

# REPRINT

## **SOLOMON ISLANDS VISITORS BUREAU ACT 1996**

**As in force at: 3 December 1996**

**STATUS: HISTORICAL**

This version is that in force at the date stated above. It does not include amendments made since that date.

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC AUTHORITY TO BE KNOWN AS THE SOLOMON ISLANDS VISITORS BUREAU, FOR THE ENCOURAGEMENT, DEVELOPMENT AND PROMOTION OF TOURISM IN SOLOMON ISLANDS, AND TO PROVIDE ADEQUATE AND ATTRACTIVE TOURIST SERVICES; TO REPEAL THE SOLOMON ISLANDS TOURIST AUTHORITY ACT; AND FOR OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**



# SOLOMON ISLANDS VISITORS BUREAU ACT 1996

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# SOLOMON ISLANDS VISITORS BUREAU ACT 1996

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## PART I PRELIMINARY

### 1 Short title and commencement

This Act may be cited as the *Solomon Islands Visitors Bureau Act, 1996*, and shall come into operation on such date as the Minister may appoint by notice published in the *Gazette*.

### 2 Interpretation

In this Act, unless the context otherwise requires:

**“Board”** means the Board of Directors of the Bureau;

**“Bureau”** means the Solomon Islands Visitors Bureau established under section 3;

**“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;

**“General Manager”** means the General Manager of the Bureau;

**“Minister”** means the Minister for the time being charged with responsibility for tourism; and

**“tourist related service”** means any facilities provided for the purpose of profit or reward and intended for use or permitted to be used primarily by tourists.

## **PART II                    ESTABLISHMENT OF THE BUREAU, OBJECTS, DUTIES AND POWERS**

### **3                    Establishment of the Bureau**

- (1) There shall be established for the purposes of this Act, a body to be known as the Solomon Islands Visitors Bureau, which shall be a body corporate to which the provisions of Part VII of the *Interpretation and General Provisions Act* shall apply.
- (2) The provisions of the First Schedule shall have effect as to the constitution of the Bureau and otherwise in relation thereto.

### **4                    Establishment of the Board of Directors**

- (1) There shall be established for the purposes of this Act, a Board of Directors of the Bureau which shall, subject to the provisions of this Act, be responsible for the policy and general administration of the affairs of the Bureau.
- (2) The provisions of the Second Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

### **5                    Objects and duties of the Bureau**

- (1) The objects of the Bureau shall be to encourage, promote and develop tourism in Solomon Islands.
- (2) For the purpose of fulfilling the objects of the Bureau, it shall be the duty of the Board:
  - (a) to encourage, promote and develop tourist travel;
  - (b) to encourage, promote and develop adequate, efficient and attractive tourist services;
  - (c) to co-ordinate activities of persons providing tourist related services in Solomon Islands; and
  - (d) to assist and promote understanding amongst the local population of the benefits that accrue from the development and promotion of tourism in Solomon Islands.

## **6 Powers of the Board**

- (1) The Board shall have the power to do all such acts and take all such steps as may be necessary for or conducive to facilitate the discharge of its duties under section 5.
- (2) Without prejudice to the generality of the powers conferred by subsection (1), the Board shall have power:
  - (a) to engage, and co-operate with tourist travel and other agencies, in the display and distribution of exhibits and graphic materials designed to call attention to the attractions and places of interest in Solomon Islands, and in the collection, publication and dissemination of information with respect to places of interest, routes, transportation facilities, tourist services and such other matters as the Board deems necessary for the attainment of its objects;
  - (b) to regulate, supervise and control tourist related services and levy charges or fees from persons engaged in tourist related services; and
  - (c) at the direction of the Minister to take all such other measures as the Board considers advantageous for the purpose of the attainment of its objects.

## **7 Power of the Minister to issue general directions on matters of policy**

The Minister may, after consultation with the Chairman, give to the Board such directions of a general character as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be necessary and the Board shall give effect thereto.

## **PART III PROVISIONS RELATING TO TOURIST FACILITIES**

### **8 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 tourist related service 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 five thousand dollars or in default to imprisonment for two years.

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

- (1) Upon application being made in such manner as the Board may require and on payment of the prescribed fee, the Board may issue a licence authorising any person to engage in any enterprise or tourist related service or facility subject to such terms and conditions as may be specified therein.
- (2) In granting a licence for the operation of a tourist enterprise or tourist related service or facility the Board shall have regard to the provisions applicable to and in relation to such enterprises or related services.
- (3) Where the Board refuses to issue a licence it shall record its reasons for so doing.
- (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 shall be final.

## **10 Power to cancel or suspend licence**

- (1) The Board, 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 a period of one month within which the licensee may appeal under subsection (2) has elapsed, or if an appeal is filed within that period, until its



decision therein is made known by the Court.

- (2) Any licensee whose licence is cancelled by the Board may within one month of the service of the notice thereof under subsection (1), appeal to a Magistrate's Court.

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

- (1) The Bureau may, by its employees or officers 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 employees or officers of the Bureau 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 employees or any of the officers of the Bureau in the inspection of the enterprise or facility shall be guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment of six months.

## **PART IV FINANCIAL**

### **12 The Fund of the Bureau**

- (1) The Bureau shall have its own Fund.
- (2) There shall be paid into the Fund of the Bureau:
  - (a) all such sums of money as may be voted by Parliament for the use of the Bureau;
  - (b) all sums of money received by the Bureau in the carrying on of its business or in the exercise, discharge and performance of its powers and duties under this Act or any other law; and

(c) proceeds of such levies, rates or charges as prescribed.

**13 Temporary loans or overdrafts**

- (1) The Bureau may borrow by way of temporary loan or overdraft such sums of money as it deems fit not exceeding an amount approved by the Minister.
- (2) The Government may guarantee on such terms and conditions as it may determine, loans raised by the Bureau.

**14 Investment of funds**

The Bureau may with the approval of the Minister invest any surplus funds in such investments or securities as it deems desirable.

**15 Annual Report**

The Bureau shall in each year submit to the Minister a report of its activities during the previous year, and the Minister shall lay before Parliament a copy of the annual report.

**16 Accounts and audit**

- (1) The Bureau shall keep accounts and other records in relation to its business and shall prepare annually a statement of accounts in conformity with established accounting principles and in a form satisfactory to the Minister.
- (2) The accounts of the Bureau shall be audited annually by an auditor appointed by the Board and approved by the Auditor-General.
- (3) The Board shall submit to the Minister a copy of the audited statement of accounts together with any report made by the auditor.
- (4) The Minister shall cause a copy of the annual statement of accounts together with the auditor's report to be laid before Parliament.

**17 Exemption from tax and stamp duty**

- (1) The income and revenue of the Bureau shall not be subject to taxation under any law.

- (2) All instruments executed by or on behalf of the Bureau shall be exempt from stamp duty.

## **PART V MISCELLANEOUS**

### **18 Regulations**

- (1) The Minister may in consultation with the Board, make regulations to give effect to the principles and provisions of this Act.
- (2) In particular, but without prejudice to the generality of the powers conferred by subsection (1), regulations may be made in respect of all or any of the following matters:
  - (a) any matter in regard to which regulations are authorised or required by this Act to be made;
  - (b) the fixing of licence fees;
  - (c) the imposition of levies, rates and charges upon visitors and upon persons engaged in the provision of services or facilities for visitors or deriving profit from the tourist industry or related services, the collection and recovery of such levies, rates and charges and for matters incidental thereto or connected therewith; and
  - (d) the requiring of statistical returns to be made by licensees to the Bureau upon matters relating or incidental to the objects and functions of the Bureau and generally in relation to visitors and the tourist industry or related services.

### **19 Offences**

Any person who:

- (a) knowingly makes any false or incorrect statement in any application, return or other document made or furnished under or for the purposes of this Act;
- (b) fails or refuses to furnish any information or return required by this Act; or
- (c) resists or obstructs any person in the exercise, discharge or

performance of any power, function or duty conferred or imposed upon that person by or under this Act,

shall be guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment for six months.

## **20        Repeal and transitional provisions**

- (1) The *Solomon Islands Tourist Authority Act* is hereby repealed.
- (2) Notwithstanding the repeal of the Act referred to in subsection (1) any licence issued or levies imposed under that Act in respect of any tourist hotel or other related services shall remain valid for such period prescribed therein.

## FIRST SCHEDULE

(section 3)

### The Solomon Islands Visitors Bureau

#### **1 Authentication of seal and documents**

- (1) The seal of the Bureau shall be authenticated by the signature of the Chairman or a member of the Board authorised to act in that behalf and an officer of the Bureau so authorised.
- (2) All documents other than those required by law to be under seal, made by, and all decisions of the Board may be signified under the hand of the Chairman or the Deputy Chairman or any member of the Board authorised to act in that behalf or an officer of the Bureau so authorised.

#### **2 Power to appoint officers and servants**

The Bureau may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a General Manager of the Bureau and such other officers, agents and servants as it thinks necessary for the proper carrying out of its functions on such terms and conditions as it thinks fit:

Provided that the appointment of the General Manager shall not be made without the prior approval of the Minister.

#### **3 Expenses of the Bureau**

The expenses of the Bureau (including remuneration of the staff thereof, members of the Board, the Chairman and directors) shall be defrayed out of the income of the Bureau.

#### **4 Accounts and other records**

The Bureau shall keep proper accounts and other records in relation to its business and prepare annual statements of accounts and reports as set out in Part IV of this Act.

#### **5 Powers of the Minister to require returns**

The Bureau shall furnish the Minister with such returns, accounts and other information as he requires with respect to its activities, and shall afford to him the facilities for verifying such information in such manner and at such times as he may reasonably required.

## **6 Estimates of revenue and expenditure**

The Bureau shall in each financial year submit to the Minister for his approval its estimates of revenue and expenditure for the ensuing financial year.

## **7 Minister to review operations**

At the end of each financial year, the Minister shall review the operations of the Bureau with a view to determining:

- (a) whether the Bureau has operated in accordance with the annual estimates and any approved operating plan; and
- (b) whether the assets of the Bureau are sufficient to meet the liabilities of the Bureau having regard to any claims or liabilities which may arise during the next ensuing year.

# **SECOND SCHEDULE**

(section 4)

## **The Board of Directors of the Bureau**

### **1 Board membership**

- (1) The Board shall consist of ten members appointed by the Minister (inclusive of the Chairman).
- (2) The Minister may appoint any person to act temporarily in place of any member of the Board in the absence or inability to act, of such member.

### **2 Chairman**

- (1) The Minister shall appoint one of the members of the Board to be Chairman and another to be Deputy Chairman.

- (2) In the case of the absence or inability to act of the Chairman and the Deputy Chairman, the Minister may appoint any other person to perform the functions of the Chairman.

### **3 Tenure**

- (1) The appointment of every member shall be evidenced by instrument in writing, and such instrument shall state the period of office of the member, which shall not exceed two years.
- (2) Every member of the Board shall be eligible for re-appointment.
- (3) The Minister may at any time revoke the appointment of any member of the Board.

### **4 Resignation**

- (1) Any member of the Board other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.
- (2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument.

### **5 Publication**

The names of all the members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

### **6 Vacation of office**

Any member of the Board who:

- (i) is declared a bankrupt; or
- (ii) is sentenced to imprisonment for three months or more for a criminal offence; or
- (iii) fails to attend three consecutive meetings of the Board,

shall be immediately removed from the Board by the Minister.

## **7 Procedure, quorum and meetings**

- (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, so however, that it shall not be less than four meetings in any calendar year.
- (2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by two or more members of the Board.
- (3) The Chairman or the Deputy Chairman shall preside at all meetings of the Board and in the case of absence of both the Chairman and the Deputy Chairman from any meeting, subject to sub-paragraph (2) of paragraph 2, the members present and forming a quorum shall elect one of their number to preside at the meeting.
- (4) The decision of the Board shall be by a majority of votes, and in addition to an original vote, the Chairman or any other person presiding at a meeting shall have a casting vote in any case in which the vote is equal.
- (5) Minutes in proper form of each meeting of the Board shall be kept.
- (6) The quorum for any Board meeting shall be six and no business shall be transacted at any meeting unless a quorum of members is present at a time when the meeting proceeds to business in a particular meeting.
- (7) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

## **8 Remuneration of members**

There shall be paid to the Chairman and members of the Board, such remuneration (whether by way of salary, honorarium, or fees) and such allowances as the Minister may determine.



## **9 Protection of members**

No action, suit or prosecution or other proceedings shall be brought against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of the provisions of this Act.

## **10 Offices not public offices**

The office of the Chairman or other member of the Board shall not be a public office for the purposes of Chapter XIII of the *Constitution* of Solomon Islands.

## ENDNOTES

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### 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    |                               |

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### LIST OF LEGISLATION

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

|             |                  |
|-------------|------------------|
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*[\*Note: The date of publication in the Gazette and the commencement date have been validated by s4 of the Constitution (Amendment and Validation) Act 2023 and s85 of the Legislation Amendment, Repeal and Validation Act 2023]*

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### LIST OF AMENDMENTS