



**PROVINCIAL GOVERNMENT (AMENDMENT)
BILL 2017**

(NO. 12 OF 2017)



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A

BILL

Entitled

AN ACT TO AMEND THE PROVINCIAL GOVERNMENT ACT 1997

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

PROVINCIAL GOVERNMENT (AMENDMENT) BILL 2017

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PROVINCIAL GOVERNMENT (AMENDMENT) BILL 2017

1 Short title

This Act may be cited as the *Provincial Government (Amendment) Act 2017*.

2 Commencement

This Act commences on the date of assent.

3 Provincial Government Act 1997 amended

Section 9(1)(b)(iii) of the *Provincial Government Act 1997* is amended by deleting "60 days" and substituting "12 months".

PROVINCIAL GOVERNMENT (AMENDMENT) BILL 2017

OBJECTS AND REASONS

The object of this Bill is to change the time limit for deferring elections of the Provincial Assembly from 60 days to 12 months. This is necessary for two reasons; first, to allow voter registration to take place prior to the holding of Choseul and Western Provincial elections this year, and; secondly, to work towards the alignment of provincial elections.

To depart from the default position that elections of a Provincial Assembly must be held on the fourth anniversary of the previous elections, there are two requirements that the Minister for Provincial Government and Institutional Strengthening must first meet. Firstly, the Minister must be satisfied that such action is necessary and in the public interest. Secondly, the Minister must have consulted the matter of deferment with the Premier of the relevant province. This Bill does not seek to change these requirements so as to ensure that this power is not abused.

In the past, the Minister for Provincial Government and Institutional Strengthening has either used section 47 of the Provincial Government Act 1997 incorrectly or introduced a new Bill to defer elections of a Provincial Assembly each time the need arose. With this Bill extending the statutory limit to up to 12 months, it is envisaged that there will no longer be a need to introduce a new Bill or seek clarification of section 47 of the Provincial Government Act 1997 each time a circumstance arises in the future whereby the Ministry of Provincial Government and Institutional Strengthening are unable to conduct elections within the timeframe.

HON. NESTOR GIRO
MINISTER FOR PROVINCIAL GOVERNMENT AND INSTITUTIONAL
STRENGTHENING

PROVINCIAL GOVERNMENT (AMENDMENT) BILL 2017

EXPLANATORY MEMORANDUM

Section 1 provides for the short title of the Act.

Section 2 provides for the Act to commence on the date it receives the Governor-General's assent.

Section 3 amends section 9 of the *Provincial Government Act 1997*. Section 9(1) sets the date for an ordinary election of members to a Provincial Assembly, which is the 4th anniversary after the previous election. It also allows the Minister to set a different date, provided that date is not more than 60 days before or after the 4th anniversary after the previous election. The amendment changes this period so that the Minister can set a date that is not more than 12 months before or after the 4th anniversary after the previous election.

