

# REPRINT

## **SOLOMON ISLANDS TOURIST AUTHORITY ACT (CAP. 153)**

**As in force at: 1 March 1996**

**STATUS: REPEALED**

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Repealed by the Solomon Islands Visitors Bureau Act 1996 (No. 1 of 1996) from 3 December 1996

**AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A CORPORATION TO BE KNOWN AS THE SOLOMON ISLANDS TOURIST AUTHORITY AND FOR THE DEVELOPMENT AND CONTROL OF, AND ASSISTANCE TO, THE TOURIST INDUSTRY, AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH**



## **SOLOMON ISLANDS TOURIST AUTHORITY ACT (CAP. 153)**

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## PART I PRELIMINARY

### 1 Short title

This Act may be cited as the *Solomon Islands Tourist Authority Act*.

### 2 Interpretation

In this Act, unless the context otherwise requires:

**“Authority”** means the Solomon Islands Tourist Authority established by section 3, and, in relation to any power or function delegated to any person under section 15, includes that person;

**“Chairman”** means the Chairman of the Authority;

**“member”** includes the Chairman.

## PART II ESTABLISHMENT OF THE AUTHORITY

### 3 Establishment and incorporation of the Authority

- (1) There is hereby established an Authority to be known as the Solomon Islands Tourist Authority which shall be a body corporate under that name, with perpetual succession and a common seal.
- (2) The Authority shall have power to acquire, hold and dispose of real and personal property.
- (3) The Authority may sue and be sued in its corporate name.
- (4) Service of any document on the secretary of the Authority shall be deemed to be service on the Authority.

### 4 Authentication of the common seal

- (1) The affixing of the common seal of the Authority shall be

authenticated by the signatures of:

- (a) the Chairman or some other member of the Authority authorised for that purpose by the Authority either generally or specially; and
  - (b) one other person being a member, officer or servant of the Authority authorised for that purpose by the Authority, either generally or specially.
- (2) Any instrument purporting to be an instrument duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument so executed.

**5        Certain contracts and instruments not required to be under seal**

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Authority by any person generally or specially authorised by the Authority for that purpose.

**6        Objects of the Authority**

The objects of the Authority shall be:

- (a) to foster the orderly development of tourism in the Solomon Islands;
- (b) to stimulate the acceptance of the tourist industry and the recognition of its value;
- (c) to establish and operate or assist tourist bureaux;
- (d) to promote and control the provision and improvement of facilities and attractions for tourists;
- (e) to secure local and overseas publicity for tourist facilities and attractions in Solomon Islands;
- (f) to co-ordinate the activities of persons providing or intending to

provide services for visitors to Solomon Islands;

- (g) to provide to visitors such protection and safeguards as to it may seem appropriate and practicable; and
- (h) to make recommendations to and advise the Minister in relation to any measures which may be taken to further any of the foregoing matters.

## **7 Membership**

The Authority shall consist of not more than ten members all of whom, including the Chairman, shall be appointed by the Minister and of whom at least:

- (a) three members shall be Solomon Islanders within the meaning of section 2 (1) of the *Land and Titles Act*;
- (b) three members shall be representative of the fields of trade, commerce, entertainment or transport connected with the tourist industry or representative of interests otherwise connected with that industry; and
- (c) one member shall be a public officer:

Provided that the Minister shall at all times ensure that the aggregate of members who are Solomon Islanders as aforesaid and of members who are public officers, exceeds the number of members who are representative of the fields and interests described in paragraph (b).

## **8 Tenure of office**

The members of the Authority shall, unless they earlier vacate their offices or die or resign or unless their appointments are revoked by the Minister, hold office for such period not exceeding two years as shall be specified at the time of appointment and shall be eligible for reappointment.

## **9 Vacation of office**

A member of the Authority shall be deemed to have vacated his office:

- (a) if he becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary or fees for their benefit;
- (b) if he is absent, except on leave granted by the Chairman, from two consecutive meetings of the Authority;
- (c) if he is certified to be insane or adjudged to be of unsound mind under any law for the time being in force in Solomon Islands; or
- (d) if he is sentenced to a term of imprisonment without the option of a fine.

## **10 Remuneration of members**

A member may be paid and receive from the funds of the Authority such attendance allowance in respect of his services on the Authority and such allowances for travelling and subsistence in such circumstances as may be generally or specially determined by the Minister.

## **11 Meetings and quorum**

- (1) The Authority shall meet at such times and places as the Chairman considers necessary.
- (2) One half of the members actually appointed shall form a quorum.
- (3) All questions shall be decided by a majority of votes of the members present at any meeting of the Authority.
- (4) In the absence of the Chairman from any meeting of the Authority the members present shall appoint one of their number to preside at that meeting.
- (5) At any meeting of the Authority the Chairman, or in his absence the member presiding, shall have a deliberative vote and in the case of equality of votes shall also have a casting vote.
- (6) The Authority shall keep records of its proceedings.
- (7) The Authority may make rules, not inconsistent with the provisions



of this section, governing its meeting procedure.

**12 Pecuniary interest to be disclosed**

If a member has any pecuniary interest, direct or indirect, in any contract or other matter and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, which shall be recorded in the minutes of the meeting, and thereupon such member may take part in the consideration or discussion of the contract or matter, but shall not vote or otherwise take part in the decision of the Authority thereon.

**13 Powers of the Authority**

Subject to the provisions of this Act, the Authority shall have all such powers as may be necessary to carry out its objects under section 6 and without prejudice to the generality of the foregoing power, the Authority may:

- (a) acquire any property whether real or personal by transfer, purchase, gift, devise, demise or bequest or otherwise and control and manage that property;
- (b) sell, let or hire any property and apply or invest the proceeds therefrom for the purposes of this Act;
- (c) establish, operate or assist tourist bureaux for the purposes of giving information, advice and assistance to tourists and persons who may wish to visit Solomon Islands;
- (d) produce literature, maps, photographs, pamphlets, posters, models, films, radio tapes, notice boards, signposts, timetables and other similar devices containing information and publicity about places of interest in Solomon Islands and sell, distribute and display them;
- (e) arrange lectures, talks, interviews and exhibitions for the purposes of informing the public about places of tourist interest in Solomon Islands;

- (f) organise tourist expeditions to places of tourist interest;
- (g) advise and assist persons desiring to establish, maintain and extend tourist facilities;
- (h) co-operate with private organisations in co-ordinating services for tourists;
- (i) co-operate with such persons, authorities or institutions as it thinks fit for the development and protection of, and access to, places of tourist interest;
- (j) solicit gifts, subscriptions and donations; and
- (k) engage in any other activity whether similar to those heretofore specified or not, which may be sanctioned by the Minister by order.

#### **14 Authority may assess tourist facilities and issue certificates**

- (1) Where the proprietor of tourist facilities invites the Authority to inspect them, the Authority may do so and may issue to the proprietor a certificate setting out the Authority's assessment of the facilities.
- (2) Where the Authority has issued such a certificate it may, from time to time, at intervals not exceeding one year, again inspect the facilities in respect of which the certificate has been issued, and issue to the proprietor a fresh certificate based on the Authority's re-assessment of the facilities.
- (3) A proprietor to whom a certificate has been issued under this section shall ensure that, in any advertisement relating to his tourist facilities, no reference is made to any assessment by the Authority of those facilities other than a reference to the last such assessment made by the Authority, being an assessment made not earlier than one year before the date of the advertisement.
- (4) Any proprietor of tourist facilities who contravenes subsection (3), or who fails to ensure that in any advertisement relating to his tourist facilities no false claim is made to any assessment thereof by the Authority, shall be guilty of an offence and liable to a fine of two hundred dollars.

- (5) No action shall lie against the Authority nor against any of its members, officers or servants in respect of any assessment or certificate made or issued in good faith under this section.

**15 Power of delegation by the Authority**

- (1) The Authority may by writing under its seal delegate to a person any of its powers and functions under this Act (except this power of delegation), so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters, or to the whole of Solomon Islands or part of Solomon Islands, specified in the instrument of delegation.
- (2) A delegation under this section shall be revocable at will and no delegation shall prevent the exercise of a power or function by the Authority.

**16 Address**

The Authority shall establish an office in Honiara and in such other places as it considers necessary to which communications and notices may be sent.

**17 Authority to have due regard to customs, culture, etc.**

In exercise of its powers and discharge of its functions under this Act, the Authority shall have due regard to the customs, culture, traditions, beliefs and welfare of the indigenous inhabitants of Solomon Islands.

**18 Power of the Minister in relation to the Authority**

- (1) The Minister may, after consultation with the Authority, give to the Authority directions of a general character as to the discharge by the Authority of its functions in relation to matters appearing to the Minister to affect the public interest, and the Authority shall give effect to such directions.
- (2) The Minister may, after consultation with the Authority, give to the Authority specific directions for the purposes of remedying any defect which may be disclosed in the general arrangements of the Authority for the discharge of its functions under this Act, and the Authority shall give effect to any such directions.

- (3) The Authority shall afford to the Minister facilities for obtaining information with respect to the property and functions of the Authority, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished in such manner and at such time as he may require.

## **PART III                    PROVISIONS RELATING TO STAFF**

### **19                    Officers of the Authority**

The Authority may appoint and employ on such terms and conditions as it may from time to time determine a secretary and such other officers and servants as it may consider necessary for the proper and efficient carrying out of the functions of the Authority.

### **20                    Power of Authority to establish monetary schemes for officers and employees**

The Authority may expend moneys out of its funds for the purpose of:

- (a) subsidising any scheme or system of endowment assurance or other form of retirement benefit which may be approved by the Authority for the benefit of all or any of its officers or servants;
- (b) granting gratuities in individual cases, or in accordance with any scheme or system instituted by the Authority, to any of its officers or servants who shall not be entitled to be contributories to any subsidised scheme or system of endowment assurance or other form of retirement benefit established by the Authority under the foregoing provisions of this section or for whose case such last-mentioned scheme or system, in the Authority's opinion, is not suitable or should not be applicable, or to any dependants of any such officer or servant; and
- (c) making loans to any of its officers or servants, on such terms and conditions as may be determined by the Authority, for the purpose of purchasing real property for the residential use thereof by such persons or for such other purposes specifically approved by the Authority as likely to increase the effectiveness of such persons in their services to the Authority.

## **PART IV            FINANCIAL PROVISIONS**

### **21            Banking account**

The Authority shall open and keep such banking accounts as it may from time to time deem fit and cheques and orders for the payment of money from such accounts shall be signed by at least two authorised persons including at least one member of the Authority.

### **22            Temporary loans for administrative purposes**

The Authority may borrow by way of temporary loan or overdraft any sum or sums which the Authority may temporarily require for the purpose of defraying its administrative expenses, up to such limit as may from time to time be fixed by the Minister of Finance.

### **23            Power to raise loans**

The Authority may from time to time with the consent of and upon such terms and conditions as may be approved by the Minister of Finance raise loans for the purpose of exercising its powers and carrying out its objects and obligations under this Act.

### **24            Security**

The repayment of any money borrowed or loans raised under the provisions of the last two preceding sections and the payment of interest thereon may be secured by mortgage, debenture or other charge upon the assets of the Authority.

### **25            Income**

For the purpose of raising funds for defraying its administrative expenses and carrying out any of its objects, the Authority shall have power to:

- (a) receive the proceeds of such levies, rates and charges as may be prescribed;
- (b) solicit and receive grants or contributions as may be available from any persons and the Government; and
- (c) use such other means as may from time to time be expedient

to raise funds.

**26 Investment of funds**

The Authority may invest and deal with any moneys in and upon such investments and securities allowed by the law for the time being applicable in Solomon Islands for the investment of trust funds or such other investments or securities as may be approved by the Minister of Finance for the purpose of this section.

**27 Accounts**

The Authority shall keep proper accounts and records of the transactions and affairs of the Authority and shall do all things necessary to ensure that all payments out of the moneys of the Authority are correctly made and properly authorised and that adequate control is maintained over the assets of the Authority and the incurring of liabilities of the Authority.

**28 Auditor**

- (1) The Authority shall, subject to the approval of the Minister of Finance, appoint an auditor and have power to terminate such appointment.
- (2) The Authority shall determine the annual remuneration of the auditor.

**29 Financial year**

The financial year of the Authority shall end on the thirtieth day of September in each year.

**30 Annual report, accounts and returns**

- (1) The Authority shall furnish to the Minister as soon as possible after the expiration of each financial year a report upon the operation of the Authority together with a balance sheet and statement of revenue and expenditure of the Authority duly audited by the auditor.
- (2) The report, balance sheet and statement shall be laid before the National Parliament and may in addition be published in such manner as the Minister may deem fit.

## **PART V                    CONTROL OF TOURIST FACILITIES**

### **31                    Interpretation**

In this Part, except where the context otherwise requires:

**“enterprise”** means any service, transport arrangement, tour promotion, guided tour, entertainment, shop or retail service, intended for or availed of primarily by tourists and given, operated, carried out or conducted regularly or as a business and for the purpose of profit or reward;

**“facility”** means any land, building, wharf, swimming pool or other construction or improvement which, for the purpose of profit or reward, is intended for use or permitted to be used primarily by tourists;

**“tourist”** includes any person who, for the purpose of recreation, sightseeing or holidaying, is not residing at his ordinary place of residence.

### **32                    Unlicensed tourist enterprises and facilities prohibited**

Subject to the provisions of this Act, any person who undertakes, operates, conducts or provides or who permits to be undertaken, operated, conducted or provided any enterprise or facility otherwise than under and in accordance with a licence issued under this Part shall be guilty of an offence and liable to a fine of one thousand dollars.

### **33                    Licences for tourist enterprises and facilities**

- (1) Upon application therefor made in such manner as it may require and payment of the prescribed fee, if any, the Authority may issue a licence authorising any enterprise or facility subject to such terms and conditions as it shall therein specify.
- (2) The Authority may refuse to issue a licence and it shall record its reasons for so doing.
- (3) A licence shall be valid for such period as shall be prescribed.

- (4) Any person who is aggrieved by the terms and conditions of a licence issued to him or by the refusal to issue to him a licence under this section may appeal in writing to the Minister whose decision thereon shall be final and shall not be questioned in any proceedings whatsoever.

#### **34 Cancellation of certain licences**

- (1) The Authority, if satisfied that any of the terms and conditions of a licence have been contravened, may, by notice served upon the licensee or upon any person managing or conducting the enterprise or facility licensed:
- (a) require that the terms and conditions of the licence be complied with within such period as it may specify in such notice; or
  - (b) cancel the licence:

Provided that the cancellation shall not have effect until the period of one month within which the licensee may appeal under subsection (2) has elapsed, and, if an appeal is filed within that period, until its decision thereon is made known by the court.

- (2) Any licensee whose licence is cancelled by the Authority may within one month of the service of the notice thereof under subsection (1) appeal to a Magistrate's Court and the decision of the court shall be final and shall not be questioned in any proceedings whatsoever.

#### **35 Power to inspect licensed facilities and enterprises**

- (1) The Authority shall have power to enter and inspect at all reasonable times any facility licensed under this Part for the purpose of satisfying itself that the provisions of this Act and the licence relating to the facility are being complied with:

Provided that no premises or part thereof used as a dwelling-house shall be entered without the consent of the occupant unless twenty-four hours notice of the intention so to do shall have been given to the licensee, owner or occupant.

- (2) It shall be the duty of every licensee holding a licence under this Part, and of every employee or agent of such licensee, to afford to the



Authority all reasonable assistance for the purpose of inspecting the enterprise or facility licensed and any licensee, employee or agent who refuses or fails so to do or who obstructs the Authority in the inspection of the enterprise or facility shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

## **PART VI MISCELLANEOUS PROVISIONS**

### **36 Liability of members, officers and servants of the Authority**

No member, officer or servant of the Authority shall be personally liable for any act or default done or omitted to be done in good faith under the provisions of this Act and any sums of money, damages or costs which may be recovered against them or any one of them in respect of any such act or default shall be paid out of the funds of the Authority.

### **37 Restriction on use of the words “visitor” and “tourist”**

- (1) No person shall use as part of any title of any business or activity carried on, or any association in Solomon Islands, any of the words “visitor” or “tourist” or any of their grammatical variations and cognate expressions without the prior approval of the Authority, and the Authority may in writing require any person to cease such use.
- (2) Any person who contravenes the provisions of subsection (1) or who fails to comply with a requirement made thereunder shall be guilty of an offence and liable to a fine of one hundred dollars and to a further fine of two dollars for each day during which the offence continues after conviction.

### **38 Regulations**

The Minister, after consultation with the Authority, may make regulations for the better carrying out of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing power such regulations may:

- (a) prescribe anything by this Act required or authorised to be prescribed;

- (b) impose levies, rates and charges upon visitors and upon persons engaged in the provision of facilities for visitors or deriving profit from the tourist industry and provide for the collection and recovery of such levies, rates and charges and for matters incidental thereto and connected therewith;
- (c) require statistical returns to be made to the Authority upon matters relating or incidental to the objects and functions of the Authority and generally to visitors and the tourist industry;
- (d) exempt any person, organisation, facility or enterprise or class or description thereof from all or any of the provisions of this Act.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 153 of the Revised Edition of the Laws of Solomon Islands.

### 2

#### LIST OF LEGISLATION

##### ***Solomon Islands Tourist Authority Act (Cap. 153)***

*Constituent legislation:* 13 of 1969 (Commenced 1 April 1970: Pts I, II, III, IV & VI (except for Pt V & s37; 1 February 1972: Pt V & s37)  
11 of 1970  
9 of 1971  
LN 46A of 1978  
LN 88 of 1978

##### ***Repealed by Solomon Islands Visitors Bureau Act 1996 (No. 1 of 1996)***

Assent date	3 October 1996
Gazetted	3 December 1996
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### 3

#### LIST OF AMENDMENTS