NATIONAL TRANSPORT FUND BILL 2009
(NAME OF BILL) (NO. 1 OF 2009)

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FROM:
Attorney General's Chambers

TO:
Minister
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO:
Minister of Finance
(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO:
Clerk to National Parliament
(for certificate by Speaker)

TO:
Attorney General's Chambers
(for printing)

TO:
Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed... Act No. 2009...)

TO:
Attorney General's Chambers
(for checking before Assent)

TO:
Governor-General
(for Assent)

TO:
Clerk to National Parliament
(for distribution: 1 copy Attorney General's Chambers
1 copy Ministry
1 copy Parliament Office
1 copy Registrar of the High Court
NATIONAL TRANSPORT FUND

ACT 2009

(NO. 3 of 2009)
NATIONAL TRANSPORT FUND ACT 2009

(NO. 3 of 2009)

PASSED by the National Parliament this nineteenth day of March 2009.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

Taeasi Sanga (Mrs)
Clerk to National Parliament

ASSENTED to in Her Majesty's name and on Her Majesty's behalf this eighth day of May 2009.

Sir Nathaniel Rahumaea Waena
Governor-General

Date of commencement: (see section 1)

AN ACT TO ESTABLISH THE NATIONAL TRANSPORT FUND FOR THE PURPOSES OF DEVELOPING, MAINTAINING AND MANAGING TRANSPORT INFRASTRUCTURE AND SERVICES, AND FOR RELATED MATTERS.

ENACTED by the National Parliament of Solomon Islands.
ARRANGEMENT OF SECTIONS

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NATIONAL TRANSPORT FUND ACT 2009

1. This Act may be cited as the National Transport Fund Act 2009, and commences on a date appointed by the Minister, by notice in the Gazette.

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

“Fund” means the National Transport Fund established under section 3;

“manager of the Fund” means the Board or the Fund Manager appointed, from time to time in accordance with Regulations made under this Act, to manage the Fund;

“Ministry” means the Ministry responsible for transport;

“National Transport Plan” means the National Transport Plan for transport setting out policy guidelines, statements and other related matters, including specified projects requiring funding from the Fund;

“transport” means air, road or maritime transport.

3. (1) This section establishes the National Transport Fund, as a special fund pursuant to section 100 of the Constitution, for the purposes of developing, maintaining and managing transport infrastructure and services in Solomon Islands.

(2) The Fund shall be managed by the Ministry and the Ministry responsible for Finance in accordance with Regulations made under this Act.

(3) Subject to this Act, the Minister responsible for
4. (1) Funds to be paid into the Fund are those provided by donor and development agencies in support of—

(a) the development and management of transport services in Solomon Islands;

(b) the development, design, construction, management and maintenance of transport infrastructure in Solomon Islands; and

(c) any other purpose consistent with section 5.

(2) The Fund may receive money from other sources in accordance with section 21(1) of the Public Finance and Audit Act (Cap. 120).

5. (1) The money held in the Fund may, with the approval of Cabinet, only be expended for the following purposes directly relating to—

(a) the purposes set out in sections 3(1) and 4(1) (a) and (b);

(b) routine, recurrent and periodic maintenance and development of transport infrastructure;

(c) routine, recurrent and periodic maintenance and development of footpaths;

(d) the installation of road markings, signs, traffic islands, median strips and barriers;
(e) the management and operation of the
franchise shipping schemes;

(f) the provision of other shipping services to
remote areas;

(g) the development and maintenance of wharves
and jetties;

(h) matters which are necessary to achieve
compliance with the Shipping Act 1998, and
with international obligations under maritime
conventions and agreements;

(i) transport related safety projects;

(j) training of personnel to manage the
Fund, and to perform the functions under this
Act;

(k) research, education and training related to the
maintenance, operation or development of
transport infrastructure; and

(l) retaining professional services for the
proper financial management of the Fund.

(2) Subject to subsection (3), all projects approved
for funding from the Fund must be specified in the
National Transport Plan prepared by the Ministry.

(3) The managers of the Fund may approve a
project for funding if the project is consistent with a
clear statement of policy in the National Transport Plan.
(4) Monies may be received by the Fund from donor and development agencies who specify a specific purpose for the monies to be applied that is consistent with this section, and in such cases the managers of the Fund shall ensure that the amount of the contribution is applied to the purposes so specified.

6. (1) Sections 5(3) and 21(2) of the Public Finance and Audit Act (Cap. 120) apply to the Fund.

(2) Signed statements of account required under section 38(1)(a)(v) and (2)(a) of the Public Finance and Audit Act (Cap. 120) must be prepared in relation to the Fund and transmitted to the Auditor-General.

(3) The Minister shall present all audited accounts of the Fund to the Parliament at the next sittings of the Parliament after the accounts have been made available by the Auditor-General.

(4) This Act does not affect the operation of the Aviation Special Fund established under the Civil Aviation Act 2008.

7. The Minister for Finance may make regulations to give effect to the provisions of this Act for the proper and effective management of the Fund, and in particular to prescribe the following matters –

(a) the establishment and appointment of a Board or Fund Manager to manage the Fund, or for any other appropriate Fund management arrangements;

(b) the functions, powers and responsibilities of the Board or Fund Manager;

(c) the powers, duties and obligations of members of the Board and Fund Manager;

(d) the procedures of the Board;

(e) the investment of monies held in the Fund;

(f) procedures and processes for the assessment, approval and implementation of projects to be funded by the Fund; and

(g) the accounting, audit and reporting requirements applying to the Fund.
Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government

Prepared by Solomon Islands Printers Limited.