



**CONSTITUTION (AMENDMENT) (CONSTITUENT  
ASSEMBLY) BILL 2023**

**(NO. 18 OF 2023)**





# **CONSTITUTION (AMENDMENT) (CONSTITUENT ASSEMBLY) BILL 2023**

(NO. 18 OF 2023)

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BILL

Entitled

**AN ACT TO ALTER SECTION 61 OF THE CONSTITUTION, TO ESTABLISH THE  
CONSTITUENT ASSEMBLY, AND RELATED PURPOSES.**

**ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.**

# CONSTITUTION (AMENDMENT) (CONSTITUENT ASSEMBLY) BILL 2023

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# CONSTITUTION (AMENDMENT) (CONSTITUENT ASSEMBLY) BILL 2023

## 1 Short title

This Act may be cited as the *Constitution (Amendment) (Constituent Assembly) Act 2023*.

## 2 Commencement

This Act commences on the date appointed by the Minister by notice in the *Gazette*.

## 3 Interpretation

In this Act, unless the context otherwise requires:

**“*Constitution of Solomon Islands*”** means the Constitution set out in the Schedule to the Solomon Islands Independence Order 1978; and

**“*Draft Constitution*”** means the Constitution of the Republic of Solomon Islands - Final Draft, as referred to in section 4.

## 4 Draft Constitution and Rules

- (1) The Joint Plenary of the Constitutional Congress and Eminent Persons Advisory Council officially created by Cabinet in 2006 and 2007 respectively, in 2019 presented the Constitution of the Republic of Solomon Islands – Final Draft **“*Draft Constitution*”** to the Government of Solomon Islands.
- (2) For the conduct of the Constituent Assembly, the Constitutional Reform Unit of the Office of the Prime Minister prepares the Draft Rules of Procedure.

## 5 Section 61 amended

Section 61 of the Constitution is amended by inserting after subsection (5) new subsections (6) to (18):

“(6) Despite anything else in this section:

- (a) the Constitution of Solomon Islands may be repealed in its entirety; and
  - (b) a new Constitution may be adopted for Solomon Islands in accordance with the procedure set out in subsections (7) to (18).
- (7) A body, known as the Constituent Assembly, is established, and it shall sit at a date before 31 December 2024 when called upon by the Minister responsible for the Office of the Prime Minister, for the purpose of:
- (a) considering, debating and, as the Constituent Assembly considers advisable, amending the Draft Constitution; and
  - (b) taking part in the first vote to approve, or reject, the Draft Constitution, with or without amendments.
- (8) The Constituent Assembly shall comprise the Speaker of Parliament, as the Chairperson of the Constituent Assembly, and 80 members as follows:
- (a) 50 Members of Parliament;
  - (b) 20 members made up of:
    - (i) the Premiers of the 9 Provincial Governments and the Mayor of the Honiara City Council; and
    - (ii) one official to be nominated by each of the 9 Premiers and the Mayor of the Honiara City Council;
  - (c) 10 members selected following the Office of the Prime Minister's consultations with the following establishments:
    - (i) the Solomon Islands Christian Association (SICA) and the Solomon Islands Full Gospel Association (SIFGA);
    - (ii) the Solomon Islands National Council of Women (SINCW);
    - (iii) the Trade Unions (Solomon Islands Council of Trade Union);

- (iv) the Private Sector - Solomon Islands Chamber of Commerce and Industry (SICCI);
  - (v) the Non-Government Organisations and Civil Society and Development Services Exchange.
- (9) Each person to be nominated under subsection (8)(b)(ii) or selected under subsection (8)(c) must:
  - (a) be a literate adult citizen of Solomon Islands;
  - (b) be of good standing and repute; and
  - (c) have no record of having being sentenced for a crime within the meaning of section 51(1).
- (10) The Speaker and Deputy Speaker of Parliament will be the Chairperson and Deputy Chairperson, respectively, of the Constituent Assembly.
- (11) As soon as practicable after being called to order, the Constituent Assembly:
  - (a) adopts the Rules of Procedure, after considering the draft Rules proposed to it;
  - (b) appoints no more than 10 persons from among the Constituent Assembly members, to act as the Coordinating Committee of the Constituent Assembly; and
  - (c) assist to organise the other 70 members into themes committees, each of which will select from among its members two committee co-chairpersons.
- (12) Each theme committee of the Constituent Assembly will:
  - (a) consider in detail one or more particular chapters of the Draft Constitution;
  - (b) may refer any provisions of the Draft Constitution within its mandate to the Coordinating Committee, with a recommendation that those provisions be amended; and

- (c) will report to the Constituent Assembly, with a recommendation whether each chapter of the Draft Constitution within its mandate should be approved, with or without amendments, or rejected.
- (13) The Coordinating Committee:
  - (a) must consider and harmonise all recommendations;
  - (b) prepare formal motions to give effect to the recommendation; and
  - (c) introduce the recommended amendments to the Constituent Assembly for consideration, debate, and resolution by voting.
- (14) After considering the Draft Constitution, the Constituent Assembly:
  - (a) before voting to approve or reject the Draft Constitution, may refer any particular provisions back to the Coordinating Committee for further consideration; and
  - (b) after concluding all debates on referrals and proposed amendments, will vote once to approve the Draft Constitution as a whole, or reject the Draft Constitution as a whole.
- (15) The Draft Constitution will have been approved or rejected by the Constituent Assembly if it is supported by more than 50% of the votes cast from members present and voting.
- (16) After the vote of the Constituent Assembly under subsection (14)(b), Parliament makes the final decision, and by vote will approve or reject the Draft Constitution, and the Draft Constitution will have been approved or rejected by Parliament if it is supported by a two-thirds majority of the votes cast from members present and voting.
- (17) Upon approval of the Draft Constitution by Parliament under subsection (16):
  - (a) the Draft Constitution will immediately come into force as the supreme law of Solomon Islands; and
  - (b) the Solomon Islands Independence Order 1978 will be repealed and have no further force or effect, subject only to any transitional arrangements provided for in the Draft Constitution.



- (18) If Parliament rejects the Draft Constitution when it votes under subsection (16):
- (a) the Constituent Assembly will stand dissolved; and
  - (b) subsections (6) to (18) of this section will expire at the end of the date on which Parliament held that vote.”.

# CONSTITUTION (AMENDMENT) (CONSTITUENT ASSEMBLY) BILL 2023

## EXPLANATORY MEMORANDUM

### OBJECT

The object of the *Constitution (Amendment) (Constituent Assembly) Bill 2023* is to amend the Constitution to allow for express provisions for the repeal of the Constitution.

To meet this objective, the process for the repeal is set out, the setup of the Constituent Assembly (from which the Coordinating Committee and the theme committees are formulated) with members and their functions, to the Constituent Assembly's voting for the Draft Constitution, and the final vote by Parliament.

On the date of the final Parliament vote:

- (a) where approved by Parliament, the Draft Constitution will immediately come into force as the supreme law of Solomon Islands; and the Solomon Islands Independence Order 1978 will be repealed and have no further force or effect, subject only to any transitional arrangements provided for in the Draft Constitution; and
- (b) where rejected, the Constituent Assembly is dissolved and subsections (6) to (18) of section 61 expires with immediate effect.

### CONTENT

**Clause 1** specifies the short title of the Act.

**Clause 2** provides for the commencement of the Act by enabling the Minister to appoint the date for the Act to commence by notice published in the *Gazette*.

**Clause 3** provides for the definitions of the "Constitution of Solomon Islands" and the "Draft Constitution".

**Clause 4** refers to the presentation of the Constitution of the Republic of Solomon Islands - Final Draft "*Draft Constitution*" to the Government; and Procedure Rules.

**Clause 5** amends section 61 by inserting additional subsections (6) to (18). The additional subsections:

- (a) allow for the repeal of the Constitution;
- (b) provide for the process of repealing the Constitution under subsections (6) to (18);
- (c) provides for membership and functions of the themes committees and the Coordinating Committee and the vote by the Constituent Assembly; and
- (d) provides for Parliament to have the final decision on the approval or, rejection of the Draft Constitution, and what transpires either way.

**HON. MANASSEH DAMUKANA SOGAVARE**  
PRIME MINISTER

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