



Parliament Fact Sheet



No. [1]

WHAT IS PARLIAMENT?

This brief explains the core functions of Parliament and how they contribute to good governance in the Solomon Islands. It also highlights the basis of Westminster democracy and the separation of powers provided for in the Constitution.

The difference between Parliament and Government is often misunderstood even at the most senior levels and has led to a perception that Parliament is an arm of executive government which is called together occasionally simply to pass the government's legislative agenda. It has been strongly argued that it was an inherent failure in the system of parliamentary democracy in the Solomon Islands that both contributed to the recent crisis and meant that the system of government failed to meet the demands placed on it at that time.

CONSTITUTIONAL MONARCHY

The system of government in the Solomon Islands is usually referred to as a Constitutional Monarchy. This means that our Head of State is a hereditary monarch, Queen Elizabeth II, also known as the Sovereign. The Head of State is represented by the Governor General of Solomon Islands. The powers and functions of the Sovereign are exercised within constitutional constraints which are reflected in the Constitution of Solomon Islands. The Constitution places political power in the hands of representatives elected by the people and accountable to the people. The parliamentary system in the Solomon Islands is based on the Westminster model after the British system based at Westminster in London.

The Constitution of Solomon Islands is also known as the 'Solomon Islands Independence

Order' and it came into force on 7th July 1978. The constitution establishes a National Legislature (law-making body) to be called the National Parliament of Solomon Islands. The National Parliament is given the power to make laws for the peace, order and good government of the country.

PARLIAMENT

Parliament is the supreme legislative power. The National Parliament of Solomon Islands is a unicameral legislature (single chamber) that is made up of 50 members elected in constituencies by general franchise every four years. Every time there is a general election or a by-election, voters elect members to the National Parliament. Our most recent election was held on 5 April 2006. The current Parliament is the 8th Parliament since the country gained independence.



Parliament House at Vavaya Ridge

FUNCTIONS OF PARLIAMENT

Provides a government from among its members

The Prime Minister is elected by Members of Parliament after a general election. The government is also constituted from among the

Members of Parliament, and are appointed by the Governor General on the advice of the Prime Minister as Ministers of the Crown.

The House must have 'confidence' in the Government for it to continue in office. This is known as 'responsible government'. The Government, also known as the Executive, is then responsible for the administration of the country.

The lack of a strong party system has resulted in successive governments being formed from what may be weak alliances or coalitions. This has often led to unstable and frequently changing governments as a result of no confidence motions or ultimately in 2000 as a result of armed intervention. The last government (2001-2005) was the first government since independence to maintain confidence for the full parliamentary term.

A defeat for the Government on a vote in the House does not mean that the House has lost confidence in the Government. It simply means that there is insufficient support in the House for that proposal. This is particularly the case in relation to constitutional amendments which may require the support of two thirds or three quarters of all the members of Parliament. If however a particular vote is identified as a confidence issue, a lost vote could lead to another party or coalition forming a Government or the need for an election. Matters relating to 'supply' of public funds are always matters of confidence because without funds of public expenditure the Government cannot function.

Acts as a legislature

One of the most important and visible functions of the National Parliament is to pass the legislation (laws) by which the country is governed. Section 59 of the Constitution of Solomon Islands states that Parliament may make laws for the peace, order and good government of Solomon Islands. These laws usually are called bills. When a bill has been passed by Parliament, it shall be presented to the Governor General for assent and then the bill becomes law. All the laws made by Parliament are called "Acts of Parliament".

Provides representation

Parliament is an arena where people are represented in the decision-making processes.

One way that Members of Parliament formally carry out this representative function is through parliamentary debate. Another is to present petitions to the House from members of the public as the final form of redress of grievances.

Representation is a two-way process. While each Member of Parliament has the role of representing the people's view to the National Parliament and the Government, they also represent the actions of the House and the Government to the people in their various constituencies. This is the connection between each individual voter and the actions that affect the way the country is governed. If individual voters disagree with what they hear, they can exercise their votes at the next election to change their representation to better reflect their interests and expectations.

Approves public expenditure

In any democracy, there is a principle that there should not be any expenditure of public funds without representation. Therefore, another major function of Parliament is to pass the budget that the government proposes. The government regularly requires Parliament's approval for supply of public funds to run the country. The annual budget of the government is subject to parliamentary approval. In addition, the government can obtain interim finance by occasional passage of a 'Supplementary Appropriation Bill'. These must be debated in Parliament and each debate represents an opportunity for the Parliament to renew its confidence (or otherwise) in the government.

Scrutinises the Government's activities

There are several processes by which Parliament can hold the executive (government) to account. Perhaps the most visible of these is the daily question time, where members question Ministers of the Government on their management of the country's affairs. This can be a very powerful means of extracting information that might bring into question the performance of individual Ministers or the Government as a whole.

Another way of scrutinising the Government is the ability of Parliamentary Select Committees to initiate their own inquiries. Usually, it is necessary for these committees to compel witnesses to attend and to answer questions.

Also, they can request government to produce documents such as reports for the committee to use as material for their enquiry.

DISTRIBUTION OF POWER

For any democracy to properly function, power cannot be concentrated entirely in one place. When the Solomon Islands gained independence, it committed itself to the principle of ‘Separation of Powers’. In the preamble to the constitution, it is clearly stated that all the power in the Solomon Islands belongs to its people and is exercised on their behalf by the legislature, the executive and the judiciary. There are several reasons why the separation of powers need to be upheld:

- Without a judiciary that is independent of the executive government, citizens could not have confidence in obtaining justice since the executive could override the rulings made in court.
- If the courts could intervene in the legislative process, they would be able to prevent elected representatives from passing laws.
- If the Parliament debated a particular court case, it could undermine a fair trial by influencing the judge.
- If the government could change the law by executive decree, that law would not receive public scrutiny. Moreover, it would not benefit from the rigours of parliamentary debate and examination.

In summary, functions in relation to the law are distributed as follows to ensure no single arm is able to abuse its power:

- Parliament makes the laws.
 - The Government administers the laws.
 - The judiciary (the courts) interprets the laws.
- Parliament is recognised as the highest in authority in the law-making process because it is accountable to the people. However, it is not the sole lawmaker. The courts sometimes need to establish what is called common law or judge made law and fill gaps where existing law is not clear. The courts are responsible for interpreting the laws made by Parliament.

When passing laws Parliament also delegates some secondary law-making powers to the government. This is known as delegated legislation. Parliament’s law-making role therefore involves a need for careful scrutiny of the Government’s legislative proposals.

FURTHER READING

Goldsworthy, Jeffrey. *The Sovereignty of Parliament: History and Philosophy*, Oxford (England): Clarendon Press, 1999.

Acknowledgement

We would like to acknowledge the contributions of the Office of the Clerk of the New Zealand House of Representatives towards the production of this fact sheet.