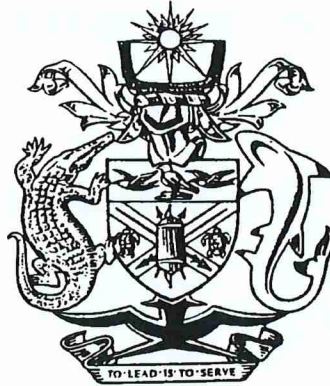


HONIARA CITY (AMENDMENT) BILL 2023

(NO. 1 OF 2023)



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BILL

Entitled

AN ACT TO AMEND THE HONIARA CITY ACT 1999

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS

HONIARA CITY (AMENDMENT) BILL 2023

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HONIARA CITY (AMENDMENT) BILL 2023

1 Short title

This Act may be cited as the *Honiara City (Amendment) Act 2023*.

2 Commencement

This Act commences on the day appointed by the Minister by notice in the *Gazette*.

3 Amendment of Honiara City Act 1999

This Act amends the *Honiara City Act 1999* (No. 2 of 1999) ("*Principal Act*").

4 Section 2 amended

Section 2 of the Principal Act is amended by inserting after the definition of "Deputy Mayor":

"Electoral Commission" means the Electoral Commission established by section 57 of the Constitution,".

5 Section 6 amended

Section 6 of the Principal Act is amended:

- (a) by omitting from subsection (3) "subsection (4)" and substituting "subsections (3A) and (4) and section 9"; and
- (b) by inserting after subsection (3):

"(3A) Subject to section 9, the first ordinary election of members of the City Council held after the commencement of the *Honiara City (Amendment) Act 2023*:

- (a) must be held on a date in 2024 fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the *Gazette*; and
- (b) must not be held after 30 April 2024."

6 Section 10 amended

Section 10 of the Principal Act is amended by omitting subsection (2) and substituting:

- “(2) The date of the election must:
- (a) be fixed by the Minister, acting on the advice of the Electoral Commission, by notice published in the Gazette; and
 - (b) be no later than 3 months after the vacancy comes to the notice of the Minister.”.

7 Section 17 repealed and substituted

The Principal Act is amended by repealing section 17 and substituting:

“17 Right to be an elector

A person is entitled to be registered as a voter in elections of members of the City Council if the person:

- (a) is entitled to be registered under section 55(1) of the Constitution; and
- (b) is not disqualified from being registered as such under section 55(2) or (3) of the Constitution.”.

Note to section 17.

The following note is to be inserted into the Principal Act after section 17:

“Note to section 17.

Under section 55(1) of the Constitution, a person is entitled to be registered if the person is a citizen of Solomon Islands who is at least 18 years of age. However, section 55(2) and (3) limit the entitlement to registration. Section 55(2) stipulates that a person cannot be registered in more than one constituency, and cannot be registered in any constituency in which the person is not ordinarily resident. In addition, there are circumstances outlined in section 55(3) in which a person will be disqualified from registration entirely, mostly related to criminal offences and sentences.”.

17A Functions of Electoral Commission relating to ordinary elections

The Electoral Commission, in performing its functions under section 12 of the *Electoral Act 2018*, must carry out the registration of voters and the conduct of elections for the members of the City Council.”.

8 Section 18 amended

Section 18(1) of the Principal Act is amended by omitting “Minister” and substituting “Minister, acting on the advice of the Electoral Commission,”.

HONIARA CITY (AMENDMENT) BILL 2023

EXPLANATORY MEMORANDUM

OBJECTS

The Honiara City (Amendment) Bill 2023 is designed to amend the *Honiara City Act 1999* (No. 2 of 1999) to:

- (a) defer the next ordinary election of members of the Honiara City Council to be held on a date not later than 30 April 2024 that is fixed by the Minister in accordance with the advice of the Electoral Commission; and
- (b) require the date of by-elections of members of the Council to be fixed in accordance with the advice of the Electoral Commission; and
- (c) update the eligibility criteria for voter registration; and
- (d) require the Electoral Commission to register voters and conduct elections for members of the Council; and
- (e) require the Minister to make regulations relating to voter registration and the conduct of elections of members of the Council in accordance with the advice of the Electoral Commission.

CONTENT

Clause 1 specifies the short title of the Act.

Clause 2 provides for the commencement of the Act by enabling the Minister to appoint a date for the Act to commence by notice published in the Gazette.

Clause 3 provides that the Bill amends the *Honiara City Act 1999* (No. 2 of 1999), which Act is referred to as the Principal Act in the Bill.

Clause 4 amends section 2 of the Principal Act to include a definition of "Electoral Commission".

Clause 5 amends section 6 of the Principal Act to enable the next ordinary election of members of the Honiara Council to be held on a day in 2024 that is not later than 30 April 2024, rather than on 22 May 2023.

Clause 6 amends section 10 of the Principal Act to require the Minister to fix the date on which by-elections are to be held in accordance with the advice given by the Electoral Commission.

Clause 7 amends repeals section 17 of the Principal Act and substitutes it with new sections 17 and 17A. Section 17 updates the eligibility criteria for persons to be registered to vote to be the same as under section 7 of the *Electoral Act 2018*. Proposed section 17A requires the Electoral Commission to register voters and conduct elections for members of the Honiara City Council.

Clause 8 amends section 18 of the Principal Act to require the Minister to exercise the Minister's regulation making power relating to voter registration and the conduct of elections of members of the Council in accordance with the advice of the Electoral Commission.

HON. CHRISTOPHER LAORE
MINISTER FOR HOME AFFAIRS

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THE HONIARA CITY ACT 1999

(NO. 2 OF 1999)

PART I
PRELIMINARY

1. This Act may be cited as the Honiara City Act, 1999, and shall come into force on such date as the Minister may appoint by notice published in the Gazette:

Short title and commencement.

Provided that different parts of this Act may come into force at different times as the Minister may appoint from time to time.

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

Interpretation.

“boundaries” mean the City and Ward Boundaries as set out in Schedule I;

“Boundaries Commission” means the Constituency Boundaries Commission constituted under section 53 of the Constitution;

“City Council” means the Honiara City Council established under section 4;

“City Fund” means the general fund for Honiara City, established under section 39;

“competent authority” means an authority appointed under section 52(2);

“Deputy Mayor” means the Deputy Mayor appointed under section 7(2);

“financial year” means the twelve months commencing on first January and ending on thirty-first December in any year;

“levy” does not include collection of any tax or rate;

“Mayor” means the Mayor elected under section 7;

“Minister” unless used in a provision as a reference to a Minister charged with a specific responsibility, means the Minister for the time being charged with responsibility for Honiara City Council;

(3) Each electoral ward shall, subject to section 16 return one member.

(4) The appointment of members under subsection (1)(b) shall be made within twenty-one days after an ordinary election is held under section 6.

6. (1) The first ordinary election of members of the City Council shall be held on a date to be appointed by the Minister by Notice published in the Gazette, being not later than three months after the commencement of this Act.

Time of election and term of office of members.

(2) The elected members of the City Council shall be returned to the electoral wards specified in Schedule 1, and each ward shall return one member.

(3) Subject to subsection (4), any subsequent ordinary election of members of the City Council shall be held on the fourth anniversary of the date of the previous election of members.

(4) If the anniversary referred to in subsection (3) falls on an excluded day the election shall be held on the next subsequent day which is not an excluded day.

(5) In this section and in section 9, "excluded day" in relation to an election, means Saturday, Sunday and any day which is a public holiday for the purposes of the Public Holidays Act, unless it is a day appointed under section 6 of that Act for the purposes of the election.

Cap. 151..

7. (1) The City Council shall within fourteen days after an ordinary election elect from the elected members a Mayor.

Mayor and Deputy Mayor.

(2) There shall be a Deputy Mayor who shall be appointed from among the elected members by the Minister acting in accordance with the advice of the Mayor.

(3) The office of the Deputy Mayor shall become vacant -

(a) if his appointment is revoked by the Minister on the advice of the Mayor;

(b) if he resigns by writing to the Minister through the Mayor;

(b) be dissolved upon a direction of the Minister, if the City Council resolves that it should be dissolved and the resolution is supported by the votes of an absolute majority of the elected members of the City Council.

(3) Where the City Council is dissolved under subsection (1), an election of members shall be held on a day, other than an excluded day, next following the date of dissolution.

10. (1) Subject to subsection (3), where the seat of a member of the City Council is vacant an election shall be held to fill the vacancy.

By-elections.

(2) The date of the election shall be fixed by the Minister and shall not be later than three months after the vacancy has come to his notice.

(3) The election may not be held if the last day for holding it would fall within three months preceding the next election to be held under section 6.

11. Subject to the provisions of section 12, a person shall be qualified for election as a member of the City Council if that person is registered as a voter in that particular ward in which he seeks election.

Qualification for elected membership of the City Council.

12. A person is disqualified for election as a member of the City Council if, at that time -

Disqualification for election of member of the City Council.

(a) he is disqualified for election as a member of Parliament under section 48 or 49(1)(a), (c), (d) and (f) of the Constitution;

(b) he is under any sentence as specified in section 49(1) (e) of the Constitution;

(c) he has been convicted in Solomon Island or in any other Commonwealth country of any offence for which he was liable on conviction to imprisonment for a period of six months or more and a period of less than four years has elapsed since the date of the conviction;

(d) he is a member of a Provincial Assembly;

(3) Payments under this section shall be made out of the City Fund.

(4) In this section "salary" includes any benefit payable in right of membership of the City Council but does not include an allowance.

PART III ELECTIONS, VOTERS AND ELECTORAL REGISTERS

16. (1) Where the Boundaries Commission has conducted a review of the electoral ward boundaries for Honiara City, it shall submit proposals to the Minister accordingly.

Review of
electoral
arrangements.

(2) Where the proposals are submitted to the Minister under this section he shall make an order giving effect to the proposals.

17. The provisions prescribed in section 15 of the National Parliament Electoral Provisions Act shall apply in respect of determination of the eligibility of persons entitled to vote at City Council elections.

Qualifications
of voters.
Cap. 87.

18. (1) The Minister may by regulations make provision in respect of -

Conduct of
elections.

(a) the registration of voters and the conduct of elections of members of the City Council; and

(b) the questioning of elections and the consequences of irregularities.

(2) Regulations under this section -

(a) may apply (with such modification or exceptions as may be specified) to any provisions of the National Parliament Electoral Provisions Act and may impose requirements for candidates in addition to those imposed by that Act; and

Cap. 87.

(b) may provide for the charging of any sum on the City Fund.