



**PROVINCIAL GOVERNMENT (AMENDMENT)  
BILL 2023**

**(NO. 4 OF 2023)**





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BILL

Entitled

**AN ACT TO AMEND THE PROVINCIAL GOVERNMENT ACT 1997**

**ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.**

# PROVINCIAL GOVERNMENT (AMENDMENT) BILL 2023

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# PROVINCIAL GOVERNMENT (AMENDMENT) BILL 2023

## 1 Short title

This Act may be cited as the *Provincial Government (Amendment) Act 2023*.

## 2 Commencement

This Act commences on the day appointed by the Minister by notice in the *Gazette*.

## 3 Amendment of Provincial Government Act 1997

This Act amends the *Provincial Government Act 1997* (No. 7 of 1997) ("*Principal Act*").

## 4 Section 2 amended

Section 2 of the Principal Act is amended by inserting after the definition of "devolution order":

"Electoral Commission" means the Electoral Commission established by section 57 of the Constitution;"

## 5 Section 9 amended

Section 9(1) of the Principal Act is amended by omitting "subsection (2)" and substituting "subsection (2) and section 9A".

## 6 New section 9A inserted

The Principal Act is amended by inserting after section 9:

### "9A Date of next ordinary elections after commencement of *Provincial Government (Amendment) Act 2023*

"(1) In subsection (2):

"Provincial Assembly" means the Provincial Assembly of the following provinces:

(a) Central Province;

- (b) Guadalcanal Province;
  - (c) Isabel Province;
  - (d) Makira Ulawa Province;
  - (e) Malaita Province;
  - (f) Rennell and Bellona Province;
  - (g) Temotu Province.
- (2) The first ordinary election of members of each Provincial Assembly held after the commencement of the *Provincial Government (Amendment) Act 2023*:
- (a) must be held on a date in 2024, which date must be fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the *Gazette*; and
  - (b) must not be held after 30 April 2024.
- (3) The first ordinary election of members of the Provincial Assembly of Choiseul Province and the Provincial Assembly of Western Province held after the commencement of the *Provincial Government (Amendment) Act 2023*:
- (a) must be held on a date in 2028, which date must be fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the *Gazette*; and
  - (b) must be held on the same date in 2028 as the ordinary election of members of the Provincial Assemblies referred to in subsection (1)."

**7 New section 11A inserted**

The Principal Act is amended by inserting after section 11:

**“11A Functions of Electoral Commission relating to elections**

The Electoral Commission, in performing its functions under section 12 of the *Electoral Act 2018*, must carry out the registration of voters and the conduct of elections for the members of the Provincial Assemblies.”.

**8 Section 12 amended**

Section 12(1) of the Principal Act is amended by omitting “The Minister” and substituting “The Minister, acting on the advice of the Electoral Commission,”.

**9 Section 13 amended**

Section 13 of the Principal Act is amended by omitting subsection (2) and substituting:

“(2) The date of the election must:

- (a) be fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the *Gazette*; and
- (b) be no later than 3 months after the vacancy comes to the notice of the Minister.”.

**10 Section 15 amended**

Section 15(1)(a) of the Principal Act is amended by omitting “section 49(a)” and substituting “section 49(1)(a)”.

*Note to section 10.*

*The following note is to be inserted into the Principal Act after section 15(1)(a):*

*“Note to section 15(1)(a).*

*Under section 15(1)(a) of the Provincial Government Act 1997, a person is disqualified from membership of a Provincial Assembly if the person is disqualified for election as a member of Parliament under section 49(1)(a) of the Constitution.*

*Section 49(1)(a) of the Constitution provides that a person is not qualified for election as a member if the person is under an acknowledgement of allegiance, obedience or adherence to a foreign power or state, including by holding citizenship of a country other than Solomon Islands.”.*

# PROVINCIAL GOVERNMENT (AMENDMENT) BILL 2023

## EXPLANATORY MEMORANDUM

### OBJECTS

The Provincial Government (Amendment) Bill 2023 is designed to amend the *Provincial Government Act 1997* (No. 7 of 1997) to:

- (a) defer the next ordinary election of members of 7 Provincial Assemblies of the provinces listed in new section 9A(1) proposed in the Bill to be held on a date fixed by the Minister in accordance with the advice of the Electoral Commission that will enable the ordinary elections of members of the 7 Provincial Assemblies, and the ordinary election of members of the Honiara City Council, to be held in 2024 on the same day; and
- (b) defer the next ordinary election of members of the Provincial Assemblies of Choiseul Province and Western Province to be held in 2028; and
- (c) require the Electoral Commission to register voters and conduct elections for members of Provincial Assemblies; and
- (d) require the Minister to make regulations relating to the conduct of elections of members of Provincial Assemblies, questioning the results of those elections and the consequences of irregularities in accordance with the advice of the Electoral Commission; and
- (e) require the date of by-elections of members of a Provincial Assembly to be fixed in accordance with the advice of the Electoral Commission; and
- (f) correct section 15 of the Act to refer to section 49(1)(a) of the Constitution.

### CONTENT

**Clause 1** provides for the short title of the Act.

**Clause 2** provides for the commencement of the Act by enabling the Minister to appoint a date for the Act to commence by notice published in the *Gazette*.

**Clause 3** specifies that the Bill amends the *Provincial Government Act 1997* (No. 7 of 1997), which is referred to as the Principal Act in the Bill.



**Clause 4** amends section 2 of the Principal Act to include the definition of “Electoral Commission”.

**Clause 5** amends section 9 of the Principal Act so that it will operate subject to new section 9A.

**Clause 6** inserts new section 9A to enable the next ordinary elections of members of the Provincial Assemblies of all provinces to be held on dates so that in 2028 the ordinary elections of members of the Provincial Assemblies will be held on the same day in that year. This is done by providing for the holding of the next ordinary election of members of 7 provinces on the same date in 2024 before 30 April 2024, and the holding of the next ordinary elections of members of the remaining 2 provinces (whose ordinary elections were held in 2022) to be held on the same date the ordinary elections of the other 7 provinces are held in 2028.

**Clause 7** inserts new section 11A to require the Electoral Commission to perform its functions under section 12 of the *Electoral Act 2018* and register voters and conduct elections of members of Provincial Assemblies.

**Clause 8** amends section 12(1) of the Principal Act to require the Minister to exercise the Minister’s regulation making power relating to the conduct of elections of members of Provincial Assemblies, questioning the results of those elections and the consequences of irregularities under that section in accordance with the advice of the Electoral Commission.

**Clause 9** amends section 13(2) of the Principal Act to require the Minister to fix the date on which by-elections are to be held in accordance with the advice of the Electoral Commission.

**Clause 10** amends section 15(1)(a) of the Principal Act to correct the cross reference to section 49 of the Constitution included by the consequential amendment to that paragraph under section 41 of the *Citizenship Act 2018*. The reference to section 49(a) of the Constitution is corrected to be section 49(1)(a) of the Constitution.

**HON. ANTHONY KAMUTULAKA VEKE**  
MINISTER FOR PROVINCIAL GOVERNMENT AND  
INSTITUTIONAL STRENGTHENING





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