



ANTI-CORRUPTION (AMENDMENT) BILL 2019

(NO. 3 OF 2019)



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A

BILL

Entitled

AN ACT TO AMEND THE ANTI-CORRUPTION ACT 2018.

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON
ISLANDS.

ANTI-CORRUPTION (AMENDMENT) BILL 2019

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ANTI-CORRUPTION (AMENDMENT) BILL 2019

1 Short title

This Act may be cited as the *Anti-Corruption (Amendment) Act 2019*.

2 Commencement

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

3 Anti-Corruption Act 2018 amended

This Act amends the *Anti-Corruption Act 2018* (the “*principal Act*”).

4 Amendment of section 11

Section 11(6) of the principal Act is repealed and replaced with the following:

“(6) In addition, the nominating committee may nominate a person for appointment or re-appointment as chairperson of the Commission if the person is qualified at the time of nomination for appointment as a judge or retired judge of the High Court.”

ANTI-CORRUPTION (AMENDMENT) BILL 2019

OBJECTS AND REASONS

The *Anti-Corruption Act* was enacted in 2018. The object of the Act is to give legislative effect to the United Nations Convention Against Corruption (UNCAC).

In June 2019, the nominating committee established under section 11(4) of the *Anti-Corruption Act 2018* called for expressions of interest for membership in the Solomon Islands Independent Commission Against Corruption.

However, the nominating committee finds issues with the current wording of section 11(6). Section 11(6) is restrictive because it would automatically disqualify interested applicants for chairperson who are above the age of 70. Section 80 of the Constitution prescribes the age limit for High Court Judges to be under 70 years.

Therefore, the objective of this Bill is to amend section 11(6) to allow the nomination process to also consider credible and competent applicants for chairperson above the age of 70 years.

The details of the proposed amendments are set out in the Explanatory Memorandum to the Bill.

HON. MANASSEH DAMUKANA SOGAVARE
PRIME MINISTER

ANTI-CORRUPTION (AMENDMENT) BILL 2019

EXPLANATORY MEMORANDUM

Clause 1 provides for the short title.

Clause 2 provides for the commencement provisions.

Clause 3 provides a reference to the principal Act being amended (the *Anti-Corruption Act 2018*).

Clause 4 provides for the amending of section 11(6) so that nomination is also open to applicants for chairperson beyond the age of 70 years and seeks to improve the nomination process.



ANTI-CORRUPTION ACT 2018

(NO. 2 OF 2018)

***PASSED** by the National Parliament this twenty-fifth day of July 2018.*

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true copy of the Bill)

Clezy Rore
Clerk to National Parliament

***ASSENTED** to in Her Majesty's name and on Her Majesty's behalf this twenty-second day of August 2018.*

Sir Frank Utu Ofagioro Kabui
Governor-General

Date of Commencement: see section 2.

AN ACT TO COMBAT CORRUPTION, PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE SOLOMON ISLANDS INDEPENDENT COMMISSION AGAINST CORRUPTION, AND FOR RELATED PURPOSES.

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

10 Liaison with other bodies

In the exercise of its powers and the performance of its functions, the Commission must liaise and cooperate with the following office holders and bodies as appropriate:

- (a) the Ombudsman;
- (b) the Leadership Code Commission;
- (c) the Public Service Commission;
- (d) the Auditor-General;
- (e) the Police Force;
- (f) the Director of Public Prosecutions;
- (g) the Electoral Commission established by section 57 of the Constitution;
- (h) the Political Parties Commission established by section 4 of the *Political Parties Integrity Act 2014*.

Division 2 Composition and membership

11 Membership

- (1) The Commission consists of the following members appointed by the Governor-General by *Gazette* notice:
 - (a) a chairperson;
 - (b) a deputy chairperson;
 - (c) 4 other members.
- (2) The deputy chairperson has all the powers and functions of the chairperson at any time the chairperson is unable to exercise those powers or perform those functions.
- (3) The membership of the Commission must:
 - (a) include at least 2 persons of each gender; and

- (b) include at least one person who is qualified or experienced in accounting or financial management; and
 - (c) represent a reasonable geographical spread of the provinces of Solomon Islands.
- (4) The Governor-General must appoint each Commission member in accordance with the nomination made by a committee (the ***"nominating committee"***) consisting of the following:
 - (a) the Chairman of the Law Reform Commission, who is chairperson of the nominating committee;
 - (b) a judge of the High Court nominated by the Chief Justice;
 - (c) the Chairman of the Public Service Commission;
 - (d) the President of the National Council of Women;
 - (e) the General Secretary of the Solomon Islands Christian Association.
- (5) The nominating committee may only nominate a person to be a Commission member if the person meets the following eligibility criteria for membership:
 - (a) the nominating committee is satisfied that the person:
 - (i) is a person of high integrity and is capable of exercising diligence, sound judgment, confidentiality and impartiality in the performance of their functions; and
 - (ii) has knowledge and experience relevant to the prevention of corruption and a sound knowledge of the culture and values of Solomon Islands; and
 - (iii) has the physical and mental capacity to perform his or her functions as a member;
 - (b) the person is not any of the following:
 - (i) a member of Parliament or a Provincial Assembly;

- (ii) a member of a local government council established under section 3 of the *Local Government Act* (Cap. 117) or the Honiara City Council established by section 4 of the *Honiara City Act 1999*;
 - (iii) a member of a political party registered under section 25 of the *Political Parties Integrity Act 2014*;
 - (iv) insolvent or an undischarged bankrupt;
 - (v) a person convicted:
 - (A) in Solomon Islands, of a corruption offence or any other offence carrying a potential penalty of a fine of at least \$200 or at least 6 months imprisonment; or
 - (B) outside Solomon Islands, of an offence that would be a corruption offence or an offence carrying a potential penalty of a fine of at least \$200 or at least 6 months imprisonment if committed in Solomon Islands;
 - (vi) a person the Leadership Code Commission has determined has engaged in misconduct in office in relation to conduct engaged in within the previous 5 years.
- (6) In addition, the nominating committee may only nominate a person for appointment or re-appointment as chairperson of the Commission if the person is qualified at the time of the nomination for appointment as a judge of the High Court.

12 Duration of appointment

- (1) A Commission member holds office for 5 years or the shorter period specified in the instrument of appointment.
- (2) A person may be re-appointed to be a Commission member for a further single term of up to 5 years, served either consecutively or after a break in service.

