- (a) withhold payment of that allowance until such time as the instruction is complied with; or
 - (b) require the repayment of that allowance.
- (4) Any action taken by the Permanent Secretary under sub-clause (3)(b) may be by way of deductions from the Member's salary, provided the Permanent Secretary has first consulted with the Permanent Secretary responsible for Finance.

24. Financial Management

- (1) The Permanent Secretary may, if the financial interests of the Ministry or Solomon Islands Government require it, pay allowances in tranches provided that:
- (a) all available allowances are paid before 31 December of the financial year that they fall due;
and
 - (b) allowances are not unreasonably delayed or withheld.
- (2) Before taking any action under subclause (1), the Permanent Secretary must first discuss the proposed action with the Accountant General and the Permanent Secretary responsible for Finance.

25. Transitional Provisions

Any Member who is an elected Member of the Provincial Assembly on the date that this Notice comes into force is entitled to all the benefits due under this Determination provided that they have not already received the equivalent benefit under the previous Awards.

26. Revocation of Previous Awards

Subject to clause 25, the *Provincial Assemblies Members Salaries and Entitlements Awards 2010*, and any amendments thereto, are revoked.

Schedule
Prescribed salaries and allowances for members of the Provincial Assembly

	DESCRIPTION	RATE (\$SBD)	FREQUENCY
1.	Members' salaries (clause 3):		
	<i>Premier</i>	105,000	annually
	<i>Deputy Premier</i>	90,000	annually
	<i>Executive Member</i>	80,000	annually
	<i>Deputy Speaker</i>	70,000	annually
	<i>Ordinary Member</i>	60,000	annually
2.	Premier's housing allowance (clause 5)	3,000	monthly
3.	Housing allowance for an Executive Member (clause 6):	3,000	monthly
4.	Daily subsistence allowance for Assembly meetings (clause 8):		
	<i>Premier</i>	220	daily
	<i>Deputy Premier</i>	200	daily
	<i>Executive Member</i>	170	daily
	<i>Deputy Speaker / Ordinary Member</i>	125	daily
5.	Daily subsistence allowance for Executive meetings (clause 9)		
	<i>Premier</i>	200	daily
	<i>Deputy Premier</i>	175	daily
	<i>Executive Member</i>	150	daily
6.	Sitting allowance for meetings (clause 10)		
	<i>Premier</i>	200	daily
	<i>All other members</i>	180	daily
7.	Daily travel allowance - within province (clause 12)		
	<i>Premier / Head of Delegation</i>	200	daily
	<i>Deputy Premier / Executive Member</i>	175	daily
	<i>Deputy Speaker / Ordinary Member</i>	150	daily
8.	Daily travel allowance - within Solomon Islands (Clause 13)		
	<i>Premier / Head of Delegation</i>	300	daily

<i>Deputy Premier / Executive Member</i>	200	daily
<i>Deputy Speaker / Ordinary Member</i>	150	daily

9.	Daily travel allowance - international (clause 14)		
	<i>Premier / Head of Delegation</i>	800	daily
	<i>All other members</i>	600	daily
10.	Domestic clothing allowance (clause 15)	1,500	once per life of the Assembly
11.	International clothing allowance (clause 16)	3,000	once per life of the Assembly
12.	Dependant's education allowance (clause 17)	5,000	annually
13.	Member's education allowance (clause 18)	5,000	annually
14.	Medical allowance (clause 19)	5,000	annually
15.	Resettlement allowance (clause 20)	1,000	once per life of the Assembly
16.	Ward touring allowance (clause 21)	30,000	annually
17.	End of term allowance (clause 22)	40,000	once per life of Assembly

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