



National Parliament of Solomon Islands

Bills and Legislation Committee

# Committee Report

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Report on the Provincial Government  
(Amendment) Bill 2017 (No. 12 of 2017)

NP-Paper No. 33 of 2017

Presented on 23<sup>rd</sup> November, 2017

National Parliament Office

## COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (10<sup>th</sup> Parliament) are:

**Hon. Matthew C Wale, MP (Chairman)**

**Hon. Dr Derek Sikua, MP**

**Hon. Steve Abana, MP**

**Hon. Commins A. Mewa, MP**

**Hon. Peter Tom, MP**

**Hon. Namson Tran, MP**

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## CHAIR'S FOREWORD



Hon. Matthew Cooper Wale, MP, Chairman

## REPORT OF THE BILLS AND LEGISLATION COMMITTEE

Mr. Speaker,

Pursuant to Standing Orders No. 71 (g) of the National Parliament of Solomon Islands, it is an honour and pleasure for me Sir, to present the Report of the Bills and Legislation Committee on the Inquiry into the **Provincial Government (Amendment) Bill 2017** for laying before Parliament.

A handwritten signature in dark ink, appearing to read 'M. Wale', written in a cursive style.

Hon. Matthew C Wale, MP

Chairman

Bills and Legislation Committee

23 November, 2017

## COMMITTEE FUNCTIONS

The Committee is established under *Standing Order*<sup>71</sup>; an Order made pursuant to the *Constitution*<sup>1</sup> and has the functions, together with the necessary powers to discharge such, to:

- (a) examine such matters as may be referred to it by Parliament or the Government;
- (b) review all draft legislation prepared for introduction into Parliament;
- (c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- (d) monitor all motions adopted by Parliament which require legislative action;
- (e) review current or proposed legislative measures to the extent it deems necessary;
- (f) examine such other matters in relation to legislation that, in the opinion of the Committee require examination; and
- (g) make a written report to each Meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

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<sup>1</sup>Section 62, *Constitution of Solomon Islands* 1978.

## EXECUTIVE SUMMARY

The Bills and Legislation Committee completed its scrutiny of the **Provincial Government (Amendment) Bill 2017**. The Bill was certified by the Speaker and put on notice on the 17 of November 2017. The Committee conducted hearings on the Bill on the 22<sup>nd</sup> of November with the sponsoring ministry and other relevant stakeholders.

The Bill only has three clauses although the policy goals it aims to achieve are significant. It amends clause 9 (1) (b) (iii) of the principle Act by extending the period the Minister could postpone provincial elections from 60 days to 12 months.

The Committee during the scrutiny of the Bill heard discussions mostly expressed around three main issues; the delayed registration process, the provincial elections and the need for a holistic review of the principle Provincial Government Act.

The Committee has made five recommendations as follows:

1. That the Government prioritise financial and capacity support to the Electoral Commission;
2. That the Electoral Commission regularly, perhaps annually, update the Biometric voters list;
3. That all voter registration and election processes in the country be under the responsibility of the Electoral Commission;
4. That the Ministry of Provincial Government and Institutional Strengthening (MPGIS) collaborate with the Electoral Commission to harmonise provincial elections with the general elections; and
5. That the MPGIS conduct a thorough review of the entire Provincial Government Act.

The Committee notes with some concern the very last minute nature of this Bill in seeking to remedy the situation faced by Choiseul and Western provinces, well after the eve of their elections and days within the end of the extension period.

The Committee commends the Bill to the house.

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## 1.0 INTRODUCTION

This Report presents the findings and recommendations by the Bills and Legislation Committee ('the Committee') after reviewing the **Provincial Government (Amendment) Bill 2017** ('the Bill') as required under the Standing Orders of the National Parliament of Solomon Islands ('the Standing Orders').

Relevant stakeholders<sup>2</sup> were invited before the Committee and made presentations or provided submissions on the contents, policy matters, and intentions of the Bill.

The inquiry into the Bill was held on the 22<sup>nd</sup> of November 2017 at the National Parliament Building. The List of witnesses that appeared before the Committee and minutes of those proceedings are contained in Appendix 1 and 2.

Written submissions were also received from witnesses that appeared before the Committee. A list of written submissions can be found in Appendix 3.

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<sup>2</sup>See Appendix 1



## **2.0 BACKGROUND INFORMATION**

The first legislation that established the Provincial Government system we have now was the *Provincial Government Act* (PGA) 1981. In 1996 the Act was repealed and replaced by the *Provincial Government Act 1996*. This was further repealed and replaced in 1997 by the current *Provincial Government Act 1997*, which closely resembles the 1981 Act.

The PGA regulates the administration of our Provincial Governments including the conduct of provincial elections under the supervision of the Minister (and Ministry of Provincial Government and Institutional Strengthening (MPGIS)).

Section 9 of the PGA 1997 was first amended in 2014 by allowing the Minister of MPGIS to set a date within 60 days before or after the fourth anniversary of a provincial election. Previously, provincial elections had to be held on the fourth anniversary of their previous elections. It is this discretionary period that is being extended from 60 days to 12 months in this bill.

### **2.1 Structure of the Bill**

The Bill has three clauses. Clause 1 provides for the short title of the legislation. Clause 2 provides for the commencement date and clause 3 contains the substantive amendment.

### **2.2 Objects of the Bill**

The object of this Bill is to change the time limit for deferring elections of a Provincial Assembly from 60 days to 12 months. This is necessary for two reasons. Firstly, to specifically deal with the overdue elections of Choiseul and Western provinces by giving time for voter registration to occur prior to the holding of elections next in 2018, and secondly to allow time to work towards the alignment of provincial elections.

## 3.0 ISSUES DISCUSSED

The following are the issues raised and the observations of the Committee.

### 3.1 Registration

#### **Delayed voter registration for Choiseul and Western provinces**

Previously, both the voter registration and the conduct of provincial elections were the responsibility of the Ministry of Provincial Government and Institutional Strengthening (MPGIS). The *National Parliament Electoral Provisions (Amendment) Act 2013* removed the responsibility for voter registration from the Ministry for Provincial Government (MPGIS) and gave it to the Solomon Islands Electoral Commission (SIEC). However, responsibility for the conduct of provincial elections remains with the ministry.

The main reason raised by the sponsoring ministry regarding the delay in conducting the Choiseul and Western provincial elections is the delay, by the SIEC, in the Biometric voter registration for these two provinces to update their voters lists. The Permanent Secretary (PS) of the MPGIS in his presentation before the Committee stated that numerous discussions were held with the SIEC to ensure a timely voter registration process to ensure the two elections could be held within the legal timeline. However, he informed the Committee that the SIEC has not been able to meet its commitments. It is unclear what the reasons for this failure on the part of the SIEC are. Simply put, provincial elections cannot be conducted without updated voter lists.

The PS further stated that the prolonged delay by the Electoral Commission in completing the registration process has made it difficult to hold elections for these two provinces within the extension period provided in the PGA. The extension period will lapse on the 28<sup>th</sup> November 2017.

The Committee notes the oversight in not giving the responsibility for both voter registration and conduct of all elections to the SIEC only. This oversight has given rise to this maladministration. The Committee is extremely concerned about the capacity, financial, technical and otherwise, of the SIEC which has allowed this situation to occur. There is clearly a case of neglect in this very important matter, and the Committee calls on the Prime Minister to establish appropriate accountability for it.

### **Response from the Electoral Commission**

The Committee invited officials of the SIEC to explain the reasons for this tragic lapse in administration. However, the Committee was deceived into waiting three hours. No one turned up and so it was not possible to ascertain the reasons for this situation. The Committee is extremely disappointed with the SIEC in this matter and the manner in which its invitation was treated with contempt. The Committee calls on the Minister for Home Affairs and the Minister for Public Service to immediately look into this matter and seek remedial action in the SIEC.

Although officials of the SIEC promised to make a late written submission, this too has not been received by the Committee. The Electoral Commission must take this matter seriously.

### **Registration of voters and conduct of provincial elections**

As mentioned officials of the MPGIS had clarified to the Committee that the responsibility for the voter registration process is now with the Electoral Commission and the ministry is only responsible for the conduct of provincial elections.

Committee notes that this Bill is 'knee jerk reaction' policy-making. It only seeks to remedy one aspect of many issues in provincial government elections, let alone the entire provincial government system. The Committee is concerned that even in the matter this Bill seeks to remedy, the policy choices made are arguably poor.

#### **Recommendation 1**

**The Committee recommends that the Government urgently review the capacity of the Solomon Islands Electoral Commission (SIEC) to discharge its important responsibilities. The Government should also ensure that adequate financial, technical and capacity support is provided to the Electoral Commission, in a timely manner.**

#### **Recommendation 2**

**The Committee recommends that the Electoral Commission regularly, perhaps annually, update the Biometric voters list.**

**Recommendation 3**

**The Committee recommends that the Government bring further amendments in 2018 to give sole jurisdiction for both voter registration and all election processes in the country to the Solomon Islands Electoral Commission.**

**3.2 Elections****Alignment of provincial elections**

The other reason stated by the MPGIS as basis for the Bill is the progress towards alignment of provincial elections. The Premier of Guadalcanal province in his submission before the Committee mentioned that in the Gizo premiers' conference the provincial executives also called for the harmonisation of provincial elections. The PS of the MPGIS stated that the Bill is a response to that call.

**Harmonisation of provincial and national elections**

In his submission before the Committee, the Premier of Guadalcanal Province expressed his view that it is preferable that all provincial elections are conducted with the national general elections.

The Committee concurs with this view. The Committee sees this to be the better policy option in both achieving cost and time savings and in ensuring the SIEC prepares well for voter registration and the smooth conduct of elections.

**Recommendation 4**

**The Committee recommends that the Government introduce legislation in 2018 that would harmonise all provincial elections with the national general elections.**

**3.3 Provincial Government Act Review****Holistic review of the PGA**

The Premier of Guadalcanal Province in his submission to the Committee stressed that the current provincial governance system is ineffective. It only empowers the Provincial Governments to act as agents of the National Government and does not provide for effective delivery of services to the people they govern. He stated that the PGA should be reviewed holistically rather than on a piece

meal approach as is currently done by the MPGIS in this Bill. This will ensure that a robust and a more effective governance system is implemented.

The Committee concurs with the Premier.

**Recommendation 5**

**The Committee recommends that the Ministry of Provincial Government and Institutional Strengthening (MPGIS) conduct a thorough review of the provincial government system and the Provincial Government Act.**

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END OF REPORT

## 5.0 APPENDICES

### Appendix 1: Witnesses

Date	Name	Position & Organisation
Wed 22 Nov 2017	Stanley D Pirione	PS, Mins of Prov Gov't (MPGIS)
	Robert D Kaua	Director Governance, MPGIS
10:37am – 11:39am	Enie George	US Governance, MPGIS
	Nid Satjipanon	Legal Adviser, MPGIS
	Catriona Steele	Legal Drafts person, AG Chamber
11:51am - 12:30 pm	Hon. Anthony Veke	Premier, Guadalcanal Prov Gov't
	Hon. Wayne Maepio	Premier, Western Prov Gov't
	Hon. Joselyn W Ipei	MPA, Temotu Prov Gov't
	Hon. Isaac Vula Tatapu	MPA, Western Prov Gov't
	Hon, Stephen Roni	MPA, Western Prov Gov't

## Appendix 2: Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS AND LEGISLATION COMMITTEE

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Minutes of Proceeding  
Committee Hearing into the Provincial Government (Amendment) Bill 2017

Wednesday 22 Nov 2017, CR II, Parliament House @ 10:37am.

### 1. Members Present

Hon. Matthew Cooper Wale, MP (Chairman)  
Hon. Dr Derek Sikua, MP  
Hon. Commins Aston Mewa, MP  
Hon. Douglas Ete, MP

### Secretariat

Marson Lilopeza  
Wilson Anii  
Salome Pilumate

### 2. Prayers

Hon. Commins Mewa said the opening prayer.

### 3. Welcome and Opening Remarks

The Chairman made opening remarks. He acknowledged and welcomed the PS and officials of the sponsoring Ministry and the Legal Drafts Woman from the A G Chambers to appear before the Committee. He reminded the witnesses on parliament privileges and introduces members of the Committee.

### 4. Committee hearing into the Provincial Government (Amendment) Bill 2017

The Hearing proper commenced and the following witnesses were admitted:

#### Hearing 1 Witnesses

Stanley D Pirione - PS, MPGIS  
Robert D Kaua - Director Governance, MPGIS  
Eric George - US Governance, MPGIS  
Nid Satjipanon - Legal Adviser, MPGIS  
Catriona Steele - Legal Drafts person, AG Chamber

Evidence concluded and the Chair thanked the witnesses for their attendance and contribution on the Bill.

*Evidence concluded. 11:39am  
Hearing suspended.*

The Hearing resumed at 11:51am and the following witnesses were admitted.

**Hearing 2 Witnesses**

Hon. Anthony Veke -	Premier, Guadalcanal Prov Gov't
Hon. Wayne Maepio -	Premier, Western Prov Gov't
Hon. Joselyn W Ipei -	MPA, Temotu Prov Gov't
Hon. Isaac Vula Tapatu -	MPA, Western Prov Gov't
Hon, Stephen Roni -	MPA, Western Prov Gov't

The Chairman made opening remarks and invites the witnesses to introduce themselves and make their presentations.

Members of the Committee then question the witnesses on their presentations.

Evidence concluded and the Chair thanked the witnesses for their attendance and contribution on the Bill.

**5. Adjournment**

The Committee hearing closed at 12:30pm.

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Hon. Matthew Cooper Wale, MP  
Chairman – Bills and Legislation Committee



### Appendix 3: Submissions

<b>No.</b>	<b>Title</b>	<b>Author</b>
1	Submission	Ministry of Provincial Government & Institutional strengthening (MPGIS)



