

[DRAFT FOR PARLIAMENT-26 JUN]



POLITICAL PARTIES BILL 2009

(BILL NO. 17 OF 2009)



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A

BILL

Entitled

AN ACT TO PROVIDE FOR THE REGISTRATION, ADMINISTRATION AND
MANAGEMENT OF POLITICAL PARTIES AND RELATED MATTERS

ENACTED by the National Parliament of Solomon Islands.

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POLITICAL PARTIES BILL 2009

PART 1 – PRELIMINARY

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|---|-------------------------------------|
| <p>1. (1) This Act may be cited as the Political Parties Act 2009, and commences on a date appointed by the Minister, by notice in the <i>Gazette</i>.</p> | <p>Short title and commencement</p> |
| <p>2. In this Act, unless the context otherwise requires –</p> <p>“chief executive officer” means the chief executive officer of a political party;</p> <p>“coalition agreement” means an agreement or memorandum of understanding of two or more political parties made under this Act for purposes of forming a coalition or for mutual cooperation;</p> <p>“Commission” means the Political Party Integrity Commission established by section 69D of the Constitution;</p> <p>“commissioner” means a member of the Commission;</p> <p>“constitution” of a political party, means the constitution and rules of the political party made in compliance with all minimum rules set out in Schedule 2;</p> <p>“donations” includes –</p> <ul style="list-style-type: none"> (a) monies, gifts, goods, donor’s services, services paid for by others but not of donor’s own labour; (b) discount given on goods or services; (c) monies paid in excess of market value for services provided by a political party; (d) credit offered at terms more favourable than normal commercial terms and conditions prevailing at the time; and (e) any other property (or its value) donated to a political party; | <p>Interpretation</p> |

“election activity licence” means a licence issued under section 42(1);

“election day” means an election day appointed pursuant to section 24 of the National Parliament (Electoral Provisions) Act (Cap.87);

“election period” means the period commencing on the day when the Governor General appoints an election day under section 24 of National Parliament (Electoral Provisions) Act (Cap.87) and ending on the day when the result of the election is published under section 57(2) of that Act;

“general election” means a general election or an election conducted under the National Parliament (Electoral Provisions) Act (Cap.87);

“Fund” means the Central Political Parties Fund established by section 30;

“independent candidate” means a candidate who is not nominated by a political party;

“newspaper” means any newspaper published and having wide circulation in Solomon Islands;

“non-contesting party” means a person, group or entity which undertakes any promotion, campaigning, advocacy, fundraising or financing activities during election period in connection with an election in that period;

“political party” means a political party registered under this Act;

“public office related offence” means any offence under any law in relation to the conduct in public office of a person listed under section 93 of the Constitution, and includes a breach of the Leadership Code (Further Provisions) Act (Cap.86) or other laws prescribing other codes or standards of conduct for such persons;

“Registrar” means the Registrar of political parties appointed pursuant to section 11.

3. The objects of this Act are –

Objects of the Act

- (a) to develop a strong, viable and transparent political party system for the purposes of ensuring and fostering stability of the Government and better political and governance relationship between the public and the members of Parliament;
- (b) to enhance and facilitate the development and administration of political parties to ensure that political parties are organised in a transparent and democratic manner;
- (c) to provide a framework for the registration, administration and development of political parties and their operations, as corporate bodies operating under democratic principles and values; and
- (d) to foster better relationships and understanding between the public and political parties to ensure that the roles of political parties focus on building a united Solomon Islands for lasting peace, stability, tolerance and understanding.

**PART 2 – APPOINTMENTS OF COMMISSIONERS,
REGISTRAR AND OTHER OFFICERS AND THE
FUNCTIONS AND POWERS OF THE COMMISSION**

4. (1) For the purposes of section 69D of the Constitution, the object of this Part is to provide further provisions in relation to the functions, powers and duties of the Commission.

Appointment of
the commissioners

- (2) The commissioners shall be appointed in accordance with Schedule 1.
- (3) A person shall not be appointed as a commissioner if the person –
 - (a) is currently a member of a political party or is currently involved in the administration of a political party or has been a member or involved in the formation, registration and

administration of the political party in the last four years;

- (b) is a member of Parliament or a provincial assembly or has been a member of Parliament or a provincial assembly in the last four years; or
- (c) is serving a sentence for any offence or has been convicted of a public office related offence or any electoral offence.

(4) A commissioner may be appointed for a term not exceeding 5 years.

Functions and powers of the Commission

- 5.** (1) The functions of the Commission are –
- (a) to formulate, monitor and review the policies relating to this Act in respect of the regulation of political parties;
 - (b) to administer this Act;
 - (c) to prepare an annual report on the operations of this Act, and submit it to the Clerk of Parliament to be presented in Parliament by the Prime Minister or a Minister;
 - (d) to supervise the office of the Registrar;
 - (e) to carry out public education and awareness on the provisions of this Act and other laws affecting this Act; and
 - (f) to perform other functions given to it under this Act or any other written law.
- (2) The powers of the Commission are –
- (a) to register and to remove the registration of political parties;
 - (b) to make written guidelines in relation to integrity standards for political parties;

- (c) to investigate or enquire into the affairs of a political party for the purposes of ascertaining any breach of this Act; and
- (d) to exercise any other powers given to it under this Act or any other written law.

(3) The Commission may, for the purpose of this Act, invite any person to give specialist or expert advice to it.

(4) The Commission may designate a public officer, other than the Registrar or Assistant Registrar, as Secretary to the Commission.

6. (1) The Commission shall meet at least once every three months to be convened by the Chairman.

Meetings

(2) The quorum for a meeting of the Commission is four members.

(3) The Commission may regulate its own procedures.

7. (1) The Commission may give general or specific policy direction to the Registrar who shall comply or act upon such direction.

Power to give directions and delegation

(2) The Commission may delegate its functions or powers to the Registrar or any other senior officer of the Commission.

8. Subject to the provisions of this Act, the Commission shall not be subject to any direction by or control of any person or authority other than a court.

Commission not subject to control

9. The funds for the Commission to administer this Act shall comprise funds appropriated by Parliament, and from other sources.

Funds of the Commission

10. The Commissioners are entitled to allowances, as are prescribed by regulations.

Allowances

11. (1) This section establishes the position of a Registrar, as a public office, who is to be appointed under section 116 of the Constitution.

Registrar and other officers

(2) A person shall not be appointed as a Registrar if the person is disqualified pursuant to section 4(3).

(3) Until such time when the Registrar is appointed, a public officer, equivalent to Permanent Secretary level, appointed by the Public Service Commission shall perform the functions and powers of the Registrar.

(4) An Assistant Registrar and such other public officers required for the better administration of this Act are to be appointed under section 116 of the Constitution.

Functions of the Registrar

12. The functions of the Registrar are –

- (a) to manage the day-to-day operations of the office of the Registrar;
- (b) to supervise other officers and employees;
- (c) to perform any function or power under this Act as assigned or delegated by the Commission; and
- (d) to perform other functions given to him under this Act or other written law.

PART 3 –REGISTRATION AND AMALGAMATION OF POLITICAL PARTIES

Registration and register of political parties and members

13. (1) Any group of at least one hundred individuals that wishes to form a political party shall register the group as a political party under this Act.

(2) Without limiting section 25 or the right of a person to stand as an independent candidate, any group of two or more individuals shall not select, endorse or nominate a person as its candidate for election as a member of that group in Parliament, and any such selection, endorsement or nomination is invalid for such purposes unless the group is registered in compliance with the requirements of this Act as a political party.

(3) This section establishes the register of political parties in a form approved by the Commission and shall be kept and maintained by the Registrar.

(4) A person is entitled to inspect the register during normal office hours, subject to any fee the Commission may approve to cover costs of providing the copies requested.

(5) The Registrar may provide up-to-date copies of the register to the provincial government offices as approved by the Commission for the purpose of inspections.

(6) The Registrar shall, in a newspaper, publish the names of all political parties –

- (a) within seven days after the election day is announced by the Governor General; and
- (b) at least seven days before the election day; or
- (c) if directed by the Commission.

(7) A political party shall establish and maintain a register of its members, which the Registrar may inspect for the purposes of this Act.

14. A political party shall –

- (a) be a body corporate having all the powers of a legal person from the date of issuance of the certificate of registration; and
- (b) be bound by the Constitution, this Act, other written laws, integrity standards made under section 5(2)(b) and its constitution.

Political party as
body corporate

15. (1) Subject to other provisions of this Act, the Commission has the power to grant approval to an application for registration of a political party pursuant to section 16.

Power to grant
approval of
registration

(2) No application for registration shall be granted, if the Commission is satisfied that –

- (a) the name of the political party —
 - (i) would be likely to result in the political party being confused by voters with a political party which is already registered;

- (ii) is obscene or offensive;
 - (iii) includes words the publication of which would be likely to amount to the commission of an offence;
 - (iv) includes the word “independent”; or
 - (v) includes any prescribed prohibited matter.
- (b) the political party manifesto, policy and strategies are substantially the same with that of an existing political party; or
- (c) the constitution is contrary to, inconsistent with or fails to meet the requirements of this Act.
- (3) If the Commission intends to refuse to grant approval to an application because of subsection (2)(b), the Commission –
- (a) may request the applicant to amend its manifesto, policy or strategy, before it reconsiders the application; or
 - (b) may recommend to the applicant to be amalgamated under section 19 with a political party having substantially the same manifesto, policy or strategy.
- (4) The Commission shall give reasons for its decision to refuse an application.
- (5) When an application for registration is approved by the Commission, the Registrar shall issue to the applicant a certificate of registration in the prescribed form.
- (6) A member of the Commission, the Registrar, an employee of or any person authorised to perform any function or power by the Commission commits an offence and is liable on conviction to a fine not exceeding 5,000 penalty units if he discloses or publishes the manifesto, policies and strategies in an application for registration of a political party lodged with the Registrar, without the prior consent of the applicant.

(7) Subsection (6) does not apply to discussion, disclosure or publication made by the applicant to its members, other persons or voters or where the certificate of registration has been issued to the political party under subsection (5).

(8) In this section, “substantially the same” means the use of same words, expressions and phrases or use of the same specific original ideas or subject or the same elements in the manifesto, policy, strategy, plan or scheme of an existing political party.

16. (1) A group of at least one hundred individuals is entitled to apply to the Commission to be registered under this Act as a political party.

Applications for
registration

(2) The application shall –

- (a) be in the prescribed form;
- (b) be accompanied by the prescribed fee;
- (c) be accompanied by its constitution;
- (d) list its leader or president, the chief executive officer and other officials or persons required to undertake responsibilities under this Act;
- (e) be accompanied by the political party manifesto or policies and strategies;
- (f) be signed by at least one hundred members, who are registered or eligible to be registered under the register of voters under the National Parliament (Electoral Provisions) Act (Cap.87);
- (g) set out its symbol, in black and white representation, subject to section 17(3); and
- (h) contain any other prescribed particulars.

(3) An application shall be signed by –

- (a) the leader or president; and
- (b) the chief executive officer.

(4) If any of the persons under subsection (3) is unable to sign the application—

- (a) the holder of some other office may sign in place of the officer; and
- (b) the application shall include a statement of the reason why the officer is unable to sign and a declaration that the holder of the other office is authorised to sign the application.

Entries in the register

17. (1) The Registrar shall include in an entry in the register the following particulars of a political party –

- (a) name of the political party or president and the address for its office;
- (b) the names of its political party leader, the chief executive officer and other officials and their residential addresses and other contact details;
- (c) the political party symbol;
- (d) other prescribed particulars.

(2) The Registrar may approve a symbol, unless satisfied that the symbol—

- (a) would be likely to be confused by voters with a symbol which is already registered for another political party;
- (b) is obscene or offensive;
- (c) is of such a character that its publication would be likely to amount to the commission of an offence; or
- (d) includes any prescribed symbol, word, phrase or matter that is prohibited.

(3) Notwithstanding section 16(2)(g), a political party's symbol may for other purposes be represented in other colours as approved by the political party.

18. (1) A political party may, subject to payment of the prescribed fee, apply to the Commission to amend —

Amendment to
particulars in the
register

(a) any if its own particulars in the register;

(b) its symbol; or

(c) any prescribed information relating to it.

(2) The Commission shall —

(a) make such amendment, subject to conditions;
or

(b) refuse the amendment to the political party symbol if in the Registrar's opinion, section 17(2) applies to the symbol.

(3) If a person will be registered both as the leader and chief executive officer, the Registrar shall request the addition of another member holding the other position.

(4) If the application requests to substitute the leader, the application shall give the residential address of the substituted leader.

19. (1) Two or more political parties may amalgamate, and continue and be registered as one political party.

Amalgamation of
political parties

(2) The leaders of the amalgamating political parties shall —

(a) apply to the Commission pursuant to section 16(2) in respect of the proposed amalgamation;

(b) file with the Commission evidence that at least one hundred registered members of each of the amalgamating political parties have voted for or approved the amalgamation;

- (c) file with the Commission a document signed by the leaders of the amalgamating political parties consenting to the amalgamation;
- (d) file with the Commission a document setting out how the assets and liabilities of each of the amalgamating political parties have been dealt with;
- (e) cause the proposed amalgamation to be published at least in three separate days in a newspaper; and
- (f) comply with any other directives or requirements given by the Commission in relation to the proposed amalgamation.

(3) The Commission may approve the amalgamation if the proposal complies with other requirements for registration under section 16(2).

Review of list of
political parties

20. (1) The Registrar shall in every three years carry out a review of the list of political parties in the register to ascertain whether or not a political party is still in operation.

(2) The Registrar shall write to the last known address of the political party in the register requesting the political party to confirm whether or not it is still in operation.

(3) If a political party does not respond to the request in subsection (2), the Registrar shall publish a notice in a newspaper requiring the officials to confirm within thirty days whether or not it is still in operation.

(4) The Registrar shall recommend to the Commission to remove a political party under section 21 if the political party –

- (a) confirms that it is not in operation; or
- (b) does not respond to the Registrar when the notice in subsection (3) expires.

21. (1) The Commission may remove a political party's registration, if satisfied that –

- (a) the political party is no longer in operation based on the review under section 20;
- (b) the political party has breached a provision of this Act or the integrity standards made by the Commission under section 5(2)(b);
- (c) the membership of the political party is less than one hundred members; or
- (d) the political party applies for its removal from the register.

(2) The Registrar shall, in a newspaper, publish the name of any political party that is removed from the register, within seven days of its removal.

(3) Where a political party's entry is removed from the register, the Registrar shall, in considering applications made by other political parties before or during the transitional period, treat the entry as still being in the register.

(4) The transitional period is the period of three months from the day on which the entry is removed from the register.

(5) A political party that is removed under this section because of subsection (1)(a) or (c) may apply within the transitional period to be restored to the register.

(6) The Commission may restore a political party under subsection (5), if it is satisfied that the political party will continue to operate effectively or its membership has reached or exceeded one hundred members.

PART 4 – CONSTITUTION OF POLITICAL PARTIES

22. (1) A political party shall have a constitution, which shall contain the minimum provisions set out in Schedule 2.

(2) The objects and aims of a political party shall be for lawful purposes only and shall not be contrary to the following –

- (a) democratic principles and values;
- (b) human rights and dignity;
- (c) principles, values and goals fundamental to building national unity and communal solidarity;
- (d) broad and non-ethnic participation by people in the national and provincial governance of the affairs of the people.

(3) The constitution of all political parties shall contain the following provisions in relation to disciplinary matters –

- (a) provisions for disciplinary panel consisting of three or more members, including the power to hear and determine disciplinary matters;
- (b) provisions giving the right of representation in person or through a legal practitioner;
- (c) provisions giving fair and reasonable time to respond to and defend disciplinary charges;
- (d) provisions for an appeal panel consisting of three or more members chaired by a legal practitioner of at least five years experience as a practitioner, including the power to hear and determine appeals.

Minimum age for membership

23. The minimum age for membership to a political party is eighteen years.

Reservation for women candidates

24. (1) In a general election, a political party shall, if practicable, reserve at least ten per cent of its total number of candidates selected for that general election for any of its women candidates.

(2) Subsection (1) is not contravened if no woman applied to the political party or less than ten percent of women are selected because of the number of applications from women.

25. (1) An elected independent candidate may, after ten days from the date that he is declared an elected member of Parliament, join a political party and thereafter loses his status as an independent member and is bound by the constitution of the political party.

Right of independent candidates to join political party

(2) An independent candidate who joins a political party under subsection (1) is deemed to be endorsed by and a member of that political party before a general election for the purposes of section 50 of the Constitution.

26. (1) A political party shall have a chief executive officer to be responsible for ensuring that the political party complies with the requirements of this Act.

Chief executive officers for political parties

(2) If a political party does not have a chief executive officer, the leader of the political party and other office bearers of the political party are jointly and severally deemed to be the chief executive officer for the purposes of subsection (1).

27. (1) No person shall be a member of a political party unless the person declares and consents in writing to such membership in a prescribed form which shall be kept by the political party.

Declaration and consent for membership

(2) The chief executive officer shall send to the Registrar a list of all members that have complied with subsection (1).

(3) A person, upon declaring and consenting to become a member of a political party, shall be bound by the constitution of the political party.

28. (1) No person shall be a member, whether financial, non-financial or associate, of more than one political party.

Multiple memberships prohibited

(2) If a person is registered as a member of two or more political parties, the person is deemed to be a member of the first political party that registered such person.

(3) Any person who holds membership in more than one political party commits an offence and is liable on conviction to a fine not exceeding 5,000 penalty units.

Non-citizens
prohibited from
membership

29. (1) A person who is not a citizen shall not be a member of a political party or participate actively in the affairs of the political party.

(2) Subsection (1) does not cover the participation of any professional person when undertaking professional services to a political party, as approved by the Commission with or without conditions.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding 15,000 penalty units or imprisonment for a term not exceeding two years.

PART 5 – PUBLIC FUNDING AND FINANCIAL REPORTING OF POLITICAL PARTIES

Political Parties
Central Fund

30. (1) This section establishes the Political Parties Central Fund for the purposes of registration, administration and development of political parties, as a special fund under section 100(2) of the Constitution, into which shall be paid –

- (a) monies appropriated by Parliament; and
- (b) other monies from other sources.

(2) The Commission shall manage the Fund, subject to sections 5(3), 21(2) and 38(1)(a)(v) and (2)(a) of the Public Finance and Audit Act (Cap. 120).

Entitlements of
political parties

31. (1) A political party that contests a general election is entitled to claim from the Fund, after the results of a general election are announced, for one or both of the following, as the case may be –

- (a) an establishment fund of \$10,000, for newly registered political party contesting the general elections; or
- (b) an administration fund of \$20,000 payable annually to the political party for each member of Parliament of the political party, subject to the submission of its annual financial report under section 34 before such payment is made.

(2) The political party intending to claim from the Fund shall apply to the Commission in the prescribed form and within ninety days from the date of appointment of the Prime Minister.

(3) A political party may forfeit its right to claim from the Fund if –

- (a) the political party fails to lodge a claim within the period specified in subsection (2);
- (b) the political party fails to comply with section 32, 33 or 34.

(4) An independent candidate is not entitled to claim from the Fund if elected unless the candidate joins a political party under section 25, in which case the political party is entitled to the administration fund under subsection (1)(b).

32. (1) A political party or independent candidate shall, within ninety days after the close of the polling in a general election, lodge with the Commission, in a prescribed form, a financial statement on income and election expenses of the political party or independent candidate.

Income and
election expenses

(2) For the purpose of subsection (1), the financial statement of the political party shall also include the income of each candidate and any election expenses of each candidate.

33. (1) A political party shall, in a year, lodge with the Commission, quarterly returns, in the prescribed form, setting out any donations received by or on behalf of the political party from any source other than monies paid out of the Fund.

Quarterly returns

(2) Subsection (1) does not apply to membership fees, subscriptions, donations or contributions less than \$1,000 given by each person, unless the total fees, subscriptions, donations or contribution collected in a quarter exceeds \$10,000.

34. (1) A political party shall lodge with the Commission an audited annual financial report before the thirty-first day of March each year, which may be extended by the Commission for a further three months if the political party makes a written request.

Annual financial
reports

(2) The first lodgement of the audited financial report under this section shall be for the year 2010.

(3) If –

- (a) an independent candidate contravenes section 32; or
- (b) a political party contravenes section 32, 33 or 34,

the candidate or the political party commits an offence and is liable on conviction to a fine not exceeding 5,000 penalty units, and in default, the independent candidate or the financial agent of the political party is liable to imprisonment for a term not exceeding six months.

Financial agents for
political parties

35. For purposes of this Part, the chief executive officer shall be the financial agent of the political party.

Power of
Commission to
audit

36. (1) If the Commission is not satisfied with the audit undertaken by the political party or the political party fails to submit its financial report under section 32, 33 or 34, the Commission may, in writing, authorise an independent auditor to re-audit or audit the financial report.

(2) When required to undertake an audit under this section, the independent auditor–

- (a) may access, inspect and examine any accounting records and other information in possession or control of the political party;
- (b) may require any official or member of the political party to provide explanation for the purposes of carrying an audit under this section;
- (c) shall express an opinion on the use of public funds payable to the political party under this Act; and

(d) may exercise other powers as are necessary to effectively carry out his powers and duties under this section.

(3) If there is a dispute between the Commission and a political party arising out of any audit under this section, the Auditor General shall act as the arbitrator for the purposes of resolving the dispute.

(4) This section does not affect the powers and functions of the Auditor General under any law.

PART 6 – COALITION AGREEMENTS

37. (1) A political party may, before or after a general election, negotiate and enter into a coalition agreement with other political parties, and such agreement shall contain the minimum rules set out under Schedule 3.

Formation of
coalition
agreements

(2) The coalition of political parties shall, within seven days after the coalition agreement is signed, lodge with the Registrar a prescribed notice affirming the agreement.

(3) Without limiting section 25, no political party shall enter into any coalition agreement with any independent candidate or group of independent candidates except if invited as an independent member of Parliament under paragraph 2 or 4 of Part 1 of Schedule 2 to the Constitution.

(4) Where there is a conflict with a provision of a coalition agreement and a provision of the minimum rules set out in Schedule 3, the provision of the minimum rules shall prevail.

(5) If a coalition agreement does not contain a rule set out in Schedule 3, the rule shall be deemed to be a term of the agreement.

38. (1) No political party shall enter into more than one coalition agreement which has the effect of suppressing, contradicting or countermanding an existing coalition agreement without, first, revoking or rescinding the existing coalition agreement.

Political parties to
enter into one
coalition
agreement

(2) A political party intending to unilaterally withdraw from, revoke or rescind an existing coalition agreement shall give at least thirty days' notice to other political parties to the coalition agreement.

(3) Subsection (2) does not apply –

- (a) when a political party, by majority decision, has resolved to withdraw from or to cease to be part of its coalition;
- (b) when a political party, by majority decision, has resolved to change the Prime Minister of its coalition government;
- (c) where a political party is invited to be part of a coalition government under Part 1 of Schedule 2 to the Constitution; or
- (d) where all the political parties to a coalition agreement mutually agree to rescind the agreement.

(4) In this section, “majority decision” means a resolution passed by votes of not less than three-quarters of all the members of the executive body or at a meeting of the members of the political party entitled to make such decision pursuant to the provisions of the political party’s constitution.

(5) Any alteration to a coalition agreement or any political party resolution to withdraw from, revoke, rescind or affirm a coalition agreement shall be lodged with the Registrar within seven days of making such alteration or resolution.

(6) Subject to subsection (1), a coalition agreement is binding on the political parties, which may only be enforced by a declaratory order or an order for specific performance on an application by a political party to the coalition agreement to a Judge in Chambers.

(7) The Commission shall, not later than twenty days before the election day cause to be published in print media

and announce on radio the names of political parties that have signed a coalition agreement.

- (8) Any coalition agreement that is not received and not published by the Commission under subsection (7) is deemed to be an agreement entered into after a general election.

PART 7 – POLITICAL PARTY CANDIDATES

39. (1) Without limiting section 29 of the National Parliament (Electoral Provisions) Act (Cap. 87), a political party shall, not later than fourteen days before the election day, lodge with the Commission a list (“the list”) in the prescribed form of the names of the candidates selected by the political party as its candidates to contest the general election.

List of political party candidates

(2) The list shall include the consent, in the prescribed form, signed by each candidate selected.

(3) The Registrar shall, within seven days from the date of receiving the list by the Commission and after consulting the Electoral Commission, publish the list in a newspaper or other manner considered appropriate by the Commission.

(4) The Commission shall have the power to reject or remove the name of any candidate from any list if such name appears on the lists of two or more political parties, subject to consultation with the candidate and the political party, to ensure that the name of the candidate appears only on one list.

40. Without limiting section 26 of the National Parliament (Electoral Provisions) Act (Cap. 87), a political party shall not select as its candidate to contest a general election any person who is not a registered member of the political party.

Registered members to be selected as candidates

PART 8 – NON-CONTESTING PARTIES

41. A political party which is not intending to select a candidate to contest a general election or other non-contesting party shall –

Declaration as non-contesting party

- (a) before thirty days from the commencement of election period, lodge with the Registrar a non-contest declaration in the prescribed form; and
- (b) thereafter, the party is deemed to be a non-contesting party for the purposes of this Part.

Election activity
licence

42. (1) A non-contesting party shall not undertake any promotion, campaign, advocacy, fundraising and financing activity in relation to a general election, including any promise to provide funds to a political party or candidate before, during or after an election period except with an election activity licence issued by the Registrar in the prescribed form.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 50,000 penalty units or to imprisonment for a term not exceeding four years.

(3) If a non-contesting party is an entity that contravenes subsection (1), the leader and the officials of the entity are jointly and severally liable for the offence.

(4) A non-contesting party may, in the prescribed form, apply to the Registrar for an election activity licence, and provide such information required by the Registrar.

(5) The following shall not be licensed under this section as non-contesting parties –

- (a) a political party or candidate contesting a general election;
- (b) a person involved in the administration of the affairs of a political party or candidate in relation to the election campaign of the political party or candidate; and
- (c) a person who is not a citizen.

Disclosure of funds

43. (1) The non-contesting party shall, within fourteen days after the election day, file with the Commission a return, in the prescribed form, setting out the funds collected and

raised and the name of the beneficiary political party or candidate.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 15,000 penalty units or to imprisonment for a term not exceeding two years.

44. (1) The Registrar may refuse to grant an election activity licence if—

Refusal of licence

- (a) the applicant has not complied with section 41; or
- (b) the proposed activity is contrary to or may cause or result in breach of any law or public peace, order and security.

(2) If a non-contesting party breaches the licence or conditions of the licence, the Registrar may vary, suspend or cancel the licence taking into account the seriousness of the breach.

45. A non-contesting party aggrieved by the decision made under section 44 may appeal to the Commission, within five days from the date of the decision, to review the decision, and may vary or confirm the decision or revoke the decision and make a new decision.

Appeals to Commission

46. The Commission shall establish and maintain a list that contains the names and activities of non-contesting parties, and publish such a list in such manner it considers appropriate not later than twenty days before the election day.

List of non-contesting parties

PART 9 – MISCELLANEOUS

47. The Commission, Registrar, officers, employees and persons acting under the authority of this Act or of the Commission or Registrar, for the purposes of administering, implementing or enforcing this Act, shall not

Exemptions from liability

- (a) be subject to any action, liability, claim or demand; or

- (b) be liable for any matter or thing done or omitted to be done in good faith (whether negligently or not),

in the performance or for any purported performance of any function or duty, or exercise or purported exercise of any power under this Act.

Right to make complaints

48. If an offence is committed under this Act, the Registrar may lodge a complaint with the Police and the Director of Public Prosecutions for and on behalf of the Commission for the purposes of investigating and prosecuting the offence.

Appeal to the High Court

49. (1) Any decision given under section 15(2), 19, 21 or 45 may be appealed to the High Court within fourteen days from the date of the decision.

- (2) A member of a political party who is aggrieved by a decision made in accordance with its constitution to remove him from the political party may, within twenty-eight days from the date of removal, appeal to the High Court except that no appeal shall lie on a decision of any current member of Parliament to defect or voluntarily resign from his political party.

Regulations

50. The Commission may make regulations to give effect to the provisions of this Act, and in particular –

- (a) regulation of political parties in relation to contesting or campaigning in and other matters relating to election of members of provincial assemblies;
- (b) fees and forms required for the purpose of this Act;
- (c) any other procedures required by the Commission or the Registrar to effectively carry out its functions and powers under this Act; and
- (d) any matter required to be prescribed under this Act.

Transitional

51. (1) At the commencement of this Act, any political party that is currently represented in Parliament is deemed to have been registered under this Act, subject to any directives by the Commission on compliance with any obligation under this Act.

(2) At the commencement of this Act, any existing political party (including a political party deemed to have been registered under subsection (1)) shall, within six months, apply for registration.

52. The National Parliament (Electoral Provisions) Act (Cap. 87)
is amended –

Consequential
amendment

(a) in section 28(2), by replacing the full stop at the end of paragraph (h) with “;or” and by adding the following new paragraph –

“(i) for members of a political party registered under the Political Parties Act 2009, that the candidate is not selected for nomination by his political party.”; and

(b) by repealing section 45.

SCHEDULE 1**(section 4)****APPOINTMENTS OF COMMISSIONERS**

- 1.** A Selection Committee (“Committee”) is established by this paragraph consisting of the following members –
 - (a) the Chairman of the Judicial and Legal Service Commission;
 - (b) the Chairman of the Public Service Commission;
 - (c) the Chairman of the Leadership Code Commission;
 - (d) the Ombudsman.
- 2.** The powers of the Committee are –
 - (a) to receive and process applications for appointment of commissioners, following a competitive and transparent selection criteria determined by the Committee;
 - (b) to approve any appointment to the Commission;
 - (c) to revoke such appointments; and
 - (d) to re-appoint such commissioners.
- 3.** A person is qualified for appointment as a commissioner under this Act if the person –
 - (a) is a person of integrity and credibility who would be impartial when performing the functions, duties and powers under this Act; and
 - (b) is qualified and a person with high standing and competence in his professional discipline.

4. A person may, in writing, apply to the Committee to be appointed a commissioner.
5. The members of the Committee are entitled to allowances determined by the Public Service Commission.
6. The Committee may regulate its procedures.

SCHEDULE 2

(section 22)

MINIMUM PROVISIONS FOR THE CONSTITUTION AND RULES OF POLITICAL PARTIES

1. Name and objects of the political party
2. Office of the political party
3. Executive body, including the chief executive officer and other officials or office bearers
4. Procedures for the appointment of parliamentary leader, including the appointment of a new parliamentary leader if the leader is not elected a member of Parliament after a general election
5. Functions and powers of the executive body
6. Membership and entry requirements, including a requirement of signing of a consent form to abide by the constitution and rules of the political party
7. Elections or nomination of candidates, including a democratic and transparent process of selection of candidates, including women candidates
8. Regulation of its members of Parliament or provincial assembly, including the rules on political party solidarity and voting on its important policies, such as amendments to the National Constitution, budget and other important policies
9. Disciplinary powers and procedures for members

10. Resignation and removal of members
11. Financial provisions
12. Appointment of an auditor
13. Other administrative provisions to give effect to the development and management of the political party
14. Creation of branch or provincial offices
15. Creation of other divisions, such as youth and women divisions
16. Amalgamation rules

SCHEDULE 3

(Section 37(1))

MINIMUM RULES FOR COALITION AGREEMENTS

PART 1 - COALITION AGREEMENT RULES FOR THE GOVERNMENT SIDE

1. The rules contained in this Part shall apply as minimum provisions for incorporation into any Coalition Agreement to be made or adopted by political parties in Government.
2. After a general election, the leader of a political party (whether appointed before or after a general election) to a coalition agreement which has won the highest number of seats in Parliament shall be the Leader of the Coalition of Political Parties (“Leader”) and, subject to paragraph 8, be nominated as Prime Minister. If the Leader withdraws his nomination as Prime Minister but wishes to remain the Leader, his political party shall select another member of that political party to be nominated the Prime Minister.
3. If two or more political parties have equal number of seats in Parliament, all the members of the Coalition of Political Parties shall agree

to or elect by secret ballot, the member to become the Leader and, notwithstanding paragraph 4, the Deputy Leader of the Coalition.

4. Where there are more than two political parties forming a Coalition of Political Parties, the leader of the political party (whether appointed before or after a general election) with the next highest number of seats shall, subject to paragraph 8, be the Deputy Leader of the Coalition of Political Parties.

5. There shall be a Coalition Executive comprising the Leader, Deputy Leader and all leaders of the political parties in the Coalition, and where necessary, shall include other members of the political parties to the Coalition. The Coalition Executive shall be the supreme governing body of the Coalition of Political Parties.

6. The Leader shall be the chairman of the Coalition Executive and the Deputy Leader shall be the deputy chairman. The Secretary shall be appointed by the Coalition Executive.

7. In forming Cabinet, the Leader shall consult the Coalition Executive on the names of Members of Parliament for appointment as Ministers or parliamentary secretaries.

8. A Coalition Executive shall not nominate the name of the Leader for appointment as Prime Minister by the Governor General until he has read before the Executive and signs a Coalition Declaration in the form below:

Coalition Declaration

“I, solemnly and sincerely do declare before all political party leaders of this Coalition of Political Parties that I shall faithfully serve the Coalition as the Leader of the Coalition, and shall at all times be bound by the rules of the Coalition, and will accept and abide by all lawful resolutions duly passed by the Coalition Executive.

Date:

.....

Signature”.

9. A Coalition Executive shall not nominate the name of the Deputy Leader for appointment as Deputy Prime Minister until he has made

a Coalition Declaration in the form in paragraph 8, subject to appropriate modifications.

10. Where a political party in the Coalition of Political Parties or the Coalition Executive wish to replace the Coalition Leader or Deputy Leader, the political party or the Coalition Executive shall give not less than ten days' notice to the Leader or Deputy Leader specifying the grievances or complaints. Upon receipt of the notice, the Leader shall convene a meeting of the Coalition Executive, within seven days, to deliberate on the matters stated in the notice.

11. For the purposes of paragraph 10, the Leader or Deputy Leader, as the case may be, shall be given fair and reasonable opportunity to respond to grievances or complaints. The Leader or Deputy Leader shall not be present when the Coalition Executive is making deliberations on and delivering its decision. The Coalition Executive may appoint a panel of three members of the Coalition of Political Parties to investigate the grievance or complaints and prepare and submit a report to the Coalition Executive which will hear and determine the grievance or complaints.

12. At any meeting held under paragraph 10, where both the Leader and Deputy Leader are not present when a decision is made, the political party with the highest number of seats shall appoint one amongst their leaders to preside at that meeting unless all the members present agree to a member to preside.

13. Any policy, strategy and plan which has been adopted, whether wholly or by combination or amalgamation, with or without variations, by the Coalition Executive shall bind and be implemented by the Coalition of Political Parties.

14. If a political party to the Coalition changes its leader, the following rules shall apply –

- (a) if the leader of the political party is the Prime Minister, the Prime Minister shall resign as Leader and Prime Minister and the new leader shall be the Leader of the Coalition and be nominated for appointment as Prime Minister, subject to paragraphs 3 and 8;
- (b) if the leader of the political party is the Deputy Leader, the Deputy Leader shall resign as such and the new leader shall become the Deputy Leader on the date the resignation is received by the Leader;

- (c) in any other case, the new leader shall assume the role of the leader on the date the political party made the decision.

PART 2 - COALITION AGREEMENT RULES FOR THE OPPOSITION SIDE

- 1.** The rules contained in this Part shall apply as minimum provisions for incorporation into any Coalition Agreement to be made or adopted by political parties in opposition.
- 2.** After a general election, the leader of a political party (whether appointed before or after a general election) to a coalition agreement which has won the highest number of seats in opposition is entitled to be nominated as Leader of the Opposition.
- 3.** If two or more political parties have equal number of seats in opposition, all the members of the political parties shall agree to or elect by secret ballot, the member to become the Leader and Deputy Leader of the Opposition.
- 4.** Where there are more than two political parties forming an Opposition Coalition, the leader of the political party (whether appointed before or after a general election) with the next highest number shall be the Deputy Leader of Opposition.
- 5.** There shall be an executive body of whatever name approved by the Opposition Coalition, comprising all leaders of the political parties in the Opposition Coalition, and where necessary, shall include other members of the political parties to the Opposition Coalition. The executive body shall be the supreme governing body of the Opposition Coalition.
- 6.** The Leader of the Opposition shall be the chairman of the executive body and the Deputy Leader of the Opposition shall be the deputy chairman. The Secretary shall be appointed by the executive body.
- 7.** In assigning responsibilities to members in opposition, the Leader of Opposition shall consult the executive body.
- 8.** Where a political party in the Opposition Coalition or the executive body wish to replace the Leader or Deputy Leader of Opposition, the political party or the executive shall give no less than ten days notice to the Leader or Deputy Leader specifying the grievances or complaints. Upon receipt of the notice, the Leader of Opposition shall convene a meeting of the executive, within seven days, to deliberate on the matters stated in the notice.

9. For the purposes of paragraph 10, the Leader or Deputy Leader of Opposition, as the case may be, shall be given fair and reasonable opportunity to respond to grievances or complaints. The Leader or Deputy Leader of Opposition shall not be present when the executive body is making deliberations on and delivering its decision. The executive body may appoint a panel of three members of the Opposition Coalition to investigate the grievance or complaints and prepare and submit a report to the executive body which will hear and determine the grievance or complaints.

10. At any meeting held under paragraph 8, where both the Leader and Deputy Leader of Opposition are not present when a decision is made, the political party with the highest number of seats shall appoint one amongst their leaders to preside at that meeting unless all the members present agree to a member to preside.

11. If a political party to the Opposition Coalition changes its leader, the following rules shall apply –

- (a) if the leader of the political party is the Leader of Opposition, the Leader of Opposition shall resign and the new leader shall be nominated for appointment as the Leader of Opposition;
 - (b) if the leader of the political party is the Deputy Leader of Opposition, the Deputy Leader shall resign as such and the new leader shall be nominated for appointment as the Deputy Leader of Opposition;
 - (c) in any other case, the new leader shall assume the role of the leader on the date the political party made the decision.
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POLITICAL PARTIES BILL 2009

OBJECTS AND REASONS

The objects of this Bill are –

- (a) to establish a commission to regulate political parties;
- (b) to provide for registration of political parties, including the rules for amalgamation of political parties;
- (c) regulate the constitution and rules of political parties;
- (d) to establish a special fund under section 100 of the Constitution for the development of political parties;
- (e) to regulate coalition agreements, and encourage political parties to enter into pre-election coalition agreements;
- (f) to provide for rules for selection of candidates; and
- (g) to regulate campaigns, etc of persons other than political parties and candidates.

EXPLANATORY MEMORANDUM

Part 1 – deals with preliminary provisions. It sets out the objectives of the proposed Act in relation to the development of political parties and their roles under democratic parliamentary system and the governance of the peoples of Solomon Islands.

Part 2 – Provides for the appointment of commissioners of the Political Parties Integrity Commission and officers required for the Administration of the proposed Act. Other provisions deal with the powers and functions of the Commission, meeting procedures, directions and delegation, funding and functions of the Registrar and other officers.

Part 3 – Provides for the power of the Commission to register political parties and the processes for making applications and amalgamation of parties. Other provisions deal with the register, review of list of parties and removal of parties from the register.

Part 4 – provides for the minimum requirements for political parties constitutions and rules. The minimum age for membership is 18 years. It provides for a minimum percentage of women candidates

for political parties during general elections. It regulates dual membership, membership by non-citizens.

Part 5 – establishes the Political Parties Central Fund to assist political parties in their establishment and administration. Regulates election expenses, returns and auditing of accounts.

Part 6 – Regulates formation of coalition agreements.

Part 7 – Regulates political party candidates. It provides that only members of political parties can be selected by the party to stand for election.

Part 8 – Regulate activities of persons who are not political parties contesting elections, during a general elections. Those non-contesting parties or group shall have a licence to undertake any activity, such as campaigning and fund raising for another political party or candidate.

Part 9 – Provides other provisions, such as the exemption from liability, regulations making power, appeal and consequential amendments and transitional.

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DR. DEREK SIKUA
PRIME MINISTER