



**PROVINCIAL GOVERNMENT (AMENDMENT)
ACT 2023**

(NO. 2 OF 2023)





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PASSED by the National Parliament this 17th day of May 2023.

(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 Bill)

David Kusilifu
Clerk to National Parliament

ASSENTED to in His Majesty's name and on His Majesty's behalf this 31st day of May 2023.

Sir David Vunagi
Governor-General

Date of Commencement: see section 2.

AN ACT TO AMEND THE PROVINCIAL GOVERNMENT ACT 1997

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

PROVINCIAL GOVERNMENT (AMENDMENT) ACT 2023

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PROVINCIAL GOVERNMENT (AMENDMENT) ACT 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.

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