

## SOLOMON ISLANDS LEGAL ANNEX

### **REVIEWED LAWS:**

1. The Constitution of Solomon Islands
2. Leadership Code (Further Provisions) Act 1999 (Law No. 1 of 1999) - An act to make further provisions for the purpose of effectively attaining the objects of Chapter VIII of the Constitution by vesting the Leadership Code Commission with adequate powers of investigation and enforcement and for other matters consequential or incidental thereto; and to repeal the Leadership Code (Further Provisions) Act (Cap 66)
3. The Standing Orders of the National Parliament of the Solomon Islands, 1982

**(\*) Law(s) reviewed but not containing relevant articles for this study.**

National Parliament Electoral Provisions Act (Cap 87)

Solomon Islands Electoral Act amendments 2001 and 2005

### **RELEVANT ARTICLES:**

#### **1. The Constitution of Solomon Islands**

##### **Disqualifications from membership**

**49.-(1)** No person shall be qualified for election as a member of Parliament who -

*(a)* is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;

*(b)* holds, or is acting in, any public office;

*(c)* is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth;

*(d)* is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands;

*(e)* is under sentence of death imposed on him by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a

suspended sentence, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;

(f) is disqualified from membership of Parliament or from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections; or

(g) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election to Parliament or the compilation or revision of any electoral register for that purpose.

(2) For the purpose of paragraph (e) of the preceding subsection two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

### **Vacation of seats by members**

**50.** A member of Parliament shall vacate his seat -

(a) on a dissolution of Parliament;

(b) if he resigns his seat by writing under his hand addressed to the Speaker;

(c) if he is elected as Speaker;

(d) if he is appointed as Governor-General;

(e) if he is absent from two consecutive meetings of Parliament without having obtained from the person presiding, before the termination of either meeting, permission to be or to remain absent therefrom unless, in the opinion of the Speaker (or, if the office of Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker), such absence was due to causes beyond the member's control;

(f) if any circumstance arises that, if he were not a member of Parliament, would cause him to be disqualified from election thereto by virtue of paragraph (a), (b), (d), (f) or (g) of subsection (1) of the preceding section; or

(g) in the circumstances mentioned in the next following section.

### **Rules of procedure of Parliament**

**62.** Subject to the provisions of this Constitution, Parliament may from time to time make, amend and revoke rules and orders for the regulation and orderly conduct of its proceedings and the despatch of business, and for the passing, intituling and numbering of Bills.

## **Voting**

**71.**-(1) Subject to the provisions of this Constitution, all questions proposed for decision in Parliament shall be determined by a majority of the votes of the members present and voting.

(2) If the person presiding is -

(a) the Speaker, he shall have neither an original nor a casting vote;

(b) the Deputy Speaker or a member elected by Parliament for the sitting under section 65 of this Constitution, he shall not have an original vote but shall have and shall exercise a casting vote if on any question the votes are equally divided.

(3) Subject to the provisions of subsection (2)(b) of this section, if upon any question the votes are equally divided the motion shall be declared lost.

## **CHAPTER VIII**

### **LEADERSHIP CODE**

#### **Application of this Chapter**

**93.** The provisions of this Chapter apply to and in relation to -

(a) the Governor-General;

(b) the Prime Minister and the other Ministers;

(c) the Leader of the Official Opposition and the Leader of the Independent Members;

(d) all other members of Parliament;

(e) the Speaker;

(f) members of any Commission established by this Constitution;

(g) public officers;

(h) officers of the government of Honiara city, provincial government officers, members of the Honiara city council and provincial assemblies;

1 of 1983, Sch.

(i) officers of statutory corporations and Government agencies; and

(j) such other officers as Parliament may prescribe.

### **Responsibilities of office**

**94.-(1)** A person to whom this Chapter applies has a duty to conduct himself in such a way, both in his public or official life and his private life, and in his associations with other persons, as not -

(a) to place himself in a position in which he has or could have a conflict of interests or in which the fair exercise of his public or official duties might be compromised;

(b) to demean his office or position;

(c) to allow his integrity to be called into question; or

(d) to endanger or diminish respect for and confidence in the integrity of the government of Solomon Islands.

(2) In particular, a person to whom this Chapter applies shall not use his office for personal gain or enter into any transaction or engage in any enterprise or activity that might be expected to give rise to doubt in the public mind as to whether he is carrying out or has carried out the duty imposed by the preceding subsection.

(3) It is the further duty of a person to whom this Chapter applies -

(a) to ensure, as far as is within his lawful power, that his spouse and children and any other persons for whom he is responsible, including nominees, trustees and agents, do not conduct themselves in a way that might be expected to give rise to doubt in the public mind as to his complying with his duties under this section; and

(b) if necessary, publicly to dissociate himself from any activity or enterprise of any of his associates, or of a person referred to in paragraph (a) of this subsection, that might be expected to give rise to such a doubt.

(4) A person to whom this Chapter applies who -

(a) is convicted of an offence in respect of his office or position or in relation to the performance of his functions or duties;

(b) fails to carry out the obligations imposed by the preceding subsections of this section; or

(c) commits any act or omission prescribed under section 95 of this Constitution as constituting misconduct in office,

is guilty of misconduct in office.

### **Further provisions**

**95.** Subject to the provisions of this Constitution, for the purposes of this Chapter, Parliament-

(a) may make provision for the disclosure of the personal and business incomes and financial affairs of persons to whom this Chapter applies, and of their families and associates, and in particular of interests in contracts with governmental bodies and of directorships and similar offices held by them (including powers to nominate directors, trustees or agents, or similar officers);

(b) may make provision for the disposal or temporary control of the assets or income of a person to whom this Chapter applies where this seems to be desirable for attaining the objects of this Chapter;

(c) may prescribe specific acts or omissions as constituting misconduct in office;

(d) may create offences (including offences by persons to whom this Chapter applies and offences by other persons) and prescribe penalties for such offences;

(e) shall provide for the investigation of cases of alleged or suspected misconduct in office;

(f) shall provide for the reference of cases of alleged or suspected misconduct in office to such independent courts or tribunals as may be prescribed, and for the investigation and determination by such courts or tribunals of any such cases that may be referred to them in the manner prescribed;

(g) shall make provision with respect to the powers and procedure of such courts or tribunals as may be prescribed under the preceding paragraph and shall prescribe the penalties or other consequences that may result from a lawful determination by any such court or tribunal that a person to whom this Chapter applies is guilty of misconduct in office; and

(h) may make such other provision as may appear necessary or expedient for attaining the objects of this Chapter.

**2. Leadership Code (Further Provisions) Act 1999 - An act to make further provisions for the purpose of effectively attaining the objects of Chapter VIII of the Constitution by vesting the Leadership Code Commission with adequate powers of investigation and enforcement and for other matters consequential or incidental thereto; and to repeal the Leadership Code (Further Provisions) Act (Cap 66)**

## **Interpretation.**

2. In this Act, unless the context otherwise requires -

"assets", in relation to a Leader, include any debt or pecuniary obligation owed to him by any person, company, corporation or unincorporated association;

"associate", in relation to a Leader, includes a member of his family or a relative or other person standing in a close relationship to him according to custom, any co-director of a corporation and any person associated within in unincorporated association;

"business transaction" means any transaction carried out in furtherance of any trade, profession or occupation and any concern or venture in the nature of trade;

"Chairman" means the Chairman of the Commission appointed pursuant to section 5;

"child" means a child under the age of eighteen;

"Commission" means the Leadership Code Commission appointed pursuant to section 5;

"corporation" includes any body incorporated by statute and any company incorporated outside Solomon Islands;

"Government agency" includes a Provincial or the authority responsible for the administration of the Honiara City;

"Leader" means any person -

(a) whose office or position is specified in sections 93 and 127 (2) of the Constitution; or  
(b) who is appointed as a member of any statutory authority or other body established by an Act of Parliament or Provincial Ordinance and includes any person whose emoluments are paid out of the Consolidated Fund;

"Legal Officer" means the Legal Officer appointed pursuant to section 6(1)(b);

"local company" means a company incorporated under the [Companies Act](#);

*Cap 175*

"misconduct in office" means any act or conduct which is deemed to be misconduct in office under Chapter VIII of the Constitution or Part III of this Act;

"officer" means a person appointed pursuant to section 6, and includes the Secretary and the Legal Officer;

"Secretary" means the Secretary appointed pursuant to section 6(1)(a);

"unincorporated association" means a partnership or other recognised association of persons intending to trade or carry on a business or profession for profit, but does not include a charitable organisation registered under the [Charitable Trusts Act](#), or which is exempted from the payment of tax under the provisions of section 16 of the [Income Tax Act](#).

*Cap. 55.*

*Cap. 123.*

## **Application of Act.**

**3.** (1) This Act shall apply to and in relation to all Leaders.

(2) For the purposes of this Act, a person shall be deemed to be a Leader, notwithstanding that -

(a) such person has resigned or ceased to hold office or position as a Leader, provided that an investigation under Part IV of this Act relates to any transaction or conduct which took place such person held the aforesaid office; and

(b) the office or position to which such person is appointed is by virtue of an Act of Parliament or Provincial Ordinance establishing such or not be a public office for the purposes of Chapter XIII of the Constitution.

## **Appointment of the Leadership Code Commission**

**5.** (1) There shall be a Leadership Code Commission which shall consist of a Chairman and two other members appointed by the Governor-General acting in accordance with the advice of the Nominating Committee tendered under section 4.

(2) A person shall be disqualified for appointment as a member of the Commission if such person is -

(a) a member of Parliament or a Provincial Assembly;

(b) a member of the Honiara Town Council;

(c) a public officer; or

(d) an officer of any body or association which is of a political nature.

(3) Whenever the office of Chairman of the Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office, such one of the other members of the Commission as the Governor-General shall appoint may act in the office of  
Chairman.

(4) If the office of a member of the Commission other than the Chairman is vacant or the holder thereof is acting as the Chairman or is for any reason unable to perform the functions of his office, the Governor-General may in accordance with the advice tendered by the Nominating Committee appoint a person who is qualified for appointment as a member.

(5) Each member of the Commission shall, before commencing to exercise the powers conferred upon him by this Act, make before the Governor-General or some person authorised in that behalf by the Governor-General, an oath or affirmation of secrecy in the appropriate form set out in Schedule 1.

## **Allegations of misconduct in office to be investigated by the Commission.**

7. The Commission or any officer authorised in that behalf by and acting under the control of the Commission is hereby empowered, notwithstanding anything in any other written law to the contrary, to direct and conduct any investigation of all allegations of misconduct in office which are made to or come to the knowledge of the Commission.

## **PART II DISCLOSURE OF FINANCIAL AFFAIRS**

### **Statement of assets etc. to be supplied by Leader.**

8. (1) Every Leader shall, within three months of his becoming a Leader, and thereafter at intervals not exceeding two years, give a separate statement in respect of himself, his spouse and each of his children setting out to the best of his knowledge -

- (a) all directorships in any company or corporation held by each of them;
- (b) the business occupations of each of them;
- (c) the holdings of each of them of any shares of, or debentures or other securities charged upon, any company or corporation;
- (d) the total income received by each of them during the period to which the statement relates and the sources of each of those incomes;
- (e) all business transactions involving a sum of one thousand dollars or more entered into by each of them during the period to which the statement relates;
- (f) subject to subsection (4), all gifts received by each of them during the period to which the statement relates, and the value of each of such gifts; and
- (g) the assets acquired by each of them during the period to which the statement relates.

(2) The period to which a statement under sub-section (1) shall relate is -

- (a) in the case of the first statement made by a Leader, the preceding three months;
- (b) in any other case, the period since the last statement was given.

(3) In the case of assets, income or gifts involving amounts less than five hundred dollars, it shall be sufficient if the statement gives general particulars and approximate amounts or values.

(4) It shall not be necessary for a Leader to include in the statement made under subsection (1), details of gifts made to himself, his spouse or any of his children during the course of each year in any case where such gifts -

- (a) were received from his spouse or children;
- (b) were offered at or in connection with a custom ceremony; or



(c) not being gifts falling within categories (a) or (b) above, were of a total value of one hundred dollars or less.

(5) The statement made in accordance with subsection (1) shall be submitted to the Commission.

(6) Statements and information given to the Commission under the provisions of this section or section 9 shall not be revealed to any person except -

- (a) in the course of the duties of the Commission;
- (b) for the purpose of proceedings or possible proceedings under Part V; or
- (c) under an order of a court of competent jurisdiction.

(7) Where a Leader fails to give a statement to the Commission as required under this section before the due dates as prescribed under this Act a sum of one hundred dollars shall thereupon become payable by way of penalty.

(8) A penalty imposed under this section shall not prevent the Commission from taking any further action under any provision of this Act.

#### **Requests for further information.**

9. (1) The Commission may, by notice in writing to a Leader require him to give such details or further details in respect of any statement made by such Leader in accordance with section 8 as may be specified in the notice.

(2) In particular, but without affecting the generality of the powers conferred by subsection (1), such notice may relate to -

- (a) assets or income general particulars of which were shown in accordance with section 8 (3);
- (b) omissions or apparent omissions from the statement;
- (c) discrepancies between the statement and any other statement or other information lawfully available to the Commission.

(3) Upon receiving such details or additional details the Commission shall make such amendments to the Register of Leaders' Interests as maybe necessary.

(4) The Commission shall cause to be kept a register, called the Register of Leaders' Interests, for the purposes of registering interests of Leaders.

#### **Offences relating to supply of statement.**

**10. Any Leader who -**

- (a) fails without reasonable excuse (the burden of proof of which shall be upon him) to give to the Commission a statement as required under section 8; or
- (b) fails without reasonable excuse (the burden of proof of which shall be upon him) to give to the Commission such details or further details as he may be required to supply in order to comply with any notice issued under section 9; or
- (c) knowingly, recklessly or negligently gives in such statement or details any information that is false, misleading or incomplete in a material particular,

is guilty of misconduct in office.

**PART III  
MISCONDUCT IN OFFICE**

**Shareholdings and other interests.**

**12. (1)** Subject to the provisions of this section, a Leader: -

- (a) who holds shares or any other investment in any company, corporation or unincorporated association;
- (b) whose spouse or any of whose children holds any such shares or other investment; or
- (c) who or whose spouse or children holds any position or any financial interest (whether as debtor, creditor or guarantor) in any company, corporation or unincorporated association,

that could reasonably be expected to place him in a position in which he could be faced with a conflict of interest or might be compromised when discharging his public or official duties, is guilty of misconduct in office.

(2) Subsection (1) shall not apply to a Leader or to a spouse or child of a Leader who, prior to holding any shares, investment, position or financial interest referred to in subsection (1), has obtained the written approval of the Commission to do so.

(3) Subsection (1) shall not operate to prevent a person who becomes a Leader, or the spouse or child of such person, who -

- (a) at the time that he becomes a Leader holds shares or other investment or holds a position or has a financial interest in any company, corporation or unincorporated association; or
- (b) unexpectedly receives shares or other investment or financial interest in any unincorporated association,

from holding the shares, or maintaining his investment or financial interest therein for such period as is reasonably necessary to divest himself thereof.

#### **Interest in contracts.**

**14.** (1) Subject to the provisions of subsection (2) of this section and section 22, where any Leader or the spouse or child of such Leader has a controlling interest in any corporation or local company (such corporation or Local company being in this section referred to as the "relevant company") and that relevant company seeks, accepts or holds a beneficial interest in any contract concluded with the Government of Solomon Islands (such contract in this section being referred to as a "Government contract") such Leader is guilty of misconduct in office.

(2) Subsection (1) shall not apply in the case of any Leader who, prior to the relevant company seeking, accepting in the case of any or otherwise obtaining a beneficial interest in a Government contract, has obtained written permission of the Commission to such action.

(3) The Commission shall not give its permission under subsection (2) in any case where it is of the opinion that -

- (a) the fact that the relevant company has sought, accepted or obtained the beneficial interest in any Government contract might in the future involve the Leader in a conflict of interest; or
- (b) the seeking, accepting or obtaining by the relevant company of the beneficial interest in any Government contract involved or may involve the use by the Leader of his official position.

#### **Engaging in other paid employment.**

**15.** (1) A Leader is guilty of misconduct in office if he engages in any paid employment other than his official employment, or accepts any emoluments for services rendered by him outside his official duties, without having first obtained the written approval of the Commission, which shall have special regard to the needs of the country in any case where the Leader has professional or other special skills.

(2) The Commission shall not give its approval under subsection (1) where it is of the opinion that -

- (a) the engaging in other paid employment or acceptance of any emoluments for his services might in future involve the leader in a conflict of interest; or
- (b) the obtaining of the other paid employment or the acceptance of any emoluments for his services involves or involved the use by the Leader of his official position.

(3) The Commission shall not give its approval under subsection (1) in any case where the Leader is a public officer without having first ensured that the Leader has obtained the consent of the Secretary for the Public Service or, if the officer is employed by a Government agency, the Chief Executive of the agency, to his engaging in paid employment or accepting emoluments for his services.

(4) For the purposes of this section -

**"paid employment" shall include the holding of a directorship in any corporation or local company whether or not any fees are paid or payable in respect of such directorship.**

(5) The provisions of this section shall not be construed as relieving any Leader from complying with the provisions of section 8 in relation to salary or emoluments received in respect of any paid employment other than his official employment or services rendered by him outside his official duties.

#### **Interpretation of "conflict of interest".**

**16.** In considering whether the conduct of a Leader or his spouse or any of his children has given or may give rise to a conflict of interest, (that is to say a situation where the Leader has to make a choice between his personal interests and his obligations as a Leader) account shall be taken by the Commission of the following matters -

- (a) the amount of influence the Leader may have on the decision-making process of the Ministry, department, Government agency or authority in which he works or for which he is responsible;
- (b) the esteem in which the public hold the office to which the Leader has been appointed and the need to ensure that the good reputation of that office is upheld;
- (c) the possible financial gain or other benefit to the Leader; and
- (d) the value to the development of Solomon Islands as a whole of the investment the Leader has made or may make, or the position the Leader is holding or may hold or the services he has given or may give to the company, corporation or unincorporated association concerned:

Provided that in any case where there is doubt as to whether a conflict of interest has arisen, additional weight shall be given to those matters specified in paragraph (d).

#### **Acceptance of loans, etc.**

**19.** (1) A leader who, or whose spouse or child -

- (a) accepts any loan of money; or
- (b) holds any franchise; or
- (c) accepts any gift or other benefit or advantage;

from any person, company, corporation or unincorporated association, is guilty of misconduct in office.

**(2) Subsection (1) shall not apply to -**

- (a) a gift from his spouse or children;
  - (b) a loan or transaction in the nature of a loan which has been obtained or entered, into on the same or similar terms as may be applied to other borrowers; or
  - (c) any gift not exceeding one hundred dollars in value, or any other minor benefit or advantage, where such gift, benefit or advantage is clearly intended to be a memento of a ceremony or social occasion attended by the Leader or where such benefit or advantage falls within accepted standards of hospitality;
- Provided that the provisions of this subsection shall not be construed as relieving a Leader from complying with the provisions of section 8 in relation to such loan, franchise or gift.

**Disclosure of interest.**

**21.** (1) Any Leader who, being a member of a statutory corporation, Government agency or other public body, proposes to speak or vote on any matter before such body or before a committee thereof, and who has a direct or indirect interest in the matter shall before speaking or voting thereon comply with the rules of such body or committee thereof relating to the disclosure of interest, or, if the rules of such body or committee thereof do not specifically make provision in that regard, shall be under a duty to give adequate notice of his interest in the matter under discussion.

(2) The Minister may on the advice of the Commission make regulations relating to the disclosure of interest by Leaders who are members of any body which has no formal rules relating to disclosure of interest by members thereof.

(3) A Leader who fails to make a disclosure as required by subsection (1) or by regulations made under subsection (2) is guilty of misconduct in office.

**Dissociation from activities of associates.**

**22.** (1) Any Leader who after being requested so to do by the Commission, fails to publicly dissociate himself from any activity or enterprise of his spouse, any of his children, any other person for whom he is responsible or of any of his associates which might be expected to give rise to doubt in the public mind as to the Leader's compliance

with the provisions of this Act or of Chapter VIII of the Constitution, is guilty of misconduct in office.

(2) Where a leader has publicly dissociated himself from an activity or enterprise upon the request of the Commission, he shall not be guilty of misconduct in office or be otherwise liable under this Act for the actions of any of the persons referred to in subsection (1) to which that dissociation relates.

(3) For the purposes of this section -

"publicly" means by inserting a, notice in a newspaper, or causing an announcement to be made over the broadcasting network on at least three separate occasions or by circularising to members of the public in such other manner as the Commission may advise.

### **Complaints and investigation.**

**23.** (1) Any person may make a complaint to the Commission concerning any alleged or suspected misconduct in office of a Leader.

(2) The Commission shall investigate or may lawfully delegate or authorise any person it deems fit to investigate any complaint received by it or which has come to its knowledge, unless it decides not to do so on the ground that -

- (a) the complaint or the allegation is trivial, frivolous, vexatious or has not been made in good faith; or
- (b) the complaint or allegation has been too long delayed to justify an investigation; or
- (c) the subject-matter of the complaint or allegation does not fall within the provisions of this Act or Chapter VIII of the Constitution.

(3) The Commission may defer or discontinue an investigation on any of the grounds specified in subsection (2).

(4) The decision of the Commission not to investigate a complaint or allegation or to defer or discontinue an investigation shall not be called in question in any court of law.

(5) If at any stage of the investigation, it appears to the Commission that the offence is of such a nature that it may suitably be dealt with by the Court, the Commission may refer the matter to the High Court.

(6) Where the Commission on completion of the investigation proceeds to hold an inquiry under this Part, the same practice and procedure as applicable in the Magistrates' Courts shall as far as circumstances permit apply *mutatis mutandis* to the proceedings before the Commission.

### **Disposal of assets.**

**31.** In any case where the Commission is of the opinion that the continued ownership and control by a Leader of any real or personal property or interest in such property might involve him in a conflict of interest, it may, after giving the Leader adequate opportunity to state his case to the Commission, order that the whole or any part of such real or personal property or interest therein -

- (a) be placed in trust with such person (including any member of the Commission) as the Commission may require, for return to the Leader when he has ceased to be a Leader; or
- (b) in the case of any shareholding, be transferred by the Leader to such nominee as the Commission may specify, for such nominee to hold until such time as the Leader shall have ceased to be a Leader.

### **Regulations.**

**38.** The Minister may on the advice of the Commission make regulations for the better carrying into effect of the provisions of this Act, and in particular, but without prejudice to the generality of this section, such regulations may prescribe the form in which statements under section 8 shall be made, and for the manner in which Leaders may obtain advice regarding compliance with Parts II and III of this Act.

- Are there regulations? Forms?

## **3. The Standing Orders of the National Parliament of the Solomon Islands, 1982**

### **VOTING**

#### **40. DECISION ON QUESTIONS**

All questions proposed for decision committee shall be determined in accordance with section 71 of the Constitution.

#### **41. COLLECTION OF VOICES**

- (1) When the debate upon a question is concluded the Speaker shall put the question to Parliament or the committee and, if it shall not have been heard, shall again put it to Parliament or to the committee.
- (2) Every Member present in the House when the question is put is required to vote and in case he shall not have heard the question put, the Speaker shall again put the question.

- (3) Having put the question the Speaker shall call upon those Members in favour to say "Aye" and immediately thereafter call upon those Members who are against the question to say "No".
- (4) As soon as the Speaker has collected the voices of the Ayes and of the Noes, the question being then fully put no other Member may speak on it.
- (5) The Speaker may, according to his judgment of the number of voices on either side, then state that he thinks the Ayes have it or that he thinks the Noes have it, as the case may be; and if no Member challenges his statement as provided in the next succeeding paragraph he shall declare the question to have been decided.
- (6) If a Member challenges the statement of the Speaker that he thinks the Ayes or the Noes have it by claiming a division, then the Speaker shall order Parliament or the committee, as the case may be, to proceed to a division and the division shall be held forthwith in the manner prescribed in order 42.
- (7) Notwithstanding paragraph (4) of this order the Speaker may if in his opinion the division is unnecessarily claimed, take the vote of Parliament or the committee by calling upon the Members who support or who challenge his decision successively to rise in their places and he shall thereupon, as he sees fit, either declare the determination of Parliament or the committee or order a division.

#### **77. EMPLOYMENT OF MEMBERS IN PROFESSIONAL CAPACITY**

No Member shall appear before Parliament or a committee thereof as a legal practitioner acting for or on behalf of any person or otherwise in a capacity for which he is to receive a fee or award.

#### **78. DECLARATION AND DISCLOSURE OF PERSONAL INTEREST**

- (1) Every Member shall, not later than the day before he makes his oath of allegiance pursuant to section 63 of the Constitution, submit to the Speaker a written declaration of all shares and interests he may have in any company or business undertaking that has any contract with the Government and of any office of director or manager he may hold in any company or business undertaking (whether or not it has a contract with the Government) and thereafter, upon his acquisition of any such share or interest or appointment to such office, he shall make such a declaration before the next sitting of Parliament he attends following upon the acquisition of that share or interest or appointment to that office.
- (2) The Speaker shall maintain a record of all declarations made under paragraph (1) of this order and shall not disclose any of the contents of the same except upon a motion to that effect passed by Parliament, a request made pursuant to any Act of Parliament, or where he considers it fit and proper to do so.



- (3) A Member shall not move any motion or amendment relating to a matter in which he has a direct personal pecuniary interest or speak or vote on any such matter, whether in Parliament or in any committee, without disclosing the nature of that interest.
- (4) A motion to disallow a Member's vote on the ground of non-disclosure of his personal pecuniary interest may be moved without notice by any Member immediately upon the statement of the numbers voting in a division by the Speaker, but not otherwise.
- (5) The Speaker shall have discretion whether or not to propose the question upon such a motion; and in exercising such discretion he shall have regard to the nature of the question upon which the vote was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the inhabitants of Solomon Islands or whether his vote was given on a matter of state policy.
- (6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from Parliament or committee for the duration of the debate and any vote on the question.
- (7) If a motion for the disallowance of a Member's vote is carried the Speaker shall direct the Clerk to alter the numbers voting in the original division accordingly.