

**PROVINCIAL GOVERNMENT (AMENDMENT)  
ACT 2023**

**(NO. 2 OF 2023)**





# **PROVINCIAL GOVERNMENT (AMENDMENT) ACT 2023**

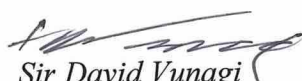
(NO. 2 OF 2023)

**PASSED** by the National Parliament this 17<sup>th</sup> day of May 2023.

*(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 Bill)*

  
**David Kusilifu**  
**Clerk to National Parliament**

**ASSENTED** to in His Majesty's name and on His Majesty's behalf this 31<sup>st</sup> day of May 2023.

  
**Sir David Vunagi**  
**Governor-General**

*Date of Commencement: see section 2.*

**AN ACT TO AMEND THE PROVINCIAL GOVERNMENT ACT 1997**

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

**PROVINCIAL GOVERNMENT (AMENDMENT) ACT 2023**

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# PROVINCIAL GOVERNMENT (AMENDMENT) ACT 2023

## 1 Short title

This Act may be cited as the *Provincial Government (Amendment) Act 2023*.

## 2 Commencement

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

## 3 Amendment of Provincial Government Act 1997

This Act amends the *Provincial Government Act 1997* (No. 7 of 1997) ("**Principal Act**").

## 4 Section 2 amended

Section 2 of the Principal Act is amended by inserting after the definition of "devolution order":

"**Electoral Commission**" means the Electoral Commission established by section 57 of the Constitution;"

## 5 Section 9 amended

Section 9(1) of the Principal Act is amended by omitting "subsection (2)" and substituting "subsection (2) and section 9A".

## 6 New section 9A inserted

The Principal Act is amended by inserting after section 9:

### "9A Date of next ordinary elections after commencement of *Provincial Government (Amendment) Act 2023*

"(1) In subsection (2):

"Provincial Assembly" means the Provincial Assembly of the following provinces:

(a) Central Province;

- (b) Guadalcanal Province;
  - (c) Isabel Province;
  - (d) Makira Ulawa Province;
  - (e) Malaita Province;
  - (f) Rennell and Bellona Province;
  - (g) Temotu Province.
- (2) The first ordinary election of members of each Provincial Assembly held after the commencement of the *Provincial Government (Amendment) Act 2023*:
- (a) must be held on a date in 2024, which date must be fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the *Gazette*; and
  - (b) must not be held after 30 April 2024.
- (3) The first ordinary election of members of the Provincial Assembly of Choiseul Province and the Provincial Assembly of Western Province held after the commencement of the *Provincial Government (Amendment) Act 2023*:
- (a) must be held on a date in 2028, which date must be fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the *Gazette*; and
  - (b) must be held on the same date in 2028 as the ordinary election of members of the Provincial Assemblies referred to in subsection (1)."

## 7

### **New section 11A inserted**

The Principal Act is amended by inserting after section 11:



## **"11A Functions of Electoral Commission relating to elections**

The Electoral Commission, in performing its functions under section 12 of the *Electoral Act 2018*, must carry out the registration of voters and the conduct of elections for the members of the Provincial Assemblies."

### **8 Section 12 amended**

Section 12(1) of the Principal Act is amended by omitting "The Minister" and substituting "The Minister, acting on the advice of the Electoral Commission,".

### **9 Section 13 amended**

Section 13 of the Principal Act is amended by omitting subsection (2) and substituting:

"(2) The date of the election must:

- (a) be fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the *Gazette*; and
- (b) be no later than 3 months after the vacancy comes to the notice of the Minister."

### **10 Section 15 amended**

Section 15(1)(a) of the Principal Act is amended by omitting "section 49(a)" and substituting "section 49(1)(a)".

*Note to section 10.*

*The following note is to be inserted into the Principal Act after section 15(1)(a):*

*"Note to section 15(1)(a)).*

*Under section 15(1)(a) of the Provincial Government Act 1997, a person is disqualified from membership of a Provincial Assembly if the person is disqualified for election as a member of Parliament under section 49(1)(a) of the Constitution.*

*Section 49(1)(a) of the Constitution provides that a person is not qualified for election as a member if the person is under an acknowledgement of allegiance, obedience or adherence to a foreign power or state, including by holding citizenship of a country other than Solomon Islands.*

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