

WESTERN PROVINCE TOWN COUNCILS ORDINANCE 1990

(Consolidation: This is a consolidation of the principal Ordinance and amendments or intended amendments as at 1 October 1995. Errors in spelling or grammar or omissions of words in the Gazetted Ordinance have been corrected in this Consolidation. This is not an authorised version of the Ordinance.

The principal Ordinance came into effect on 3 August 1990 upon Gazettal under LN 98/90.

The enactments consolidated are:

WP Town Council Ordinance 1990

WP Town Council (Amendment) Ordinance 1995 LN 64/951

An Ordinance to establish and regulate Town Councils in Western Province.

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Title and Commencement.
2. Interpretation.

PART II

ESTABLISHMENT AND CONSTITUTION OF TOWN COUNCILS

3. Establishment of Town Councils.
4. Membership.
5. Term of office of members.
6. Transitional provisions.
7. Entitlements of members
8. Invited advisers.
9. Voting.
10. President and Vice President.
11. Standing Orders.
12. Meetings.

PART 1

FUNCTIONS POWERS AND DUTIES OF TOWN COUNCILS

13. Functions powers and duties.

PART IV

ADMINISTRATION OF TOWN COUNCILS

14. Secretary
15. Treater

SCHEDULE 1

Functions and Duties.

1. Revenue and Expenditure.
2. Relations with the Western Provincial Government.
3. Customs and Culture.
4. Education and Public Health.
5. Natural resources and development.
6. Law and Order.
7. General.

SCHEDULE 2

Standing Orders

1. President and Vice President.
2. Quorum.
3. Notice of Meetings.
4. Agenda.
5. Papers.
6. Resolutions.
7. Declaration of Interest.
8. Minutes.
9. Bylaws.
10. Common seal.
11. Amendments.

SCHEDULE 3

Financial Regulations

1. Estimates and Budget.
2. Revenue.
3. Expenditure.
4. Banking.
6. Purchases.
7. Property.
8. Borrowing and guarantees
9. Delegation.
10. Stationery.

PART I PRELIMINARY

1. Title and Commencement - This Ordinance may be cited *as* the Western Province Town Councils Ordinance 1990 and shall come into force upon approval by the Minister pursuant to section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette.

2. Interpretation - In this Ordinance except where the context otherwise

requires:

"Assembly" means the Western Provincial Assembly established in accordance with section 7 of the Provincial Government Act 1981;

"Executive" means the Western Provincial Executive established in accordance with sections 1 and 22 of the Provincial Government Act 1981;

"financial year" means the 12 months ending on, 30 June; -majority' means one half of the members present plus one;

"members" means a member of a Town Council appointed in accordance with section 4(2) and 4(3) but does not include an ex officio member;

"Minister" means the Minister of Provincial Government;

"Paper" means any written matter for consideration by a Town Council and includes any policy, proposal, question, contract or bylaws;

"Secretary" means the person appointed by the Executive to be a Secretary to a Town Council in accordance with section 14 hereof;

"Town Council" means a Town Council established under Part II hereof;

"township" means the area of land designated as town land by Order of the Commissioner of Lands pursuant to section 125(4) of the Land and Titles Act;

"Treasurer" means the person appointed by the Executive to be Treasurer to a Town Council in accordance with section 15 hereof.

PART II ESTABLISHMENT OF TOWN COUNCILS

3. Establishment of Town Councils - (1) A Town Council must be established in every township in Western Province.

(2) The boundaries of authority of a Town Council are those boundaries described in the appropriate designation Order by the Commissioner of Lands pursuant to section 125(4) of the Land and Titles Act.

(3) A Town Council established under this Ordinance is a body corporate having perpetual succession and a common seal and is capable in law of suing and being sued and acquiring, holding and disposing of movable and immovable property.

4. Membership - (1) A Town Council shall consist of no less than 9 members and no more than 11 members.

(2) (1) The Executive must appoint to a Town Council 9 persons resident in a township to represent the following sections of society in that township:

- (a) Two residents to represent the business and commercial community;
- (b) Two residents to represent the religious community
- (c) Two residents to represent women in the community
- (d) One resident to represent the sporting community
- (e) Two residents to represent the cultural heritage of the community;

Provided however that a person who is a member of the Assembly or a Member of Parliament or a member of an Area Council cannot be appointed a member of a Town Council.

[Note: S.4(2)(e) amended as from 16 June 1995 by S.2(a) of the Western Province Town Councils (Amendment) Ordinance 1995 by deleting the words "One resident" and substituting therefore the words "Two residents"

(2) (2) A member of a Town Council appointed in accordance with section 4(2)(0) may at any time resign his or her membership by giving 30 days notice in writing to the President and Secretary of the Town Council and to the Provincial Secretary.

2 (2) (3) The Executive must, as soon as practicable after receiving notice of resignation it~ accordance with section 4(2)(2) appoint another resident to represent the section of a society on the Town Council for which the resigning member was a representative.

(3) (1) A Town Council may by resolution appoint no more than 2 residents of a township to be additional members of a Town Council Provided However that a person who is a Member of the Assembly or a Member of Parliament or a member of an Area Council cannot be appointed a member of a Town Council.

(3) (2) A Town Council max' terminate the membership of a member appointed in accordance with section 4(3)(1) at any time without giving reasons.

(3) (3) A member of a Town Council appointed in accordance with section 4(3)(I) Tray at any time resign his or her membership by giving 30 days notice in writing to the President and Secretary of the Town Council.

(4) (1) The persons who occupy the following public positions in Western Province are ex officio members of a Town Council.

- (a) The District Police Commander or, at the discretion of the District Police Commander, the police Officer in charge of the Police Station in the township;
- (b) The Senior Health Inspector or, at the discretion of the Senior Health Inspector, the senior Health Officer based in the township;
- (c) The Physical Planning Officer; The Senior Works Officer or, at the

discretion of the Senior Works Officer, the senior Works employee based in the township.

(4) (2) The persons who occupy the position listed in section 4(4)(l) may be:

(a) persons permanently assigned to the position or persons acting in the position;

(b) persons employed directly by Western Province or persons employed by the Solomon Islands Government

(4) (3) The Member of the Assembly representing the Ward in which the township is situated is an ex officio member of that Town Council.

(4) (4) An ex officio member of a Town Council:

(a) may participate in all discussions and debate at a Town Council meeting;

(b) is not entitled or permitted to vote on any matter or resolution at a Town Council meeting;

(c) is not entitled or permitted to receive any allowance or travelling expenses for attending a Town Council meeting.

5. Term of Office - (1) Subject always to sections 4(2)(2), 4(3)(2), 4(3)(3) and 6(3) the members of a Town Council shall serve for a period of three (3) financial years.

[Note S.5(t) amended as from 16 June 1995 by S.2~) of the Western Province Town Councils (Amendment) Ordinance 1995 by deleting the words 'one financial year' and substituting therefore the words "three financial years "]

(2) All members of a Town Council may be reappointed to a Town Council for a further term of three (3) financial years Provided however that no members permitted to be a member of the same Town Council for more than two consecutive terms of three (3) years each.

[Note: S.5(2) amended as from 16 June 1995 by S.2(cXi) of the Western Province Town Councils (Amendment) Ordinance 1995 by deleting the words "financial year" and substituting therefore the words 'term of three financial years ' and by S.2(c)(ii) by deleting the words "three consecutive years and substituting therefore the words "two consecutive terms of three years each"]

6. Transitional provisions - (1) Upon the date this Ordinance comes into force the Gizo Town Committee which has subsisted under the provisions of the Local Government Act is dissolved and the members of the Gizo Town Committee cease to be members Provided however that the Executive may appoint any such members to be members of a Town Council pursuant to section 4(2)(1) hereof or a Town Council may appoint any such members to be members of the Town Council pursuant to

section 4(3)(1) hereof.

(4) The-Secretary must conduct the election of the President and shall accept nominations of candidates for President made orally from the floor.

(2) The President and Vice President are entitled to be paid an allowance additional to the members allowance described in section 7(1) the amount of such additional allowance to be determined by the Executive and paid from the Provincial Fund.

11. Standing Orders - A Town Council must discharge its functions and carry out its duties and exercise its powers and conduct its affairs in accordance with Town Council Standing Orders contained in Schedule 2 hereof.

12. Meetings (I) A Town Council must meet at least twice but no more than 4 times in a financial year Provided However that a Town Council may hold additional meetings if it obtains the prior written consent of the Executive.

(2) The meetings of a-Town Council must be in public Provided However

(a) The President and Secretary, When preparing the Agenda may provide and declare that the public art to be excluded from the proceedings when a certain matters under consideration.

(b) A member may move a motion during a meeting that the public be excluded from the meeting of a Town Council during consideration of a particular matter and that motion is duly passed.

PART III FUNCTIONS, POWERS AND DUTIES OF TOWN COUNCILS

13. Functions, powers and duties - (1) A Town Council must promote the health, welfare and convenience of the residents in the township and maintain order and good local government.

(2) A Town Council must, within the limits of its authority under this Ordinance or under any other legislation do all such things as are proper, necessary or desirable for the discharge Of its functions and duties and to effectively carry out the provisions of this Ordinance.

(3) A Town Council must carry out the functions and duties described in Schedule I.

(4) The Executive may devolve responsibility for further functions and services to a Town Council from time to time as it thinks fit.

(5) Not used

(6) A Town Council has power to charge fees for any service or facility provided by a Town Council or for any licence or permit issued by a Town Council Provided

however that the Town Council must first pass a bylaw authorising such charge (unless a Provincial Ordinance or other law is in force authorising such a charge).

(7) A Town Council has power to make bylaws on the following terms and conditions:

- (a) The bylaws only apply within the township;
- (b) The bylaws are subject to approval by the Executive; The bylaws do not come into force until they are approved by the Executive;
- (c) The bylaws must not conflict with any Provincial Ordinance or Regulations or any Solomon Islands legislation or any Area Council bylaws;

The bylaws must not be made for a purpose for which provision is made by or is or may be made under any other enactment;

(d) The bylaws are passed and published in accordance with the Town Council Standing Orders contained in Schedule 2 hereof;

(e) The bylaws may only relate to the following matters:

- (i) Control of livestock and domestic animals;
- (ii) Establishment and control of markets;
- (iii) Community or welfare or social services
- (iv) Visitors;
- (v) Protection of flora and fauna and/or establishment and administration of parks, open spaces and recreation grounds;
- (vi) Fire services and fire protection.
- (vii) Waste disposal or collection or cleansing services;
- (viii) Control of rest houses or eating places and/or other public buildings;
- (ix) Establishment, control and maintenance of public conveniences;
- (x) Prevention, control or abatement of public nuisances;
- (xi) Building standards;
- (xii) Regulation and control of the production or preparation and sale of foodstuffs for public consumption

- (8) A Town Council *has* power to employ persons to work within the township such employees to be paid from Town Council funds under conditions of service approved by the Executive.

PART IV ADMINISTRATION OF TOWN COUNCILS

- 14. Secretary** - (1) The Western Provincial Secretary must appoint a Secretary for each Town Council.

[Note: 5.14(1) amended as from 16 June 1995 by 5.2(e) of the Western Province Town Council (Amendment) Ordinance 1995 by deleting the word "Executive" and substituting therefore the words: "Western Provincial Secretary"]

- (2) The Secretary may be a Public Officer or a Provincial employee.
- (3) The Secretary must carry out the following duties:
- (a) Convene all meetings of the Town Councils and prepare and serve all notices relating to such meetings in accordance with Standing Order 3;
 - (b) Attend all meetings of the Town Council;
 - (c) Prepare and circulate the Agenda for the meetings of the Town Council together with copies of the Papers;
 - (d) Take the Minutes of the meetings of the Town Council in accordance with Standing Order 8.1;
 - (e) Circulate the Minutes in accordance with Standing Order 8.2;
 - (f) File the Minutes in accordance with Standing Order 8.3;
 - (g) Keep a record of all resolutions of the Town Council in accordance with Standing Order 6.6;
 - (h) Forward copies of all proposed bylaws to the Provincial Secretary in accordance with Standing Order 9.3;
 - (i) Post copies of all bylaws passed by the Town Council and approved by the executive in accordance with Standing Order 9.8;
 - (j) Forward all project proposals of the Town Council to the Executive for consideration and approval and if appropriate for onward submission by the Executive to the Provincial Development Unit or the Minister;
 - (k) Assist the President of the Town Council with all matters relating to the administration of the Town Council;
 - (I) Advise the Town Council on Provincial matters and procedural

matters.

- (m) Conduct the election of the President or the Town Council.

15. Treasurer - (1) The Executive must appoint a Treasurer for each Town Council.

- (2) The Treasurer may be a Public Officer **or** a Provincial employee.
- (3) The Treasurer must carry out the following duties:
 - (a) Attend all meetings of the Town Council;
 - (b) Advise the Town Council of all financial matters of or relating to the Town Council;
 - (c) Carry out the duties and follow the procedures described in the Town Council Financial Regulations contained in Schedule S hereof;

Ensure that the Town Council carries out the functions of the Town Council described in Schedule 1 Clause 1 hereof;

- (e) Keep in safe keeping all documents of title relating to Town Council property and all original copies of contracts, agreements or other important documents;
- (f) Liaise and co-operate with the Provincial Treasurer concerning the financial affairs of the Town Council and/or the collection of revenue on behalf of the Province.
- (g) Keep in safe keeping the bank books, Receipt Books, Cash Books, Payment Voucher Books and all other financial records.

SCHEDULE 1 FUNCTIONS AND DUTIES

REVENUE AND EXPENDITURE

- (a) Draft Town Council Estimates of Town Council Revenue and Expenditure for each financial year in accordance with, the Town Council Financial Regulations;
- (b) Apply for and allocate Provincial Funds as and when required;
- (c) Keep full and proper accounts of the Town Council Revenue and Expenditure in accordance with the Town Council Financial Regulations;
- (d) Prepare a Finance Report for each financial year and submit it to the Executive in accordance with the Town Council Financial Regulations;
- (e) Do all such other things required by the Town Council Financial

Regulations to properly and efficiently manage "the finances of the Town Council.

2. RELATIONS WITH THE WESTERN PROVINCIAL GOVERNMENT ("the Province")

- (a) Provide a corridor of communication between the residents of the township and the Province;
- (b) Coordinate and express the views of the residents of a township on all matters referred to a Town Council by the Province;
- (c) Formulate policies and plans to meet the needs and desires and address the concerns of the residents of a township and submit such policies and plans to the Province for consideration, approval and/or action;
- (d) Provide a means for the Province to disseminate information to the residents of the township;
- (e) Communicate Town Council resolutions to the Province;
- (f) Liaise with and coordinate Provincial and Council staff and employees;
- (g) Supervise Provincial activities in the township;
- (h) Submit project application for consideration by the Province.

3. CUSTOM AND CULTURE

- (a) Promote the establishment of a cultural centre in the township;
- (b) Encourage an appreciation of traditional artifacts amongst both the residents of a township and visitors, the preservation of such traditional artifacts and discourage the sale of such traditional artifacts;
- (c) Encourage and/or arrange the establishment of cultural organisations and/or festivals within the township.

4. EDUCATION AND PUBLIC HEALTH

- (a) Identify and, if appropriate, implement community education projects;
- (b) Identify subjects for extra curricular activities and if appropriate, arrange such activities;
- (c) Provide or arrange for the provision of health education in conjunction with the Public Health authorities;
- (d) Assist Provincial and National Public Health Authorities in identifying

and/or dealing with serious health problems in the township;

(e) Assist Provincial and National Health Authorities in their efforts to eradicate malaria and other mosquito borne diseases;

(f) Encourage the participation of its residents in sporting activities, youth projects and other community projects.

5. NATURAL RESOURCES AND DEVELOPMENT

(a) Encourage the establishment of businesses and enterprises appropriate to the township;

(b) Formulate a policy on tourism and plan, assess, regulate and monitor tourism development projects and services in the township.

6. LAW AND ORDER

(a) Encourage the prompt and proper enforcement of all

(b) Prevent, control or abate nuisances.

7. GENERAL

Without limiting the generality of clauses 1 to 6 of this Schedule provide such services as it deems fit in respect of the matters listed in Schedule 6 of the Provincial Government Act 1981 under the heading "Local Matters" which provides as follows:

Fire services and fire protection
Waster Disposal and cleansing services
Rest houses, eating houses and similar places
Public conveniences
Vagrancy
Public nuisances
Cemeteries
Parks and recreation grounds
Markets
Keeping of domestic animals
Building standards
Welfare and other social services'

SCHEDULE 2 STANDING ORDERS President and Vice President

1.1 The President determines the time and places of meetings of the Town Council.

1.2 The President must preside at the meetings of the Town Council at which he or she is present.

- 1.3 The President must keep order at meetings.
- 1.4 The decision of the President on a point of order's final.
- 1.5 In the absence of the President the Vice President must:
- (a) Preside at the meetings of the Town Council
 - (b) Perform all the duties and exercise all the powers of the President.
- 1.6 The President may resign as President by giving 30 days notice in writing:
- (a) to the Vice President (b) to the Secretary.
- 1.7 Any member may move a motion of no confidence in the President but notice of such motion must be given In writing to every member of the Town Council and to the Secretary no less than 7 days prior to such motion being pot to the meeting. Such notice must be in writing and must specify the grounds upon which the motion is based,
- 1.8 Upon the resignation of the President or upon the termination of the office of President subsequent to the passing of a motion of no confidence the office of Vice President automatically becomes vacant.
- 1.9 Upon the resignation of the President or upon the termination of the office of President subsequent to the passing of a motion of no confidence, the members of the Town Council must elect a new President in accordance with section 10(2). The newly elected President must then appoint a new Vice President in accordance with section 10(3).
- 1.10 The Vice President may resign *as* Vice President by giving 30 days notice in writing to the President who must then appoint a new Vice President in accordance with section 10(3).
- 1.11 The President is entitled to order the removal from a meeting of a member who behaves in a disorderly manner or constantly disobeys orders from the President. Such member is not allowed to return to the meeting unless a written apology is handed to the President and read to the meeting.

Quorum 2.1 The quorum of Town Council is 6 members.

2.2 No business can be conducted at a Town Council meeting if a quorum of members is not present.

2.3 If a quorum is present no proceedings of a Town Council and no action taken in pursuance of those proceedings are invalid by reason of any vacancy amongst the members or the absence of any member from the meeting.

Notice of meetings 3.1 No meeting of a Town Council can be held unless a notice

setting out the time and place of the meeting is mailed or delivered to each member no less than 14 days prior to the date of the meeting.

3.2 Subject to compliance with Standing Order 3.1 a meeting of a Town Council is duly convened and the proceedings of a meeting of a Town Council are valid notwithstanding that a member has failed to receive notice of the meeting.

Agenda 4.1 An Agenda for each meeting of a Town Council must be prepared and read to the Town Council at the commencement of the meeting. The Secretary must use his or her best endeavours to circulate the Agenda to the members of the Town Council prior to each meeting.

Papers 5.1 A member of a Town Council may submit in writing to the Town Council a Paper.

5.2 Every Paper must include a formal resolution to be put to the meeting at the conclusion of discussion of the Paper.

5.3 A member must arrange sufficient copies of the Paper to enable every member of the Town Council to receive a copy.

5.4 Unless a member is unable to attend a meeting of the Town Council for some valid reason, every Paper must be presented to the Town Council by the member responsible for that Paper in person.

5.5 At the conclusion of discussion of the Paper the member responsible for the Paper must move that, the resolution be put to the meeting by the President.

5.6 If a member is unable to attend a meeting of a Town Council for some valid reason and the President or a majority of members consider that the subject matter of the members Paper demands urgent consideration, the President is entitled to present the Paper and at the conclusion of discussion of the Paper to move that the resolution, be put to the meeting.

Resolutions 6.1 A resolution of a Town Council is passed by a majority of the votes of the members present it, person.

6.2 In the event of an equal division of votes on any resolution the President must make a deciding vote.

6.3 The President must determine acceptance or rejection of a resolution by hearing the collective voices of the members saying "Aye" or "No".

6.4 Any member may demand that the President put the resolution again. The President must then ask the members to vote on that resolution by a show of hands.

6.5 The President must declare to the meeting the result of a vote on a resolution.

6.6 A written report of every resolution of a Town Council must be kept in a separate book, file or register and filed in date order.

Declaration of Interest 7. A member must declare to the Town Council any personal or financial interest he or she has in any Paper or matter before the Town Council at the commencement of discussion of that Paper or matter and such member is not entitled to vote on a resolution relating to that Paper or matter unless that member has the prior consent of the majority of the members.

Minutes 8.1 Proper and full Minutes of the proceedings of every meeting of a Town Council must be written.

8.2 After every meeting of a Town Council a copy of the Minutes must be circulated:

- (a) to every member of the Town Council
- (b) to the Provincial Secretary;
- (c) to every Invited Adviser who had attended that meeting.

8.3 A copy of the Minutes of every meeting of a Town Council must be filed in a Minute Book or file or register kept solely for that purpose.

Bylaws 9.1 A bylaw must be presented to a meeting of a Town Council as a Paper.

9.2 A bylaw must be expressed to be subject to the approval of the Executive.

9.3 If a bylaw is passed by a Town Council then the bylaw must be submitted to the Provincial Secretary for approval in respect or the drafting of the bylaw and its legality.

9.4 If the Provincial Secretary approves the bylaw the bylaw must be submitted to the Executive for approval.

9.5 The Provincial Secretary and/or the Executive are entitled to refer a bylaw back to the Town Council for amendment and the amended bylaw must then be resubmitted to The Provincial Secretary for approval and to the Executive.

9.6 The Executive may either approve or refuse to approve the bylaw.

9.7 A bylaw does not come into force until it has been approved by the Executive.

9.8 A copy of every bylaw approved by the Executive must be posted on every public notice board within the township within 14 days of its approval by the Executive.

9.9 A Town Council must use its best endeavours whether by education programmes, public meeting, radio messages or whatever other means it thinks fit, to bring a bylaw to the notice of the residents of the township and to explain its meaning.

9.10 A copy of every bylaw must be forwarded:

- (a) to the Police Station in the township:
- (b) to the Local Court Registry;
- (c) to the Magistrate's Court Registry.

Common Seal 10. The President or Vice President must keep the Common Seal of the Town Council in safe custody. The Common Seal can only be used by resolution or the Town Council. Every instrument to which the seal is affixed must be signed by the President or Vice President and by the Secretary or Treasurer by some other member authorised by resolution of the Town council.

Amendments 11. These Standing Orders may only be amended by the Executive by subsidiary legislation.

SCHEDULE 3 FINANCIAL REGULATIONS

ESTIMATES AND BUDGET

Annual Estimates 1.1.1 In consultation with the Provincial Treasurer, the Treasurer must prepare an annual Estimate of Revenue and Expenditure for every financial year.

11.2 The annual Estimates must be in the form prescribed in Appendix A

11.3 The annual Estimate of Revenue must state the expected source of Revenue and the anticipated amount to be collected from each source.

11.4 The annual Estimates of Expenditure must state the use or Purpose for which the Revenue is to be applied and the maximum amount to be allocated to that use or purpose.

1.2 The annual Estimates must be submitted to a Town Council for approval at a meeting held prior to the commencement of the financial year.

1.3.1 When the annual Estimates are approved by a Town Council they must be submitted to the Executive for approval.

1.3.2 The Executive may:

- (a) Approve the Annual Estimates;
- (b) Amend the Annual Estimates and resubmit them to the Town Council for approval;
- (c) Disapprove the annual Estimates in which case the Executive must consult with the Town Council to prepare annual estimates which have the approval of both the Town Council and the Executive.

Budget 1.4 When the annual Estimates are approved by the Executive they become the Budget of the Town Council for the text following financial year and the Budget comes into force on the first day of that Financial year. Provided however that if the negotiations on the annual Estimates continue into a new financial year then the annual estimates become the Budget for that new year and the Budget comes into force on the day the annual estimates are approved by the Executive.

1.5 A Town Council is not permitted to expend any Town Council funds in a financial year until the Budget for that financial year is in force.

1.6.1 In the event of an urgent need for expenditure for which no provision is made in the Budget, a Town Council may make application to the Executive for a supplementary provision of funds.

1.6.2 The application must be in writing and signed by the President and Treasurer.

1.6.3 The Executive may approve, amend or refuse such application.

1.6.4 A Town Council must not commit any expenditure of such supplementary funds until the Executive has approved the application.

REVENUE

Source of revenue 2.1 A Town Council has the following revenue:

(a) That proportion of basic rate collected in a township as is determined by the Assembly, together with any penalty thereon;

(b) Fees, charges or rates collected in a township under the authority of bylaws of that Town Council;

(c) Any revenue as may be determined by the Executive from time to time;

(d) Any revenue as may be determined by the Solomon Islands Government from time to time which revenue may include funds for development projects in the township channelled through the Provincial Development Unit;

(e) Any revenue payable under an Act of Parliament or other enactment.

2.2 The Treasurer is the only person authorised to receive monies payable to a Town Council.

Receipts 2.3.1 The Treasurer must issue receipts for all monies received

2.3.2 Every receipt must be in the form prescribed in Appendix B, written in ink and completed in duplicate.

2.3.3 A receipt must not be altered. An error must be rectified by cancellation of the

receipt and the completion of a new receipt.

2.3.4 The original of a receipt must be given to the payer of the monies.

2.3.5 The first copy of the receipt must be attached to the monthly Cash Book Sheet.

2.3.6 The second copy of the receipt must be kept in the Receipt Book.

2.3.7 Receipts must be used in strict numerical order.

TowCo28 - Ed1 – 372

Procedure relating to expenditure 3.1 A Town Council must not expend any funds unless there is provision for such expenditure in the Budget or a supplementary appropriation approval.

3.2.1 Every payment must be supported by a payment voucher h, the form prescribed in Appendix C.

3.2.2 Every payment voucher must be signed by the Secretary and countersigned or marked by the payee.

3.2.3 A payment voucher must not be altered. An error must be rectified by cancellation of the payment voucher and the -completion of a new payment voucher.

3.2.4 The first copy of the payment voucher must be delivered to the payee.

3.2.5 The second copy of the payment voucher must be kept in the Payment Voucher Book.

3.3.1 The Cash Book must be In the form proscribed in Appendix D.

3.3.2 The Secretary must sign the original pages of the Cash Book.

3.3.3 Each Cash Book sheet must be supported by the first copy of every receipt and the original of every payment voucher.

3.3.4 The Cash Book must always be kept up to date and ready for inspection at any time.

BANKING

Bank accounts and banking 4.1 The Treasurer must open and keep open a Savings Account or Accounts in the name of the Town Council with a Trading Bank operating within and having an agency in the township.

4.2.1 Subject only to section 24 [Query?] of the Ordinance, the signatories to the bank account are the- Treasurer, Resident and Secretary.

4.2.2 Two signatories must sign all cheques and other banking papers and documents.

4.3 The Treasurer must promptly pay all monies received into the Town Council bank account.

4.4 The Treasurer may retain at the Town Council offices sufficient cash to meet the daily requirements of the Town Council.

FINANCIAL INSPECTIONS

Production of financial records 5.1 The following accounting records must be produced or sent to the Provincial Treasurers for inspection upon demand:

- (a) Unused receipts;
- (b) The original and first copies of cancelled receipts;
- (c) The original and first copies of cancelled Payment Vouchers;
The Cash Book;
- (e) Any other financial records.

Accounting records 5.2 Upon demand by the Provincial Treasurer, the Treasurer must in the presence of the Provincial Treasurer:

- (a) Count and agree the cash held with the current page of the Cash Book;
- (b) Check the last completed Cash Book sheet against the copies of the receipts and the original Payment Vouchers;
- (c) Check all unused receipts and Payment Vouchers;
- (d) Check the entry of cash remitted by the Provincial Treasurer onto the current Cash Book sheet. -

Accounting checks 5.2.1 The Provincial Treasurer must sign the fixed copy of the Cash Book Sheet to acknowledge receipt of the original of the Cash Book Sheet.

5.3.2 The Provincial Treasurer must give a receipt for all financial records or documentation retained by the Provincial Treasurer.

5.4 The Treasurer must, upon demand by the Provincial Treasurer appear in person at the Provincial Offices in Gizo to discuss any aspect of the financial management of the Town Council.

Purchase of Goods 6. Should the Town Council wish to purchase goods or services through the agency of the Provincial Treasurer:

- (a) Requisitions for such goods and services must be submitted to the Provincial Treasurer in the form prescribed in Appendix E, such form to be signed by the Treasurer and the Secretary;

- (b) The original and first copy of each Requisition must be sent to the Provincial Treasurer;
- (c) The Provincial Treasurer must retain the original requisition to support payment from the Provincial funds;

The first copy of the requisition must be returned to the Treasurer with a debit note demanding payment from the Town Council for the goods or services.

TOWN COUNCIL PROPERTY

Property 7.1 The Treasurer must maintain a register of all property owned by a Town Council.

7.2 The Treasurer, must report to the Town Council any loss or damage to Town Council property and all Town Council property which is worn out or no longer able to be efficiently or satisfactorily used.

7.3.1 The Town Council must authorise and give instructions concerning the disposal of any Town Council property.

7.3.2 The Town Council must always use its best endeavours to obtain the best possible price (if any) upon the disposal of Town Council property

7.3.3 No member of a-Town Council and no employee of a Town Council is entitled to purchase or receive Town Council property without the prior consent in writing of the Executive. To give such consent the -Executive must be satisfied that the member or employee is, if appropriate, paying the fair market value of such property.

7.3.4 The proceeds from any disposal of Town Council property must be paid to the Treasurer.

7.4.1 The Town Council must not lend any Town Council property to any person, company, cooperative, association or other body of persons unless:

- (a) The Town Council consents to such loan;
- (b) The borrowers agree to pay the Town Council upon demand:
 - (i) Compensation for any damage caused to the property by the borrower or by any other person whilst such property was on loan to the borrower;
 - (ii) Payment for any repairs required to the property arising from the use of the property by the borrower.

7.4.2 The Town Council may charge a fee for the loan of any Town Council property and impose such other terms and conditions as it thinks fit.

7.4.3 The Secretary or Treasurer must keep a record of all property loaned, such record to include:

- (a) The name of the borrower;
- (b) The address of the borrower;
- (c) The period for which the property is loaned;
- (d) A description of the property including its condition or state of repair;
- (e) Any charge imposed for the loan;
- (f) Any other terms and conditions of loan. -

MISCELLANEOUS

Borrowings and guarantees 8. A Town Council is not entitled or permitted to:

- (a) Take out any loans or borrow any funds without prior written approval of the Executive.
- (b) Guarantee payment of any monies.

Delegation 9. The Provincial Treasurer may delegate to any member of the Treasury Division of the Western Provincial Government or to any other Senior Provincial Officer the duties of the Provincial Treasurer under the Ordinance and under these Regulations.

Stationery 10. All forms prescribed by these Regulations and Cash Books and Payment Voucher Books must *be* ordered and purchased by Town Council from the Government Printing Office.

APPENDIX A WESTERN PROVINCE TOWN COUNCIL

Estimate for the year 1 July 199 to 30 June 199 SURPLUS, beginning of the year \$

REVENUE

Head Subhead Description

TOTAL REVENUE

EXPENDITURES

Head Subhead Description

TOTAL EXPENDITURES

SURPLUS, end of the year \$

PASSED by Resolution of Town Council the day of 199

President

Town Council

ASSENTED to by the Western Provincial Executive the day of 199

Premier

Western Province

APPENDIX B

WESTERN PROVINCE

Date

No

Town Council

Receipt Voucher

Received from the sum of (in words) in respect of:

Allocation Head Subhead

Distribution: Original - Payer First copy - Provincial Treasurer
Second copy - Receipt Book

APPENDIX C

Date

No

TOWN COUNCIL

PAYMENT VOUCHER

Allocation Head Subhead

For Goods/Services

\$ c

Gross Pay

Authority

Deductions

Net Pay

I certify and approve that funds are available in the above allocation and that goods - and services and received/rendered are an authorised expenditure

Secretary or Treasurer

Date

Distribution:

Original – Provincial

Duplicate – Payee

Triplicate – In Book

**APPENDIX D
WESTERN PROVINCE
TOWN COUNCIL
CASHBOOK**

Date	Particulars	Head/Subhead	Receipt Number/Payment Number	\$ Amount	Account Balance
	Bal b/f				

**APPENDIX E
WESTERN PROVINCE**

TOWN COUNCIL

No.

REQUISITION

We request Western Province to pay for the following goods/services
on behalf of Town Council.
Had/Subhead Detailed Description Estimated Cost

We agree to deposit into Western Province current account the cost of the above upon receipt of debit note.

Town Council Secretary:

Town Council Treasurer