

NATIONAL TRANSPORT FUND BILL 2009

(NAME OF BILL) (NO. 1 OF 2009)

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Bill
Objects and Reasons
Notice of Presentation
Covering letter from Minister to Clerk to Parliament
(Authorisation from Minister of Finance under s.60 of Constitution)

FROM:

Attorney General's Chambers

Handwritten signature 10/3/09

TO:

Minister

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

Handwritten signature

Handwritten signature

10:3:09

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)

Handwritten signature
10/3/09

TO:

Attorney General's Chambers
(for printing)

Handwritten signature 10/3/09

TO:

Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed... 10/3/09... Act No. 2/09...)

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TO:

Attorney General's Chambers
(for checking before Assent)

Act No. 3/09

Handwritten signature

TO:

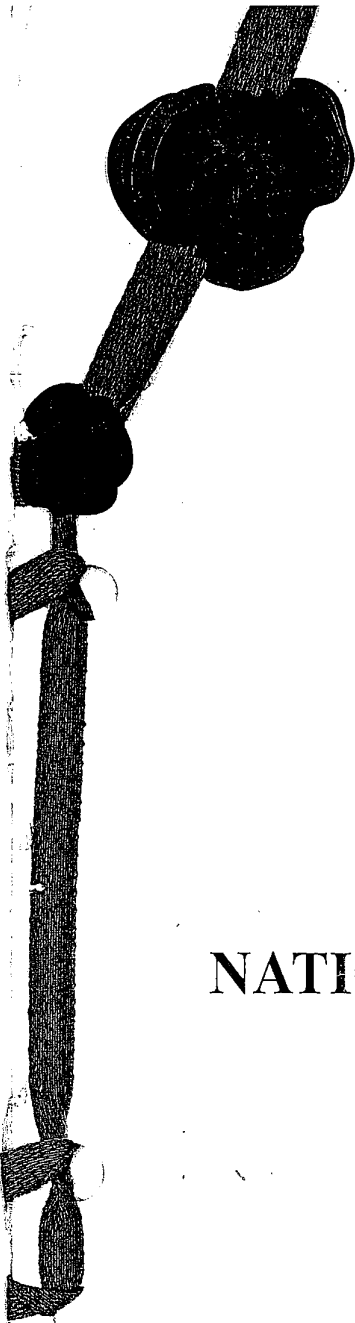
Governor-General
(for Assent)

Handwritten signature 02/05/09

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

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.

Nathaniel Waena

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

1. SHORT TITLE AND COMMENCEMENT
2. INTERPRETATION
3. NATIONAL TRANSPORT FUND
4. SOURCE OF FUNDS
5. USE OF FUNDS
6. PUBLIC FINANCE AND AUDIT ACT AND THE CIVIL AVIATION ACT 2008
7. REGULATIONS

NATIONAL TRANSPORT FUND ACT 2009

short title
and commence-
ment

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.

interpretation

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.

National
Transport Fund

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

Source of funds

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).

Use of funds

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.

Public Finance
and Audit Act
and the Civil
Aviation Act
2008

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.

Regulations

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.

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