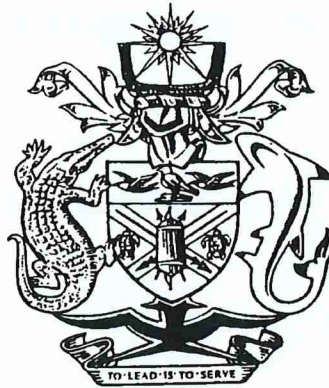


HONIARA CITY (AMENDMENT) BILL 2023

(NO. 1 OF 2023)



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A

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7 Section 17 repealed and substituted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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