



REPUBLIC OF VANUATU

BILL FOR THE POLITICAL PARTIES (REGULATION) ACT NO. OF 2018

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REPUBLIC OF VANUATU

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An Act to regulate political parties, affiliation of independent members of Parliament to political parties and for related matters.

Be it enacted by the President and Parliament as follows-

PART 1 PRELIMINARY

1 Definitions

In this Act, unless the contrary intention appears:

Commission means the Electoral Commission established under Section 18 of the Constitution of the Republic of Vanuatu;

Registrar means the Registrar of political parties appointed under section 3;

PART 2 REGISTRAR OF POLITICAL PARTIES

2 Establishment of the Office of the Registrar

The Office of the Registrar of Political Parties is established.

3 Appointment of Registrar

- (1) The Registrar is to be appointed by the Judicial Service Commission for a period of 5 years.
- (2) A person is not eligible to be appointed as the Registrar if that person:
 - (a) is a member of Parliament; or
 - (b) is a Councillor of a Municipal Council, Provincial Government Council or Malvatumauri Council of Chiefs; or
 - (c) is an office-bearer or employee of any political party; or
 - (d) is an immediate family member of a person referred to in paragraphs (a), (b) or (c); or
 - (e) has been convicted and sentenced on an offence (not being a road traffic offence); or
 - (f) has been declared bankrupt; or
 - (g) has been convicted of an offence under the Leadership Code Act [CAP 240].

4 Functions of the Registrar

The Registrar has the following functions:

- (a) to formulate, monitor and review policies relating to the regulation of political parties; and
- (b) to oversee the registration, administration and development of political parties; and
- (c) to administer and ensure compliance with this Act; and

- (d) to screen all applications for registration as a political party; and
- (e) to make recommendations to the Commission to register or deregister political parties from the Register; and
- (e) to investigate and enquire into the affairs of a political party for the purposes of ascertaining any breach of this Act; and
- (f) to perform any other functions as provided for under this Act or any other Act.

5 Powers of the Registrar

The Registrar has the power to do anything necessary or convenient for the performance of his or her functions.

6 Delegation of functions and powers

- (1) The Registrar may, in writing, delegate to any staff of the Office of the Registrar, any of his or her functions or powers under this Act other than the power of delegation.
- (2) The delegation may be made generally or in respect of a particular matter or class of matters.
- (3) The Registrar may at any time revoke or vary a delegation.
- (4) A delegation does not prevent the Registrar from performing the function or exercising the power that it has delegated.

7 Staff of the Office of the Registrar

- (1) The Public Service Commission may employ other staff of the Office of the Registrar as it considers necessary for the proper and efficient performance of its functions.
- (2) The Public Service Commission is to determine the terms and conditions of employment of the persons referred to in subsection (1).

8 Registrar to be independent

- (1) The Registrar is not subject to the direction or control of any person in carrying out his or her functions or exercising any of his or her powers under this Act.
- (2) A person must not:
 - (a) obstruct, hinder or prevent the Registrar or any of his or her staff from carrying out any functions or exercising any powers conferred upon them by or under this Act; or
 - (b) knowingly give false information in making an application under this Act or in support of another person's application or at any other time, to the Registrar or any of his or her staff that has been authorised by the Registrar to receive information.
- (3) A person who contravenes subsection (1) or (2), commits an offence punishable on conviction by a fine not exceeding VT5,000,000 or by imprisonment for a term not exceeding 12 months or both.

PART 3 REGISTRATION AND REGULATION OF POLITICAL PARTIES

9 Registration requirement of political parties

An association of persons or an organisation must not operate or function as a political party unless it has been registered in accordance with the provisions of this Act.

10 Application for registration

- (1) An association of persons or an organisation which intends to register as a political party must apply to the Registrar in the prescribed form and must include in his or her application:
 - (a) information or documents that may be prescribed by the Registrar; and
 - (b) the prescribed fee.
- (2) Upon receiving an application, the Registrar must ensure that the applicant includes in its application the following information:
 - (a) the name and logo of the proposed political party; and
 - (b) the policy platform of the proposed political party; and
 - (c) a copy of the constitution of the proposed political party; and
 - (d) the names of all the office bearers of the proposed political party; and
 - (e) a statement declaring all the assets and liabilities of the proposed political party.
- (3) The applicant must also provide evidence that demonstrates that political party has met the minimum threshold of voters support for a political party as determined by the Commission by Order.
- (4) For the purposes of subsection (3) evidence means:
 - (a) the results of the last general election; or

- (b) a petition signed by registered voters in the prescribed form.

11 Screening of applications

The Registrar must not make a recommendation to the Commission to register an applicant as a political party unless he or she is satisfied that:

- (a) the prescribed rules relating to the proposed political party names and logos have been complied with; and
- (b) the policy platform of the proposed political party is of national scope after assessing it against the prescribed criteria; and
- (c) the constitution of the political party provides for the following matters:
 - (i) the method of election of the members of the executive and their respective functions and powers; and
 - (ii) the executive must comprise of at least 6 members, with three mandatory positions which are President, Treasurer and Party Secretary; and
 - (iii) method of selection of candidates for election to Parliament; and
 - (iv) procedure for disciplining members of Parliament including termination of their membership from the political party; and
 - (v) provisions outlining the grounds on which a member is deemed to have ceased to support that political party; and
- (d) the political party has met the minimum threshold of voters support as determined by the Commission by Order.

12 Registration

- (1) The Commission is to register, on the recommendation of the Registrar, a proposed political party as a political party.
- (2) The Commission is to prescribe the date when all applications must be lodged with the Registrar which must not be less than 12 months prior to the proposed polling date of the next general election.

- (3) In the case of by-elections, the Commission is to prescribe the date when all applications must be lodged with the Registrar which must not be less than 1 month prior to the proposed polling date of that by-election.

13 Register of political parties

- (1) The Registrar must keep and maintain a register of political parties registered under section 9.
- (2) The register is to contain the details of each political parties including their names, address, contact and such other information as the Registrar may consider necessary to be included in the register.
- (3) The Registrar must ensure that the register is available for inspection by any person during the official hours of the office of the Registrar.

14 Deregistration

- (1) Subject to section 15, the Commission may on the recommendation of the Registrar deregister a political party if that political party fails:
- (a) to meet a requirements under paragraph 11(a),(b) or (c); or
 - (b) to provide annual financial reports to the Vanuatu Financial Services Commission under section 8A(7A) of the Charitable Associations Act [CAP 140]; or
 - (c) to comply with the requirements under subsection (3).
- (2) The Commission may on the recommendation of the Registrar deregister a political if the political party fails to meet the requirements under paragraph 11(d) on the date prescribed by the Commission under subsection 12(2) or (3).
- (3) For the purposes of assessing whether or not to deregister a political party:
- (a) the party secretary must provide updated copies of that parties Constitution and policy platform to the Commission; and
 - (b) in the case where the results of the last general election do not demonstrate the support of a minimum number of voters as

determined by the Commission – the party secretary must provide a petition under paragraph 10(4)(b); and

- (c) the Registrar may require any further information or documents to be submitted by the secretary of the political party.
- (4) The Registrar must cause the names of all political parties deregistered to be published as soon as practicable in the official Gazette.

15 Notice of deregistration

- (1) If the Commission is of the opinion that a ground for deregistration of a political party exists, the Commission must provide written notice of 30 days to that political party of its intention to deregister that party.
- (2) A notice under subsection (1) is to be given to the party secretary and must:
- (a) be in the prescribed form; and
 - (b) provide the grounds for the proposed deregistration; and
 - (c) provide a period within which that party is to:
 - (i) make representations in writing to the Commission as to why it should not be de-registered; or
 - (ii) take the necessary steps to ensure compliance with this Act.
- (3) At the expiry of the notice under subsection (1), the Commission is to provide a further 30 days to the political party to comply with subsection 14(1) if the political party has failed to comply with subparagraphs 15(2)(c)(i) and (ii).
- (4) If the political party fails to comply with subsection (3), the Commission is to deregister the political party.

PART 4 REGULATION OF INDEPENDENT CANDIDATES

16 Application of Part

This Part applies to a person who:

- (a) intends to contest an election as an independent candidate; or
- (b) has won a seat in Parliament as an independent candidate.

17 Support of minimum number of voters

- (1) The applicant must also provide evidence that demonstrates that the candidate has met the minimum threshold of voters support for an independent candidate as determined by the Commission by Order.
- (2) For the purposes of subsection (1) evidence means:
 - (a) the results of the last general election; or
 - (b) a petition signed by registered voters in the prescribed form.

PART 5 MISCELLANEOUS

18 Regulations

- (1) The Commission may on the recommendation of the Registrar make Regulations to prescribe anything which is necessary or convenient to be prescribed for the better carrying out or giving effect to the provisions of this Act.
- (2) Without limiting subsection (1), the Regulations may provide for the following:
 - (a) the regulation of political parties and independent candidates in contesting or campaigning in elections and other matters relating to the election of members of Parliament; and
 - (b) the procedures required by the Commission or the Registrar to effectively carry out its functions and exercise its powers under this Act.

19 Transitional Provision

Despite section 12, the Commission is to prescribe a date not less than 3 months prior to the 2020 general election when all applications must be lodged with the Registrar.

20 Commencement

This Act commences on the day it is published in the Gazette.