

THE CONSTITUTION (SECOND AMENDMENT) BILL, 1983

(NAME OF BILL)

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Bill

Objects and Reasons

Notice of Presentation

Covering letter from Minister to Clerk to Parliament

(Authorisation from Minister of Finance under s.60 of Constitution)

FROM:

Attorney General's Chambers

TO:

Minister

(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO:

Minister of Finance

(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO:

Clerk to National Parliament

(for certificate by Speaker)

TO:

Attorney General's Chambers

(for printing)

TO:

Clerk to National Parliament

(for reference during 1st, 2nd and 3rd Readings)

(Date passed 2/6/83 Act No. 1)

TO:

Attorney General's Chambers

(for checking before Assent) 15/7/83

TO:

Governor-General

(for Assent) 15/7/83

TO:

Clerk to National Parliament

(for distribution: 2 copies Attorney General's Chambers

1 copy Ministry

1 copy Parliament Office

1 copy Registrar of High Court



SOLOMON ISLANDS
**CONSTITUTION (SECOND
AMENDMENT) ACT 1983**

NO 1 OF 1983

Passed by the National Parliament this eighth day of June 1983.

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.

J M Tuhaika
J M Tuhaika

Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this sixth day of July 1983.

B Devesi
B Devesi

Governor-General

Date of commencement: see section 1.

AN ACT to amend the Constitution to establish a Commission for determining the entitlements of the members of Parliament; to provide for further decentralisation of power by formation of separate political division and government of Honiara city in deference to the aspirations of the people in view of the special position of Honiara in the national polity, and for matters connected therewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

The Constitution (Second Amendment) Act 1983

Short title
and
commence-
ment.

1. This Act may be cited as the Constitution (Second Amendment) Act 1983, and shall come into operation on such date as the Governor-General may, by notice published in the Gazette, appoint.

Establishment
of Commission
for deter-
mining
entitlements
of members
of Parliament.

2. The Constitution is hereby amended by inserting, in Chapter VI, after section 69, the following new sections -

“Members of Parliament (Entitlements) Commission.

69A. (1) There shall be a members of Parliament (Entitlements) Commission consisting of the Chairman and four other members.

(2) The Chairman and two of the members (in this section referred to as the “appointed members”), shall be appointed by the Governor-General on the advice of the Prime Minister.

(3) The person for the time being holding the office of the Minister of Finance, and the person for the time being holding the office of the Chairman, Public Accounts Committee appointed under Standing Order 69 of the Standing Orders of the National Parliament of Solomon Islands, shall be the other two members.

(4) A person shall not be qualified to be appointed as the Chairman or an appointed member of the Commission if he is a member of, or a candidate for election to, Parliament.

(5) The office of the Chairman and an appointed member shall become vacant -

(a) at the expiration of such period not exceeding three years as may be specified in the instrument by which he was appointed; or

(b) on death, or by resignation in writing addressed to the Governor-General; or

(c) upon his removal, in relation to which the provisions of section 126 shall apply as they apply in relation to the removal of a member of the Public Service Commission.

(6) The Chairman and the members shall be entitled to receive a daily allowance at the rate from time to time prescribed by the Constitutional Offices (Salaries) Act 1978 in respect of the members of the Public Service Commission.

No. 6 of 1978.

69B.(1) Power to determine the entitlements of the Parliamentarians and to amend them by yearly review shall vest in the Members of Parliament (Entitlements) Commission.

(2) In the exercise of their powers, the Members of Parliament (Entitlements) Commission shall -

(a) consider such representations as they may receive from persons or body of persons, within such time as may be notified by them;

(b) have regard to such information as may be supplied to them by the Government, Parliament or any other organisation in relation to the following matters -

(i) the state of the national economy and the financial position of the Government;

(ii) movements in the level of the pay and other entitlements admissible to other persons in employment; and

(iii) changes in the retail price index and other relevant indicator showing the cost of maintaining the standard of living that Parliamentarians might reasonably be expected to enjoy.

(c) make regulations and having made them, amend those regulations, in accordance with section 137, providing for the following matters -

(i) the scales of salaries and other entitlements payable to Parliamentarians;

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- (ii) the terms, conditions and manner of payment of such salaries and entitlements and of loans and advances on such salaries;
- (iii) exemptions of such salaries and entitlements from taxes and other liabilities;
- (iv) such other matters, including matters specified in subsection (3) as may facilitate the discharge of their functions as Parliamentarians.

(3) In making or amending the regulations, the Members of Parliament (Entitlements) Commission shall -

- (a) consider, in relation to Parliamentarians and their families the following matters, namely, accommodation during sittings of Parliament, housing, medical treatment, internal transport, external transport, travelling imprest, death and retirement benefits, appointment and terminal grants, advances and loans, additional payment for service in committees of Parliament, insurance and such other matter as may facilitate the discharge of their functions as Parliamentarians.

- (b) secure that the salaries and other entitlements of Parliamentarians increase at no less a rate than the rate of increase, if any, of salaries and entitlements (taken as a whole) of the public officers.

(4) Every regulation made or amended under this section -

- (a) shall come into force on 1st April -
 - (i) of the year in which it is made, if it is made on that day; or

- (ii) of the year next following the date on which it is made, if it is made on any other date:

Provided that the Members of Parliament (Entitlements) Commission may, in order to comply with the requirement of subsection (3)(b), enforce any such regulation from such other date prospectively or retrospectively, as they may specify in that regulation; and

- (b) shall, during the period such regulation is in force, have effect as if it were a provision of this Constitution."

Admissibility of entitlements to be in accordance with the regulations.

69C.(1) Upon the commencement of the regulations made or amended under section 69B, no entitlement and no exemption of an entitlement from any tax or other liability shall be admissible to any Parliamentarian except in accordance with those regulations.

(2) In this section and in sections 69A and 69B -

- (a) "entitlements" include salaries, allowances and such other benefits, services or facilities, whether in cash or otherwise, as the Members of Parliament (Entitlements) Commission may consider it necessary to be provided to the Parliamentarians to enable them to maintain the dignity of their office; and

- (b) "Parliamentarian" means the Prime Minister, Ministers, the Leader of Opposition, the Leader of the Independent Group, the Deputy Speaker and all other members of Parliament, whether or not, Parliament is in session or in sitting."

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- (c) "year" means a period of twelve months commencing on 1st April, and ending with 31st March next following."

Separate
political
division and
government
of Honiara.

3. The Constitution is hereby amended -

(1) in Chapter XII -

(a) by substituting for the words "Provincial Government" appearing immediately below the words "Chapter XII" the words "Political Divisions";

(b) by substituting for section 114, the following section -

"Government
of Honiara
city and
provinces.

114. (1) Notwithstanding any thing contained in the Solomon Islands Independence Order 1978, Solomon Islands shall be divided into Honiara city and provinces.

(2) Parliament shall by law -

(a) prescribe the number of provinces, and the boundaries of Honiara city and the provinces after considering the advice of the Constituency Boundaries Commission;

(b) make provision for the government of Honiara city and the provinces and consider the role of traditional chiefs in the provinces.";

(2) by making such consequential amendments to other provisions as are specified in the Schedule.

SCHEDULE

section 2

Consequential amendments to the other provisions of the Constitution

- (a) in section 9(2)(c), for the words "a provincial government authority", substitute the words "an authority of the government of Honiara city or of a provincial government";
- (b) in section 15 -
 - (i) in subsection (5)(a), for the words "any provincial government or assembly", substitute the words "the government of Honiara city, or any provincial Government, or the Honiara city council, or any provincial Assembly";
 - (ii) in subsection (6), for the words "a provincial government", substitute the words "the government of Honiara city or any provincial government";
- (c) in section 45 -
 - (i) in subsection (2), for paragraph (b), substitute the following paragraph -
 - "(b) one person nominated -
 - (i) by the Honiara city council, if the person whose case is being reviewed ordinarily reside in Honiara city; or
 - (ii) by the provincial assembly of a province, if such a person ordinarily resides in that province.";
 - (ii) in subsection (3), before the words "provincial assembly of every province", insert the words "Honiara city council and the";
 - (d) in section 57(2), before the words "or any provincial assembly", insert the words ", or Honiara city council";
 - (e) in section 93, for paragraph (h) substitute the following paragraph -
 - "(h) officers of the government of Honiara city, provincial government officers, members of the Honiara city council and provincial assemblies.";
 - (f) in section 97(3), before the words "provincial government" insert the words "the government of Honiara city";
 - (g) in section 108(3), before the words "of all provincial governments"; insert the words "of the government of Honiara city";
 - (h) in section 144(1), immediately after the definition of "oath of allegiance", insert the following definition -

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“officer of the government of Honiara city” means a person holding or acting in any office of emolument in the service of an authority of the government of Honiara city;”;

- (i) in section 145(2), for paragraph (d), substitute the following paragraphs -

“(d) is an officer of the government of Honiara city;
(dd) is a provincial government officer; or”.

