

The Divestment of Government Assets or Services Bill 1999

(NAME OF BILL)

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1 copy Ministry
1 copy Parliament Office
1 copy Registrar of the High Court)



THE DIVESTMENT OF GOVERNMENT ASSETS OR SERVICES ACT 1999

(NO. 7 OF 1999)



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(NO. 7 OF 1999)

Passed by the National Parliament this twenty-third day of June 1999.

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.

Elizabeth Andresen
Elizabeth Andresen
Acting Clerk to National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this seventh day of September 1999.

Rev. John Ini Lapli
Governor-General

John Ini Lapli
Date of commencement: date of publication in the Gazette.

AN ACT TO MAKE PROVISION FOR THE DIVESTMENT OF CERTAIN GOVERNMENT ASSETS HELD OR SERVICES PRESENTLY PROVIDED OR PERFORMED BY GOVERNMENT MINISTRIES OR DEPARTMENTS OF THE GOVERNMENT AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the National Parliament of Solomon Islands.

Short title.

1. This Act may be cited as the Divestment of Government Assets or Services Act, 1999.

Directions to the Auditor-General.

2. (1) Where the Cabinet considers it necessary or expedient that certain services provided by any ministry or any department of the Government or the assets of any such ministry or department of the Government be divested, the Minister charged with responsibility for the particular service or the assets (hereinafter referred to as "the Minister") in consultation with the Minister charged with responsibility for finance shall request the Auditor-General to prepare a report of the assets and liabilities of such government ministry or department of the Government.

(2) Where a request is made under subsection (1), the Auditor-General may where he deems it necessary appoint any person publicly carrying on the profession of accountant or any public officer to inspect, examine or audit books and accounts of such Government Ministry or department of the Government which may be required for the purpose and submit a report as required under subsection (1) to the Minister together with a valuation report of the services and assets to be divested.

(3) In this section "divested" means leasing, contracting, concession, sale or any other means of disposition of such services or assets.

Procedure for divestment.
Cap. 120.

3. (1) On receipt of the reports referred to in subsections (1) and (2) of section 2 the Minister shall present such reports to the Cabinet which may thereupon notwithstanding the provisions of the Public Finance and Audit Act, authorise the Minister charged with responsibility for finance to divest such services or assets through -

- (a) public auction;
- (b) public tender;
- (c) public offering; or
- (d) direct negotiations.

(2) The procedure and methods of divestment shall be as established by the Minister and shall conform as far as practicable to the Public Finance and Audit Act and regulations made thereunder, and shall include the advisory services of any specialised unit established by the Government for the purpose of the valuation report submitted under section 2(2).

(3) The procedure and methods of divestment referred to in subsection (2) shall be published in the Gazette and in local newspapers.

(4) On the successful completion of the divestment, the Minister charged with responsibility for finance shall publish a notice in the Gazette of the successful bidder and on publication of that notice -

(a) all property movable and immovable used for the purposes of such services shall vest in the successful bidder in terms of the sale;

(b) all rights, powers, privileges and interests arising from or out of such services shall be transferred to and vest in the successful bidder in terms of the divestment; and

(c) all officers and employees employed in the provision of such services on the day immediately preceding the date of publication of the Notice referred to in this subsection who are not offered alternative employment in the public service shall be entitled to redundancy payment in accordance with the Employment Act.

Cap. 72.

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