

# The Provincial Government (Amendment) (No.3) Bill 1991

(NAME OF BILL)

CONTENTS: 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

28-06-91

✓ 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)

*Handwritten signature* 28/6/91

✓ TO:

Attorney General's Chambers

(for printing)

*Handwritten signature*

TO:

Clerk to National Parliament

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

(Date passed: 2/8/91 Act No. 9)

TO:

Attorney General's Chambers

(for checking before Assent)

*Handwritten signature*

TO:

Governor-General

(for Assent)

*Handwritten signature* 23/9/91

TO:

Clerk to National Parliament

(for distribution)

*Handwritten signature* 23/9/91

- 1 copy Attorney General's Chambers
- 1 copy Ministry - *Handwritten signature*
- 1 copy Parliament Office
- 1 copy Registrar of the High Court

*Handwritten signature* 23/10/91



**THE PROVINCIAL  
GOVERNMENT  
(AMENDMENT) (NO. 3)  
ACT 1991**

(NO. 9 OF 1991)



**THE PROVINCIAL  
GOVERNMENT  
(AMENDMENT) NO. 3)  
ACT 1991**

(NO. 9 OF 1991)

*Passed by the National Parliament this eighth day of August 1991.*

*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.*

A handwritten signature in dark ink, appearing to read '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 twenty-third day of September 1991.*

A handwritten signature in dark ink, appearing to read 'G.G.D. Lepping'.

G.G.D. Lepping  
Governor-General

*Date of commencement: see section 1.*

THE PROVINCIAL GOVERNMENT (AMENDMENT) (NO. 3)  
ACT 1991

ARRANGEMENT OF SECTIONS

Section:

1. Short title.
2. Amendment of section 4 of Act No. 7 of 1981.
3. Amendment of section 16.
4. Amendment of section 21.
5. Repeal and replacement of section 27.
6. Insertion of new section 27A.
7. Amendment of section 43.

Short title  
and com-  
mencement.

1. This Act may be cited as the Provincial Government (Amendment) (No. 3) Act, 1991, and shall come into force on such day as the Minister may appoint, by notice published in the Gazette.

Amendment  
of section 4  
of Act No. 7  
of 1981.

2. Section 4 of the Provincial Government Act (hereinafter referred to as the "principal Act") is hereby amended in the following respects -

- (a) by deleting subsection (1) and substituting therefor the following new subsection -

“(1) Where it appears to the Minister that a review of the boundaries of a province or provinces is necessary, he shall require the Constituency Boundaries Commission (in this part of the Act referred to as “the Boundaries Commission”) to make a review of the boundaries concerned and the boundaries of any other provinces, which in his opinion may be affected.”;

- (b) by deleting from subsection (5), the words “and will not be reviewed under subsection (1) in the near future.”.

Amendment  
of section 16.

3. Subsection (1) of section 16 of the principal Act is hereby amended in the following respects -

- (a) by deleting the word “or” that appears at the end of paragraph (h);
- (b) by deleting the full stop that appears at the end of paragraph (i) and substituting therefor a semicolon and adding the word “or” immediately thereafter; and
- (c) by inserting immediately after paragraph (i) the following new paragraph as paragraph (j) -

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- “ (j) without reasonable excuse has not attended three assembly meetings within the life time of the Assembly.”.

4. Subsection 5 of section 21 of the principal Act is hereby amended by deleting the words “no confidence in the Premier” that appear in paragraph (a) and substituting therefor the words “no confidence in the Premier, so however that, a motion of no confidence against the Premier may only be moved once in every twelve months”.

Amendment  
of section 21.

5. Section 27 of the principal Act is hereby repealed and the following new section substituted therefor -

Repeal and  
replacement  
of section 27.

“Provincial 27. (1) There shall be, in each province, a Provincial Assembly (Entitlements) Commission (herein- (Entitlements) after referred to as the “Entitlements Commission”). Commission. (2) Each Entitlements Commission shall

consist of a chairman and four other members appointed by the Minister on the advice of the Premier.

(3) The term of office of the chairman and members of the Entitlements Commission shall be as specified in the instrument of appointment.

(4) The allowances payable to the chairman and other members of the Entitlements Commission shall be as laid down in the governing rules.”.

6. The principal Act is hereby amended by inserting therein next after section 27 the following new section as section 27A -

Insertion  
of new  
section 27A.

“Determination of 27A.(1) The power to determine salaries and allowances of members of the Provincial Assembly salaries and or the Provincial Executive and to review such allowances. determination annually shall vest in the Entitlements Commission.

(2) In determining the salaries and allowances referred to in subsection (1), the Entitlements Commission shall have regard to the financial position of the Provincial Government and such other information as may be supplied to the Entitlements Commission by the Minister.

(3) The salaries and allowances referred to in subsection (1) shall on determination by the Entitlements Commission be furnished to the Minister who may -

(a) accept and approve such determination;  
or

(b) if he has reasonable cause to believe that such determination is unreasonable, refuse to accept or approve such determination and refer the determination back to the Entitlements Commission with his recommendation.

(4) There may be paid to or in respect of the appointed members of a Provincial Assembly, such travelling or other allowances (including loss of remuneration time) as the Entitlements Commission may determine.

(5) Payments made by virtue of section 27 and this section shall as far as practicable be made out of the receipts of revenue of the Provincial Executive.

(6) In this section "salary" includes any benefit payable in right of membership.

Amendment  
of section 43.

7. Subsection 1 of section 43 of the principal Act is hereby amended by deleting paragraph (b) and substituting therefor the following new paragraph as paragraph (b) -

" (b) notice of the Bill has been given to the Speaker of Parliament within reasonable time."