

No.1 of 2009.

Political Parties (Registration) (Amendment) Act 2009.

Certified on: 18th December 2009.

AUTONOMOUS REGION OF BOUGAINVILLE

No. 1 of 2009.

Political Parties (Registration) (Amendment) Act 2009.

ARRANGEMENTS OF SECTIONS.

1. COMMENCEMENT.
2. AMENDMENT OF SECTION 3 OF THE PRINCIPAL ACT.
3. ADDITION OF PART VII TO THE PRINCIPAL ACT.

SCHEDULE 1

AUTONOMOUS REGION OF BOUGAINVILLE

No. 1 of 2009.

AN ACT

entitled

Political Parties (Registration) (Amendment) Act 2009.

EXPLANATORY NOTE.

Background.

The Political Parties (Registration) Act 2006 (Act) provides for the registration of political parties to be able to take part in an election. It contains detailed provisions on what political parties must do or have to be able to register under that Act. It is not a simple process. Registration is mandatory and any party which fails to register cannot take part in an election and its conduct could amount to an offence.

Because the Act has not been fully implemented since it came into force in 2006 it is not now possible for parties to fully comply with its provisions.

This Act introduces a simpler process for registration and allows the parties to be able to comply with them in time for the 2010 elections. The provisions only apply to the 2010 general election.

Provisions of the Act.

The purpose of this Act is -

- (a) is to extend the term of appointment of a person acting in the office of the Registrar from 6 months to 12 months;
- (b) to provide for transitional provisions to enable political parties to register to take part in the 2010 Bougainville general election.

Clause 1 provides for the Act to come into force on 15th January 2010.

Clause 2 provides for the term of office of a person acting in the office of the Registrar to be extended to 12 months.

Clause 3 adds new Part VII to the Principal Act providing for transitional provisions to enable political parties to register for the 2010 Bougainville general election. The new Part VII -

- (a) provides for the registration of political parties;
- (b) provides for political parties to disclose their sources of funding;
- (c) provides for political parties to have a reasonable number of members in each region of Bougainville - at least 10 members in each region;
- (d) provides for political parties to have policies on broad subjects of relevance in Bougainville;
- (e) provides that the organizational structures of a political party must meet basic standards of democracy.

AUTONOMOUS REGION OF BOUGAINVILLE

No.1 of 2009.

AN ACT

entitled

Political Parties (Registration) (Amendment) Act 2009.

Being an Act to amend the *Political Parties (Registration) Act 2006*.

MADE by the House of Representatives.

1. COMMENCEMENT

This Act shall come into operation on 1st January 2010.

2. AMENDMENT OF SECTION 3 OF THE PRINCIPAL ACT.

Section 4 of the *Political Parties (Registration) Act 2006*, in this Act referred to as the "Principal Act", is amended in subsection (3) by deleting "six months" and substituting "twelve months".

3. ADDITION OF PART VII TO THE PRINCIPAL ACT.

The following new Part VII is added after Part VI of the Principal Act:

"PART VII – TRANSITIONAL ARRANGEMENTS."

35. APPLICATION OF THIS PART.

(1) Where other provisions of this Act are inconsistent with the provisions of this Part, the provisions of this Part shall prevail.

(2) This Part provides for the registration of political parties in Bougainville for the election in circumstances where in the opinion of the Registrar, it is not practicable to register political parties under the provisions in the other Parts of this Act.

(3) In this Part, "election" means the second Bougainville general election pursuant to section 107 of the *Bougainville Constitution*.

36. REGISTRATION OF POLITICAL PARTIES.

(1) A political party in Bougainville intending to take part in the election -

(a) must be registered under this Part; and

(b) must comply with this Part.

(2) A political party registered under the provisions of section 237 of the *Bougainville Constitution*, may, upon satisfying the Registrar that in the period since the first Bougainville general election -

(a) it has continued to operate actively as a political party; and

(b) it continues to have at least the minimum number of members in each region of Bougainville as set out in section 38, be deemed to be registered under this Part for the purpose of the election.

(3) For the avoidance of doubt, the names of the political parties recorded as registered in 2005 in the Interim Bougainville Gazette and in the Register of Political Parties are set out in schedule 1 to this Act.

(4) The Registrar may make a determination as to the material required to be supplied by political parties whose names are listed in schedule 1 to provide the evidence that they have continued to operate actively for the purposes of section 26 (3) (a).

(5) The Registrar shall not consider an application for registration made under this section during the period commencing at the end of the last day of the period for the nomination of the candidates for the election.

(6) As soon as practicable after the last day of the period for the nomination of candidates for the election the Registrar shall cause to be published in the Bougainville Gazette and in a daily newspaper circulating in Bougainville the names of all political parties –

- (a) registered under subsection (1); or
- (b) registered under subsection (2).

37. DISCLOSURE OF SOURCES OF FUNDING.

A political party registered under this Part must disclose its sources of funding required under section 32 as from 2009, and shall do so in respect of each year ending 31st December since the party was first registered.

38. REASONABLE NUMBER OF MEMBERS.

(1) A reasonable number of members for a political party in Bougainville is 10 members in each of the three regions.

(2) For the purposes of this section, "member" of a political party means a paid up member in accordance with the constitution of that political party.

39. POLICIES ON BROAD SUBJECTS OF RELEVANCE TO BOUGAINVILLE.

Policies on broad subjects of relevance to Bougainville are policies on –

- (a) measures to achieve fiscal self reliance as defined in the *Bougainville Constitution*;
- (b) rehabilitation of the agriculture sector (cocoa and copra);
- (c) the future of mining in Bougainville;
- (d) economic development in Bougainville;
- (e) post-conflict reconciliation;
- (f) decentralization towards regional governments;
- (g) other matters referred to in Part III (Bougainville Objectives and Directive Principles) of the *Bougainville Constitution*.

40. ORGANIZATIONAL STRUCTURES THAT MEET BASIC STANDARDS OF DEMOCRACY.

A political party has organizational structures that meet basic standards of democracy where it has a written constitution, which provides for -

- (a) membership of the party not restricted on the basis of sex, race, religion or place of origin; and
- (b) executive officers elected in a democratic manner in which each member of the party has an equal voting right exercisable freely and, subject to reasonable qualifications, all members are eligible to stand for office; and

- (c) the duties and responsibilities and accountability of executive officers;
and
- (d) procedures relating to meetings of the party including notice of meetings, quorum, chairing of meetings and voting at meetings; and
- (e) the manner in which persons are admitted as members of the party and may be suspended or expelled from the party.

SCHEDULE 1

Names of political parties Recorded as Registered for the Purposes of Taking Part in the First Bougainville General Election, 2005 -

- (a) Bougainville Peoples Congress Party;
- (b) New Bougainville Party;
- (c) Bougainville Independence Movement;
- (d) Bougainville Labour Party.

I hereby certify that the foregoing is a fair copy of the *Political Parties (Registration) (Amendment) Act 2009* which has been made by the House of Representatives.


Acting Clerk of the House of Representatives

I, HONOURABLE ANDREW MIRIKI, Speaker of the House of Representatives hereby certify that the *Political Parties (Registration) (Amendment) Act 2009* was made by the House of Representatives on 16 December 2009, by an absolute majority vote in accordance with the *Bougainville Constitution*.


Speaker of the House of Representatives