



REPUBLIC OF VANUATU

**BILL FOR THE
CONSTITUTION (SEVENTH) (AMENDMENT)
ACT NO. OF 2018**

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REPUBLIC OF VANUATU

BILL FOR THE CONSTITUTION (SEVENTH) (AMENDMENT) ACT NO. OF 2018

An Act to amend the Constitution of the Republic of Vanuatu.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Constitution of the Republic of Vanuatu is amended as set out in the Schedule.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it is published in the Gazette.
- (2) This Act does not commence unless it supported in a national referendum under Article 86.

SCHEDULE

AMENDMENTS OF THE CONSTITUTION OF THE REPUBLIC OF VANUATU

1 Subarticle 4(3)

Delete "Political parties", substitute "Subject to any restrictions imposed by law, political parties"

2 After Article 17

Insert

“17A Vacation of seat where a member resigns or is terminated for ceasing to support a political party

- (1) Despite subarticle 5(1), this article applies to a member of Parliament if the member, having been a candidate of a political party and elected to Parliament resigns from, or is terminated by a political party for ceasing to support, that political party.
- (2) The secretary of a political party must notify the Speaker in writing where a member has resigned from, or has been terminated for ceasing to support, the political party in accordance with that political party's constitution.
- (3) Subject to subarticle (4), within 7 days from being notified under subarticle (2), the Speaker must declare the seat of that member of Parliament vacant after 7 days from the date of that declaration.
- (4) If the member of Parliament does not institute legal proceedings to the Supreme Court to challenge the allegation that he or she has resigned or has been terminated for ceasing to support the political party within 7 days of the declaration by the Speaker, the member's seat becomes vacant.
- (5) If, within 7 days of the declaration by the Speaker, the member institutes legal proceedings in the Supreme Court to challenge the allegation that he or she has resigned from, or has been terminated for ceasing to support, that political party, the member's seat is not vacant unless and until:
 - (a) the proceedings are finally determined by a decision upholding the allegation that the member has resigned from, or has been

terminated for ceasing to support, that political party, being a decision in respect of which the time allowed for an appeal has expired without an appeal being filed; or

- (b) the proceedings are withdrawn.
- (6) For the purposes of this Article, a member of Parliament is deemed to have ceased support of his or her political party when he or she satisfies the grounds provided under that political party's constitution that indicate when a member is deemed to have ceased support for that political party.
- (7) This Article applies despite the provisions of Article 5(1) of this Constitution.

17B Vacation of seat of independent member

- (1) Despite subarticle 5(1), this Article applies to a member of Parliament if the member is elected to Parliament having been elected as an independent candidate.
- (2) Before the first sitting of Parliament after an election, at which the Speaker and the Prime Minister are elected, a member of Parliament referred to under subarticle (1) must submit to the Clerk of Parliament a declaration in such form approved by the Clerk of Parliament and counter-signed by the political party's Secretary, declaring their affiliation to a political party represented in Parliament.
- (3) In the case of a by-election, a newly elected member of Parliament referred to under subarticle (1) must submit to the Clerk of Parliament a declaration in such form approved by the Clerk of Parliament and counter-signed by the political party's Secretary, declaring his or her affiliation to that political party represented in Parliament at the next sitting of Parliament after that by-election.
- (4) At the next sitting of the Parliament:
 - (a) in the case of a general election -the Clerk, having received affiliations under subarticle (2), must officially announce the affiliations of all members of Parliament; or

SCHEDULE
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- (b) in the case of a by-election- the Clerk, having received the newly elected member of Parliament’s affiliation under subarticle (3), must officially announce the affiliation of that member of Parliament.

- (5) A member of Parliament that fails to make a declaration under subsection (2) or (3), is deemed to vacate his or her seat:
 - (a) in the case of a general election – on the date of the first sitting of Parliament after the election at which the Speaker and the Prime Minister are elected; and
 - (b) in the case of a by-election – on the date of the next sitting of Parliament after that by-election.”