



SOLOMON ISLANDS NATIONAL PARLIAMENT

BILLS AND LEGISLATION COMMITTEE

REPORT

ON

THE PROVINCIAL GOVERNMENT (SPECIAL PROVISIONS) BILL 2005

**National Parliament Paper No. 1 of 2005**

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1. **TERMS OF REFERENCE**

To examine and report to Parliament the Committee's observations and recommendations on:-

**"The Provincial Government (Special Provisions) Bill 2005"**

2. **FUNCTIONS**

In accordance with Section 62 of the Constitution as read with Section 71 of the Standing Orders, the Bills and Legislation Committee's functions in addition to the provisions in Standing Orders 50 and 55, shall be to:-

- (a) examine such matters as may be referred to it by Parliament or the Government;
- (b) review all draft legislation prepared for introduction into Parliament;
- (c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- (d) monitor all motions adopted by Parliament which require legislative action;
- (e) review current or proposed legislative measures to the extent it deems necessary;
- (f) examine such other matters in relation to legislation that, in the opinion of the Committee require examination; and
- (g) make a written report to each Meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

3. **MEMBERSHIP**

The Membership of the Bills & Legislation Committee comprises of four members who have been able to avail themselves for deliberations on the Bill:-

Hon. Edward J. Huniehu	-	Chairman
Hon. Dr. Stephen S. Aumanu	-	Member
Hon. Manasseh Sogavare	-	"
Hon. Clement Kengava	-	"

In attendance to the Committee were the Permanent Secretary of the Ministry of Provincial Government & Constituency Development and Ms Victoria Atkin from the Attorney General's Chambers.

4. **OBSERVATIONS**

In their deliberations, the Committee made the following observations:-

- The main reason for bringing in 'The Provincial Government (Special Provisions) Bill 2005' is to validate the election and by-election dates and the decisions and actions of each Provincial Executives of Choiseul Province, Makira Ulawa Province and Western Province and the decision and actions of the Provincial Assemblies of Guadalcanal, Malaita and Rennell/Bellona Provinces.
- Also it validates the continuation in office of the members of the Provincial Executives of Choiseul Province, Makira Ulawa Province and the Western Province.
- The long delay of these elections was due to the funding aspect experienced with the Ministry of Finance.

- The Committee expressed their uttermost disappointment on why the Ministry of Finance did not allocate funds to hold these important elections.
- The Committee also expressed that an attachment report from each Provincial Assemblies on their financial records be attached to this Report so that Parliamentarians could have a clear understanding of how each Provincial Assemblies administers its affairs rather than making blanket recommendations to Parliament.
- There were new subclauses that were inserted as follows:-

### **Clause 8**

After clause 8(2), on page 9, insert the following subclause:

“(3) To avoid doubt, this section does not operate to validate a decision or action, or the consequences of a decision or action, referred to in subsection (1) that is unlawful.”.

### **Clause 13**

After clause 13 (2), on page 10, insert the following subclause:

“(3) To avoid doubt, this section does not operate to validate a decision or action, or the consequences of a decision or action, referred to in subsection (1) that is unlawful.”

### **Clause 19**

After clause 19(2), on page 12, insert the following subclause:

“(3) To avoid doubt, this section does not operate to validate a decision or action, or the consequences of a decision or action, referred to in subsection (1) that is unlawful.”

## **Clause 24**

After clause 24(2), on page 14, insert the following subclause:

“(3) To avoid doubt, this section does not operate to validate a decision or action, or the consequences of a decision or action, referred to in subsection (1) that is unlawful.”

## **Clause 28**

Clause 28(a), last line, omit the word “2005” and substitute the word “2004”.

## **Clause 29**

After clause 29(2), on page 16, insert the following subclause:

“(3) To avoid doubt, this section does not operate to validate a decision or action, or the consequences of a decision or action, referred to in subsection (1) that is unlawful.”

## **Clause 35**

After clause 35(2), on page 17, insert the following subclause:

“(3) To avoid doubt, this section does not operate to validate a decision or action, or the consequences of a decision or action, referred to in subsection (1) that is unlawful.”

5. **RECOMMENDATIONS**

With the above observations, and the attached corrections from the Ministry, the Committee **RECOMMENDED** that “**The Provincial Government (Special Provisions) Bill 2005**” be presented and debated on in Parliament.

Hon. Edward J. Huniehu  
Chairman  
**Bills & Legislation Committee**

7 February 2005.