

# REPRINT

## POLITICAL PARTIES INTEGRITY ACT 2014

**As in force at: 5 February 2024**

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**AN ACT TO PROVIDE FOR THE REGISTRATION, ADMINISTRATION AND DEVELOPMENT OF POLITICAL PARTIES, TO PROMOTE INTEGRITY IN THEIR OPERATIONS, FOR RELATED MATTERS, AND TO MAKE CONSEQUENTIAL AMENDMENTS TO THE *NATIONAL PARLIAMENT ELECTORAL PROVISIONS ACT* (CAP. 87).**

# POLITICAL PARTIES INTEGRITY ACT 2014

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# POLITICAL PARTIES INTEGRITY ACT 2014

As in force at: 5 February 2024

## PART 1 PRELIMINARY

### 1 Short title and commencement

This Act may be cited as the *Political Parties Integrity Act 2014*, and shall commence on a date appointed by the Minister by notice in the *Gazette*.

### 2 Interpretation

In this Act, unless the context otherwise requires:

**“coalition agreement”** means an agreement or memorandum of understanding between two or more political parties made under Part 8 for the purposes of forming a coalition for mutual cooperation;

**“Commission”** means the Political Parties Commission established under section 4 of this Act;

**“constitution”**, in relation to a political party, means the constitution and rules of the political party made in compliance with the minimum rules set out in Schedule 1;

**“donations”** includes:

- (a) monies, gifts, goods, and services paid or rendered for the benefit of the political party;
- (b) discounts given on goods or services;
- (c) monies paid in excess of market value for services provided by a political party;
- (d) credit offered at terms more favourable than normal commercial terms and conditions prevailing at the time; and
- (e) any other property (or its value) donated to a political party;

**“election”** means an election or by-election conducted under the *Electoral Act 2018*;

**“election activity licence”** means a licence issued under section 55;

**“election day”** means an election day appointed pursuant to the *Electoral Act 2018*;

**“election period”** means the period commencing on the election day and ending on the day when the result of the election is published under the *Electoral Act 2018*;

**“independent candidate”** means a candidate who is not selected by a political party;

**“integrity standards”** means the guidelines issued by the Commission under section 72;

**“Minister”** means the Minister responsible for the administration of this Act;

**“newspaper”** means a local newspaper published and having wide circulation in Solomon Islands;

**“non-contesting party”** means a registered political party who has decided not to contest an election.

**“political party”** means a political party registered under this Act;

**“Register”** means the Register of political parties established by the Registrar under section 15;

**“Registrar”** means the person holding the Office of the Registrar established by section 13.

### **3 Objects of the Act**

The objects of this Act are:

- (a) to provide a framework for the registration, administration, operation and development of political parties as corporate bodies operating under democratic principles and values;

- (b) to enhance and facilitate the development and administration of political parties and promote integrity in their operation; and
- (c) to constitute a political parties system for the purposes of improving political governance towards a more stable, tolerant and understanding Solomon Islands.

## **PART 2            POLITICAL PARTIES COMMISSION**

### **Division 1        Establishment of the Commission**

#### **4                    Establishment of the Commission**

There is hereby established a statutory body to be known as the Political Parties Commission.

#### **5                    Composition of the Commission**

- (1) The Commission shall consist of five members who shall be persons selected from among former Governors-General, former Speakers of Parliament, retired judges and retired heads of faith-based organisations, and any other eminent citizens, appointed by the Governor-General on the recommendation of the Prime Minister and the Leader of Opposition.
- (2) The Prime Minister shall recommend to the Governor-General one of the Commissioners to be appointed as the Chairperson of the Commission.
- (3) The names of those appointed to the Commission shall be published in the *Gazette*.
- (4) Each Commissioner shall serve a term of three years and renewable for two further three year terms, but no more than a total of nine years.
- (5) A Commissioner shall, before assuming his or her office, take an oath of office and secrecy specified in the First Schedule to the *Official Oaths Act*, with necessary modification, if any.

## **6 Powers and duties of the Commission**

- (1) For the purposes of achieving the objects referred to in section 3, the Commission shall have the following powers and duties:
  - (a) to formulate, monitor and review policies relating to the regulation of political parties;
  - (b) to oversee the registration, administration and development of political parties;
  - (c) to administer and ensure compliance with the Act;
  - (d) to deliver public education and raise public awareness in relation to the provisions of the Act and other laws dealing with political parties;
  - (e) to register political parties and remove such registered parties from the Register;
  - (f) to investigate and enquire into the affairs of a political party for the purpose of ascertaining any breach of the Act; and
  - (g) to issue integrity standards.
- (2) The Commission may by an Act of Parliament be assigned any other functions and duties.
- (3) The Registrar of Political Parties will be the Secretary to the Commission.

## **7 Independence of the Commission**

The Commission is not subject to direction or control by any person or authority other than a Court.

## **8 Eligibility for appointment**

- (1) A person is eligible for appointment as a Commissioner, if he or she:
  - (a) has good knowledge of the political institutions and systems in the Solomon Islands; and

- (b) has not been convicted of any crime of dishonesty, or any criminal offence.
- (2) A person is ineligible for appointment as a Commissioner, and a current Commissioner shall be removed from the Commission, if he or she:
  - (a) holds any elected office in the National Parliament, a Provincial Government or Local Government;
  - (b) is a member of, or is involved in the management of a political party; or
  - (c) is convicted of any crime of dishonesty or any other offence.
- (3) A Commissioner may resign from the Commission by giving 30 days written notice to the Governor-General.

## **Division 2 Administration**

### **9 Political Parties Commission Budget**

- (1) The budget of the Commission shall be as appropriated by Parliament.
- (2) The Commission shall control and manage its approved budget in full compliance with its obligations under the *Public Financial Management Act 2013*.
- (3) The Commission shall be allocated with a separate head of expenditure and revenue under the national budget and the Registrar shall be the accountable officer.

### **10 Meetings of the Commission**

- (1) For the purpose of carrying out its functions under this Act, the Commission must meet at least once every three months at a meeting to be convened by the Chairperson.
- (2) The quorum for a meeting convened under this section is a majority of the members of the Commission.
- (3) The Commission may regulate its own procedures at meetings.

**11 Decisions of the Commission**

The decisions of the Commission shall be final and binding on all persons and political parties affected by them, except as otherwise provided for in this Act.

**12 Allowances**

The members of the Commission are entitled to sitting allowances prescribed by the Minister.

**PART 3 OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

**13 Office of the Registrar**

- (1) There is established by this section, the Office of the Registrar of political parties.
- (2) The Public Service Commission shall, in consultation with the Commission, appoint the Registrar.
- (3) Any such other public officers as may be required for the administration of this Act shall be appointed by the Public Service Commission.

**14 Functions of the Registrar**

The Registrar, in addition to any other functions conferred under this or any other Act, has the following functions:

- (a) to provide effective management, administrative control and direction of the Office of the Registrar, including the supervision, training and development of its officers and employees;
- (b) to establish and maintain a Register of political parties;
- (c) to develop and issue guidelines setting out the procedures and practices for effective operation of the Register;
- (d) to establish and maintain a Register of Commission meetings and determinations;

- (e) to introduce an effective management system that ensures timely determination of political party applications; and
- (f) to perform any function or power assigned to the Registrar under this Act or any other written law, or delegated to the Registrar by the Commission.

**15 Register of Political Parties**

- (1) The Registrar must establish and maintain a Register of political parties in a manner approved by the Commission.
- (2) The Registrar may provide up-to-date copies of the list of political parties to provincial assemblies.
- (3) Subject to the payment of the prescribed fee, the Register shall be available for inspection by the public at places and times prescribed in the regulations.

**16 Notices by the Registrar**

- (1) A notice that the Registrar is required by this Act to give shall be given in the manner that the Registrar considers appropriate in the circumstances.
- (2) Without limiting subsection (1), the Registrar may give notice to a political party by:
  - (a) having it delivered in person to the President or Secretary of the political party; or
  - (b) posting it to the political party at its last known postal address; or
  - (c) faxing it to a fax number used by the political party; or
  - (d) having it published in a newspaper.

**17 Notices to amend the Register**

- (1) The Registrar may give notice to a political party requiring that the political party provide, by the date specified in the notice:

- (a) corrected or updated details of any matter entered in the Register for that political party; or
  - (b) a certified copy of any document that has been or ought to have been delivered to the Registrar for registration under this Act, for that political party.
- (2) The date specified in the notice must not be less than 10 working days from the date on which the notice is sent to the political party.
- (3) If a political party fails to comply with a notice given under subsection (1), the political party commits an offence and is liable to a fine as prescribed under this Act.

**18 Registrar may amend the Register**

If information provided to the Registrar by a political party under section 17 differs from the information shown on the Register for that political party, the Registrar may amend the Register accordingly.

**PART 4 REGISTRATION AND AMALGAMATION OF POLITICAL PARTIES**

**Division 1 Application process**

**19 Application for registration**

- (1) An application for registration of a political party shall be made to the Registrar in the prescribed form and be accompanied by the prescribed fee and must:
- (a) set out the proposed name of the political party;
  - (b) set out the proposed symbol of the political party, in colored representation;
  - (c) set out the names and details of the executive office holders of the political party;
  - (d) be accompanied by the proposed political party constitution, manifesto, policies and strategies; and

- (e) be signed by the President and Secretary of the political party.
- (2) The application must be submitted together with a Schedule of Members in the prescribed form, and must:
  - (a) contain no less than two hundred and fifty members of the political party, all of whom must be registered in the register of electors under the *Electoral Act 2018*; and
  - (b) be certified by the Electoral Commission as duly registered voters in a form and manner prescribed by the Commission.
- (3) The Registrar shall inspect the application and may require the applicant to correct the application or furnish any information or documentations required to complete the application.

## **20 Application to be advertised**

- (1) After an application for registration is made under section 19, and the Registrar having inspected the application is satisfied of its form and content thereof, the Registrar shall then publish a notice of the application in a newspaper.
- (2) A notice under subsection (1) must:
  - (a) include the information referred to in section 19(1)(a), (b) and (c);
  - (b) invite from the public objections to the application to be made in writing to the Registrar within 14 days from the date of publication of the notice; and
  - (c) any other information as the Registrar may deem appropriate.

## **Division 2 Objections to Application**

### **21 Grounds of objection**

- (1) Objection to an application made under this section may be made on one or more of the following grounds:
  - (a) the application is not in accordance with this Act;

- (b) the information set out in the application or any accompanying documents of the application is incorrect;
  - (c) the proposed name:
    - (i) is likely to be confused with the name of a political party already registered;
    - (ii) is obscene or offensive;
    - (iii) includes words the publication of which would likely amount to an offence;
    - (iv) includes the word “independent”; or
    - (v) includes any prescribed prohibited matter;
  - (d) the proposed symbol:
    - (i) is likely to be confused with the symbol of a political party already registered;
    - (ii) is obscene or offensive;
    - (iii) is of such a character that its publication would likely amount to an offence; or
    - (iv) includes any prescribed symbol, word, phrase or matter that is prohibited.
- (2) A statement of objection under subsection (1) must:
- (a) contain the name and address of the person making the objection and be signed by that person; and
  - (b) specify in detail the grounds of the objection.
- (3) Where an objection is made pursuant to subsection (1), the Registrar must:
- (a) inform the applicant political party of the details of the objection as soon as practicable; and

- (b) invite the applicant political party to submit a written response to the objections and to either amend, explain or confirm the application; and
  - (c) provide the applicant political party with no less than 5 working days for a written response before the Commission is convened.
- (4) Where no response is submitted by the applicant political party in accordance with subsection (3), the application shall be considered together with the objections in its entirety by the Commission.

### **Division 3            Deliberation by Commission**

#### **22            Referral of applications to the Commission**

- (1) Where the requirements of sections 19, 20 and 21 have been met, the Registrar must submit the application to the Commission for its consideration as and when prescribed by this Act.
- (2) The Commission shall not consider an application referred to in subsection (1) during the period commencing on the day that the Governor-General appoints a date for election in accordance with the *Electoral Act 2018* and ending on the day that the results of the election are declared under that Act.

#### **23            Approval or refusal of application by Commission**

- (1) The Commission must approve an application for registration under section 19 and direct the Registrar to register the political party where the Commission is of the opinion that:
  - (a) the application is complete;
  - (b) the political party is qualified for registration under this Act; and
  - (c) any objection to the application does not justify a refusal to register the political party.
- (2) The Commission must refuse the application, giving its reasons for the refusal in writing, where in its opinion:
  - (a) the application is not complete;

- (b) any of the matters listed in section 21(1) as grounds for refusal of the application exists;
- (c) the political party is not qualified for registration under this Act; or
- (d) any objection to the application justifies a refusal to register the political party.

#### **24 Notification of decision of the Commission**

- (1) The Registrar must, as soon as practicable after the Commission's decision to register or to give a notification of refusal to register a political party, give written notification of the Commission's decision to:
  - (a) the Secretary of the political party that applied for registration; and
  - (b) any person who filed a notice of objection to the application.
- (2) Where the Commission refuses the application, the notification to the Secretary under subsection (1) must include the reasons given in writing by the Commission for its refusal.

### **Division 4 Certification**

#### **25 Registration**

The Registrar must, on receiving a direction from the Commission under section 24(1), register the political party by:

- (a) entering in the Register the particulars of the political party referred to in section 27; and
- (b) issuing to the applicant a certificate of registration in the prescribed form.

#### **26 Certificate of Registration**

On issuance of a certificate of registration to a political party, the political party:

- (a) becomes a body corporate having all the powers of a legal person from the date of issuance; and
- (b) is bound by any written law, its constitution, and any other legal instrument provided by this Act.

## **27 Entries in the Register**

- (1) The Registrar must include in an entry in the Register the following particulars of a political party:
  - (a) name of the political party and the address of its office;
  - (b) the names, details and positions of all executive office holders and other officials;
  - (c) the political party's symbol; and
  - (d) any other prescribed particulars.

## **Division 5 Amalgamation**

### **28 Amalgamation of registered political parties**

- (1) Two or more political parties registered under this Act may submit an application for amalgamation as one political party.
- (2) The Presidents and Secretaries of the amalgamating political parties must:
  - (a) submit to the Commission all information required under section 19(1), for registration of the proposed amalgamated political party;
  - (b) file with the Commission evidence that an absolute majority of members of each of the amalgamating political parties and no less than 75 per cent of the members in Parliament of each political party have voted for or approved the amalgamation;
  - (c) sign and file with the Commission a document consenting to the amalgamation;
  - (d) file with the Commission a document setting out how the assets

and liabilities of each of the amalgamating political parties will be dealt with;

- (e) publish in a newspaper for at least three separate days the details of the proposed amalgamation; and
- (f) comply with any other directives or requirements given by the Commission in relation to the proposed amalgamation.

## **Division 6          Amendment to particulars**

### **29          Amendment to particulars in the Register**

- (1) A political party may, on payment of the prescribed fee, apply to the Commission to amend any particulars in the Register pertaining to:
  - (a) the political party name;
  - (b) its symbol; or
  - (c) any prescribed information relating to it.
- (2) Where the political party requests the replacement of any executive office holders, the application must give the full name, details and position of the new officer or officers.
- (3) Where an application for amendment is for any particulars provided in subsection (1)(a), (b) and (c), the process required under section 20, as may be applicable in the circumstances, shall apply.

## **PART 5                  SUSPENSION AND DE-REGISTRATION OF POLITICAL PARTIES**

### **Division 1          Specific grounds**

#### **30          Removal by request of political party**

A political party may submit a request to the Registrar for de-registration, and the Registrar shall process the de-registration of the political party from the Register in accordance with the processes prescribed by this Part.

### **31 Grounds for de-registration**

- (1) The grounds for de-registration of a political party by the Commission are where:
  - (a) the political party no longer meets the requirements for registration under this Act;
  - (b) the political party fails to pay a fine of 15,000 penalty units where provided under this Act within the time provided; or
  - (c) the political party has breached the integrity standards set out by the Commission as prescribed by this Act and regulations;

### **32 Process of de-registration**

- (1) Where the Commission is of the opinion that a ground for de-registration exists in relation to a political party, it shall suspend the political party and advise the Registrar to give to the political party, within 5 working days, a notice of intention to de-register.
- (2) A notice under subsection (1) shall:
  - (a) inform the political party of its suspension;
  - (b) state the grounds for the proposed de-registration;
  - (c) provide a period of three months within which the political party is to:
    - (i) make representations in writing to the Commission as to why the political party should not be de-registered; and
    - (ii) take steps to ensure compliance with this Act.
- (3) Any political party that has been suspended by the Commission under this section shall cease to be entitled to any benefit payable to the political party under this Act for the duration of the suspension.

### **33 Restoration of a suspended political party**

- (1) At the expiry of the notice issued under section 32(2), the Commission shall review the suspension of the political party and

shall:

- (a) de-register the political party if it is satisfied that:
    - (i) no representation was made to the Commission by the political party under section 32(2)(c); or
    - (ii) representation made to the Commission by the political party failed to adequately address the grounds for de-registration under section 32(2)(b);
  - (b) lift the suspension of the political party if it is satisfied that the political party has adequately addressed the grounds for de-registration under section 32(2)(b).
- (2) where a political party is de-registered pursuant to subsection (1)(a) and section 34, the Registrar shall publish as soon as practicable in a newspaper and *Gazette* the de-registration.

## **Division 2      Automatic de-registration**

### **34      Automatic de-registration**

Where the Commission is satisfied that a political party has become inactive and is no longer in operation, pursuant to a review under section 51, the Commission may direct the Registrar to automatically de-register the political party.

## **PART 6      POLITICAL PARTIES**

### **Division 1      Purpose and objectives**

#### **35      Purpose of political parties**

All political parties are established for lawful purposes only and must be consistent with:

- (a) democratic principles and values;
- (b) human rights and dignity;
- (c) principles, values and goals that are fundamental to building

national unity and communal solidarity; and

- (d) broad participation by people in the national and provincial governance of the affairs of the people of Solomon Islands, without any form of discrimination.

### **36 Adoption and alteration of constitution**

- (1) Every political party shall have a constitution and shall be deemed to have adopted the constitution by virtue of its registration under this Act.
- (2) Subject to any restrictions in its constitution, a political party may, by special resolution, adopt a new constitution or amend its constitution.
- (3) Within 10 working days of the adoption of its new constitution or the alteration of the existing constitution, as the case may be, the political party must deliver a notice in the prescribed form to the Registrar for registration.

### **37 Form and content of constitution**

- (1) The constitution of a political party must contain the minimum provisions set out in Schedule 1 and shall provide for:
  - (a) a disciplinary panel of three or more members with the power to hear and determine disciplinary matters;
  - (b) disciplinary procedures consistent with the rules of natural justice, including the right of a person to be heard in person or through a legal practitioner;
  - (c) a reasonable period of time for a person subject to disciplinary proceedings to respond to and defend the charges against him; and
  - (d) the right of a person subject to disciplinary proceedings to appeal a decision of the disciplinary panel to a panel with the power to hear and determine appeals, consisting of three or more members and chaired by a legal practitioner with at least five years experience.
- (2) The constitution of a political party may also contain:

- (a) matters contemplated by this Act for inclusion in the constitution of a political party; and
  - (b) any other matters that the political party wishes to include in its constitution.
- (3) Subject to subsection (4):
- (a) The constitution of a political party have effect and may be enforced as if they constituted a contract:
    - (i) between the political party and its members; and
    - (ii) between the political party and any other political party in a coalition.
- (4) The constitution of a political party is of no effect to the extent that it is inconsistent with this Act.

## **Division 2          Membership**

### **38          Minimum age for party membership**

The minimum age for membership in a political party is 18 years of age.

### **39          Membership declaration and consent**

- (1) No person may be a member of a political party unless the person declares and consents in writing in the prescribed form to such membership.
- (2) A person who signs a membership declaration and consent form under subsection (1) is bound by the constitution of the political party.
- (3) Every registered political party must:
  - (a) keep all membership declaration and consent forms completed under subsection (1);
  - (b) establish and maintain a register of its members; and
  - (c) provide to the Registrar, at least three months before an

election, a copy of the register of its members in a digital format acceptable to the Registrar.

**40 Multiple memberships prohibited**

- (1) No person shall be a member, whether financial, non-financial or associate, of more than one political party.
- (2) A person who formally resigns as a member of a political party may become a member of another political party.

**41 Non-citizens prohibited from membership**

- (1) A person who is not a citizen shall not be a member of, or participate actively in the affairs of, a political party.
- (2) Subsection (1) does not prohibit the participation of a professional person from providing professional services to a political party, if approved by the Commission with or without conditions.

**Division 3 Party executive and leadership**

**42 Political party executive**

- (1) All political parties shall have a political party executive which shall be the governing authority of the political party and which body may include its members elected to Parliament.
- (2) All political party executives shall, in addition to other offices or positions as the political party may deem necessary to administer its objectives, comprise of the following executive positions:
  - (a) President
  - (b) Vice-President
  - (c) Treasurer
  - (d) Secretary

**43 Parliamentary party leader**

- (1) Where a political party is represented in Parliament, that political

party must appoint from among its members in Parliament a parliamentary party leader, who may or may not already hold a position in the executive provided under section 42.

- (2) Notwithstanding any other law relating to an elected Member of Parliament, a parliamentary party leader and any other member of the political party elected into Parliament remain subject to the provisions of this Act as members of the political party.

#### **44 Secretary of Political Party**

- (1) Unless as otherwise provided by a political party:
  - (a) the Secretary shall be the chief executive officer of a political party and shall be responsible for ensuring that the political party complies with this Act; and
  - (b) the Secretary shall be the accounting officer in as far as accountability is required.
- (2) In the event the position of Secretary is vacant, the President of the political party shall, for the purposes of this Act, be deemed to be the chief executive officer.

### **Division 4 Authority to contest elections**

#### **45 Political Party to be registered**

- (1) Unless a political party is registered under this Act, it shall not be eligible to participate in an election and is prohibited from selecting, endorsing or nominating any person as its candidate for election to Parliament.
- (2) Unless a person is endorsed or selected by a political party registered under this Act, no person shall contest an election as a candidate of a political party.
- (3) Any selection, endorsement or nomination that contravenes this section is invalid.
- (4) Notwithstanding subsection (2), a person may stand as an independent candidate, if he or she is duly nominated as such in

accordance with the provisions of the *Electoral Act 2018*.

## **PART 7            POLITICAL PARTY CANDIDATES**

### **Division 1        Selection of candidates**

#### **46            Registered members to be selected as candidates**

A political party shall only select as its candidate to contest an election a person who is a registered member of the political party and a registered voter under the *Electoral Act 2018*.

#### **47            List of political party candidates**

- (1) A political party must submit to the Commission in the prescribed form, no later than 32 days before the election day, a list of its confirmed candidates selected to contest the election.
- (2) The list must include the consent, in the prescribed form, of the candidates selected and be signed by each candidate.
- (3) The Registrar must, no earlier than 30 days after receiving the list, publish the list of candidates in a newspaper or in such other manner as is considered appropriate by the Commission.
- (4) If the name of any candidate appears on the lists of two or more political parties, the Commission may, after consultation with the candidate and the political parties, reject or remove his or her name from one or more lists so as to ensure that his or her name appears on the list of one political party only.

### **Division 2        Special conditions**

#### **48            Reservation and incentives for women candidates**

- (1) A political party shall reserve for women, at least ten per cent of the total number of candidates it selects and endorses to contest an election.
- (2) Where the minimum number of women who have applied or agreed to be nominated as candidates of a political party is less than the number of women required by the political party to satisfy subsection

(1), such a political party will not have contravened this section.

**49 Temporary special measures grant**

- (1) A temporary special measures grant shall be administered by the Commission for the benefit of political parties that are successful in returning women candidates at elections.
- (2) Where a woman is elected into Parliament as a candidate of a political party, the political party may submit a claim under this section, for a temporary special measures grant under this Act.
- (3) Where a woman elected into Parliament as an independent candidate and subsequently joins a political party that political party may submit a claim under this section, for a temporary special measures grant under this Act.
- (4) A woman elected as an independent candidate and chooses to remain as an independent Member of Parliament is not entitled to the temporary special measures grant payable under subsection (2).

**50 Right of independent candidates to join a political party**

- (1) An elected independent candidate may, before or after taking his or her Oath of Allegiance in Parliament, renounce his or her status as an independent Member of Parliament and join a political party.
- (2) An independent candidate who joins a political party under subsection (1) is deemed to be endorsed by, and a member of, that political party.

**Division 3 Review of political party listing**

**51 Review of list of political parties**

- (1) The Registrar shall conduct a review of political parties listed in the Register at least 12 months before a general election is expected to take place, in order to determine the operational status of political parties.
- (2) In conducting the review, the Registrar shall issue a notice to all political parties, requesting that they confirm that they are active and

in operation;

- (3) If a political party does not respond to a request made under subsection (2) within 30 days, the Registrar shall publish a further 30 day notice in the newspaper requesting political parties to confirm that they are active and in operation.
- (4) If a political party still does not respond to a notice made under subsection (3), such political party shall be deemed inactive and no longer in operation, and shall be de-registered pursuant to section 34.

## **52 Publication of names of political parties**

- (1) The Registrar must publish the names of all registered political parties in a newspaper:
  - (a) within seven days after the Governor-General announces the election day; and
  - (b) on such date or dates as may be determined by the Commission.
- (2) In addition to publishing the names of the political parties in a newspaper, the Registrar may publish them by any other means.

## **PART 8 COALITION AGREEMENTS**

### **53 Formation of coalition agreements**

- (1) A political party may, before or after an election, negotiate and enter into a coalition agreement with other political parties, and such agreement must contain the minimum rules set out in Schedule 2.
- (2) The coalition of political parties, within seven days after a coalition agreement is signed, must lodge with the Registrar a prescribed notice affirming the agreement.
- (3) No political party may enter into a coalition agreement with any independent or group of independent members of Parliament after an election.
- (4) Where there is a conflict between a coalition agreement and the

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minimum rules in Schedule 2, the minimum rules prevail.

- (5) If a coalition agreement does not contain a rule set out in Schedule 2, the rule is deemed to be a term of the agreement.

#### **54 Political parties to enter into one coalition agreement at a time**

- (1) No political party that is a party to a coalition agreement may enter into another coalition agreement that has the effect of suppressing, contradicting or countermanding an existing coalition agreement, without first revoking or rescinding the existing agreement.
- (2) A political party intending to withdraw from, revoke or rescind an existing coalition agreement must give at least 30 days notice to the other parties to the agreement.
- (3) Subsection (2) does not apply where:
  - (a) a political party, by majority decision, has resolved to withdraw from or cease to be part of its coalition;
  - (b) a political party is invited to be part of a coalition government under Part 1 of Schedule 2; or
  - (c) all the political parties to a coalition agreement agree to rescind the agreement.
- (4) In subsection (3), “**majority decision**” means a resolution passed by the votes of not less than three-quarters of the members of the political party who are members of Parliament.
- (5) Any alteration to a coalition agreement or any political party’s resolution to withdraw from, revoke, rescind or affirm a coalition agreement must be lodged with the Registrar within seven days after making it.
- (6) Subject to subsection (1), a coalition agreement lodged with and accepted by the Registrar is binding on the parties to it.
- (7) The Commission must, not later than 20 days before any election day publish in a newspaper and any other means the names of any political parties that have signed a coalition agreement.

- (8) A coalition agreement that is not received and published by the Commission as required under subsection (7) is deemed to be an agreement entered into after an election.

## **PART 9           NON-CONTESTING PARTIES**

### **55           Election activity licence**

- (1) A non-contesting party may, in the prescribed form, apply to the Registrar for an election activity licence and must provide such information as is required by the Registrar.
- (2) A non-contesting party shall not undertake any promotion, campaign, advocacy or fundraising in relation to an election before, during or after an election period, unless it has an election activity licence issued by the Registrar in the prescribed form.

### **56           List of non-contesting parties**

The Commission must:

- (a) establish and maintain a list that contains the names and activities of non-contesting parties; and
- (b) publish the list referred to in paragraph (a) in such manner as it considers appropriate, not later than 20 days before the election day.

### **57           Disclosure of campaign funds**

Every non-contesting party issued with an election activity license shall, within 14 days after the election day, file with the Commission a return in the prescribed form, setting out the funds collected and the name of the beneficiary political parties or candidates.

## **PART 10           PUBLIC FUNDING AND FINANCIAL REPORTING BY POLITICAL PARTIES**

### **58           Entitlements of political parties**

- (1) A political party that contests an election is entitled to claim from the Commission, after all its members have taken their oaths on the floor

of Parliament, one or both of the following:

- (a) a temporary special measures grant of \$10,000 payable annually for every woman elected into Parliament; and
  - (b) an administration grant of \$20,000 for each Member of Parliament of the political party, payable annually to the political party after submission of its annual financial report under section 61.
- (2) A political party making a claim under subsection (1) may apply to the Commission in the prescribed form:
- (a) within 90 days after the date of the election of the Prime Minister in accordance with Schedule 2 of the *Constitution*; and
  - (b) within 30 days after an independent Member of Parliament joins the political party.
- (3) A political party forfeits its right to make a claim under subsection (1)(b) if it does not:
- (a) make the claim within the period specified in subsection (2)(a);  
or
  - (b) comply with sections 60, 61 and 62.
- (4) Where an independent Member of Parliament joins a political party in the circumstances referred to in section 50, the political party is entitled to the administration grant referred to in subsection (1) in respect of that member.
- (5) Where an independent Member of Parliament is a woman and joins a political party in the circumstances referred to in section 50, the political party is entitled to the temporary measures grant referred to in subsection (1)(a) in respect of that member.
- (6) Funds payable to a political party under this section shall be used for the political party's administrative cost and no portion of it shall be transferrable to another political party in that financial year should a member of Parliament resign and join another political party.

**59 Financial statement of income and election expenses**

- (1) A political party shall, within 90 days after the close of the polling in an election, lodge with the Commission in the prescribed form a financial statement of donations received, including their sources, and election expenses.
- (2) For the purpose of subsection (1), the financial statement of the political party must also include the donations received, their sources and election expenses by the political party for each candidate.

**60 Quarterly returns**

- (1) A political party shall, in each calendar year, lodge with the Commission quarterly returns in the prescribed form, setting out any donations received by or on behalf of the political party from any source, other than monies paid to the political party under section 58(1).
- (2) Subsection (1) does not apply to membership fees, subscriptions, donations or contributions of less than \$1,000, unless the total fees, subscriptions, donations or contribution collected in a quarter exceeds \$10,000.

**61 Annual financial reports**

- (1) A political party shall lodge with the Commission before 31 March each year, beginning in the year ending 2016, an audited annual financial report.
- (2) The Commission may extend the deadline for submitting the financial report by a period not exceeding an aggregate of three months, if the political party makes a written request justifying the need for such an extension.

**62 Appointment of auditor and payment of audit cost**

- (1) A political party must, with the consent of the Auditor General and Commission, appoint an auditor to audit its accounts as required under section 61(1).
- (2) The Commission, with the consent of the Auditor General, may also

appoint an auditor to undertake a specific audit of a political party's accounts when it consider necessary.

- (3) The cost of the annual audit of the political party's accounts shall be the responsibility of the political party. The Commission shall bear the cost of an audit authorised under subsection (2).
- (4) When undertaking an audit authorised under this section, the auditor:
  - (a) may access, inspect and examine any accounting records and other information in the possession or control of the political party;
  - (b) may require any official or member of the political party to provide an explanation for the purposes of the audit;
  - (c) must express an opinion on the use of public funds payable to the political party under this Act; and
  - (d) may exercise such other powers as are necessary to effectively carry out his powers and duties under this section.
- (5) On receiving the auditor's report in relation to a political party, the Commission must send a copy to the Auditor General, and may only consider the audited report after the Auditor General has certified acceptance of it.

## **PART 11            OFFENCES**

### **63                Unauthorised disclosure**

- (1) A member of the Commission, the Registrar, or an employee of, or any person authorised to perform any function or power by the Commission or the Registrar, commits an offence if he or she, with the intention to harm or bring to disrepute any person or political party, discloses or publishes:
  - (a) the manifesto, policies or strategies contained in an application for registration lodged with the Registrar by a political party, without the political party's consent; or
  - (b) information submitted to the Registrar identifying a member

without that member's consent.

- (2) A person who commits an offence under this section is liable on conviction to a fine of 5,000 penalty units.
- (3) Any disclosure or publication which is made pursuant to the requirement of this Act or its regulation shall not be deemed an offence.

#### **64 Prohibited membership in a political party**

- (1) A person who contravenes section 40 (multiple memberships prohibited) commits an offence and is liable on conviction to a fine of 15,000 penalty units.
- (2) A person who contravenes section 41 (non-citizens prohibited from membership) commits an offence and is liable on conviction to a fine of 15,000 penalty units.

#### **65 Contravention of financial reporting requirements**

A political party that contravenes section 59 (financial statement of income and election expenses), 60 (quarterly returns) or 61 (annual financial reports) commits an offence and is liable on conviction to a fine of 15,000 penalty units.

#### **66 Unlicensed election activity**

- (1) A non-contesting party that contravenes section 55 (electoral activity licence) commits an offence and is liable on conviction to a fine of 50,000 penalty units.
- (2) Where a political party is a beneficiary of the election activities of a non-contesting party convicted under subsection (1), the political party shall also be deemed to be guilty of the offence and is liable to the same penalty as the non-contesting party.

#### **67 Failure to disclose funds**

A political party that contravenes section 57 (disclosure of campaign funds) commits an offence and is liable on conviction to a fine of 15,000 penalty units.

## **PART 12 MISCELLANEOUS**

### **68 Right of redress**

Any person or political party aggrieved by an act or decision of the Commission or Registrar under this Act may apply to the High Court for judicial review.

### **69 Exemptions from liability**

The Commission, the Registrar and the officers, employees and other persons acting under the authority of this Act on behalf of the Commission or Registrar for the purposes of administering, implementing or enforcing this Act in good faith, are not:

- (a) subject to any action, liability, claim or demand; or
- (b) liable for any matter or thing done or omitted to be done (whether negligently or not) in the performance or purported performance of any function or duty, or the exercise or purported exercise of any power under this Act.

### **70 Annual report**

The Commission must prepare an annual report of its activities under this Act, and table it before Parliament within three months after the end of the calendar year.

### **71 Regulations**

The Minister may on the recommendation of the Commission make regulations to carry out and give effect to this Act, including but not limited to:

- (a) the regulation of political parties in contesting or campaigning in elections and other matters relating to the election of Members of Parliament;
- (b) fees and forms required for the purpose of this Act;
- (c) the procedures required by the Commission or the Registrar to effectively carry out their functions and powers under this Act; and

(d) any matter required to be prescribed under this Act.

## **72 Integrity standards**

- (1) The Commission may issue guidelines establishing integrity standards for political parties.
- (2) The standards must be tabled before Parliament and do not take effect until published in the *Gazette*.

## **73 Consequential amendments**

Section 28(2) of the *National Parliament Electoral Provisions Act* (Cap. 87) is amended as follows:

- (a) by replacing the full stop that appears at the end of paragraph (h) with a semi-colon and adding the word “or” thereafter; and
- (b) by adding the following paragraphs as paragraph (i) and (j) respectively:
  - “(i) the candidate selected for nomination by a political party that is not registered as a political party under the *Political Parties Integrity Act 2014*; or
  - (j) that the candidate is a member of a political party registered under the *Political Parties Integrity Act 2014*, but has not been selected for nomination by that political party, save as where the candidate stands as an independent candidate.”.

## **SCHEDULE 1**

(Sections 2 and 37)

### **MINIMUM PROVISIONS FOR THE CONSTITUTION AND RULES OF POLITICAL PARTIES**

1. Name and objects of the political party
2. Office of the political party
3. Executive body, including the Secretary and other office holders

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4. Procedures for the appointment of parliamentary leader, including the appointment of a new parliamentary leader if the leader is not elected a Member of Parliament after an election
5. Functions and powers of the executive body
6. Membership and entry requirements, including a requirement of signing of a consent form to abide by the constitution and rules of the political party
7. Elections or nomination of candidates, including a democratic and transparent process of selection of candidates, including women candidates
8. Regulation of its members of Parliament, including the rules on political party solidarity and voting on its important policies, such as amendments to the National Constitution, budget and other important policies
9. Disciplinary powers and procedures for members
10. Resignation and removal of members.
11. Financial provisions
12. Appointment of an auditor
13. Other administrative provisions to give effect to the development and management of the political party
14. Creation of branch or provincial offices
15. Creation of other divisions, such as youth and women divisions
16. Amalgamation rules
17. Coalition rules

## SCHEDULE 2

(Sections 53 and 54)

### MINIMUM RULES FOR COALITION AGREEMENTS

#### PART 1 COALITION AGREEMENT RULES FOR THE GOVERNMENT SIDE

1. The rules contained in this Part shall apply as minimum provisions in a Coalition Agreement to be made or adopted by a coalition of political parties forming Government (“Coalition of Political Parties”).
2. After a general election, the parliamentary party leader of the political party in the Coalition of Political Parties with the highest number of seats in Parliament shall be the Leader (“Leader”) and, subject to paragraph 8, be nominated as Prime Minister when the Governor General calls for nomination for the election of the Prime Minister in accordance with Schedule 2 of the *Constitution*.
3. Where two or more political parties in the Coalition of Political Parties have the highest and equal number of seats in Parliament, the members of Parliament of the Coalition of Political Parties shall either agree by consensus or elect by secret ballot, the parliamentary party leader to become the Leader and, notwithstanding paragraph 4, the Deputy Leader of the Coalition.
4. Where there are more than two political parties forming a Coalition of Political Parties, the parliamentary party leader of the political party with the second highest number of seats in Parliament shall, subject to paragraph 9, be the Deputy Leader of the Coalition of Political Parties.
5. The Coalition of Political Parties shall have a Coalition Executive comprising the Leader, Deputy Leader and members of the executive of each political party, and where necessary, other members as may be agreed to by all leaders of the political parties to the Coalition. The Coalition Executive shall have executive functions over the Coalition of Political Parties

and be deemed the governing body of the Coalition of Political Parties.

6. The Chairman and Vice-Chairman of the Coalition Executive shall be the Leader and the Deputy Leader of the Coalition of Political Parties shall be the deputy chairman. The Secretary shall be appointed by the Coalition Executive.
7. In forming Cabinet, the Leader shall consult the Coalition Executive on the names of Members of Parliament for appointment as Ministers.
8. The Leader of the Coalition of Political Parties must make and sign in the presence of the Coalition Executive, a Coalition Declaration in the form below, before his or her nomination as Prime Minister is endorsed by the Coalition:

*Coalition Declaration*

“I, ..... solemnly and sincerely do declare before all political party leaders of this ..... Coalition of Political Parties that I shall faithfully serve the Coalition as the Leader of the Coalition, and shall at all times be bound by the rules of the Coalition, and will accept and abide by all lawful resolutions duly passed by the Coalition Executive.

*Date:*

.....

*Signature”*

9. The Deputy Leader of the Coalition of Political Parties must make and sign in the presence of the Coalition Executive, a Coalition Declaration in the form in paragraph 8, subject to appropriate modifications, before his or her nomination as Deputy Prime Minister is endorsed by the Coalition.
10. Where a political party in the Coalition of Political Parties or the Coalition Executive wish to replace the Leader or Deputy Leader, the political party or the Coalition Executive shall give not less than ten days’ notice to the Leader or Deputy Leader

specifying the grievances or complaints. At the expiry of this notice, the Coalition Executive shall convene a meeting of the Coalition Executive, within seven days, to deliberate on the matters stated in the notice.

11. For the purposes of paragraph 10, the Leader or Deputy Leader, as the case may be, shall be given fair and reasonable opportunity to respond to grievances or complaints and must be present when the Coalition Executive is making deliberations on and delivering its decision.
12. At any meeting held under paragraph 10, where the Leader and or Deputy Leader is not present when a decision is made, the Coalition Executive must proceed to deliberate and deliver a ruling, only where it is satisfied that all reasonable attempts have been made to invite and inform the Leader or Deputy Leader of the meeting. In this instance, the political party with the highest number of seats shall appoint one amongst their executive to preside at that meeting.
13. Any policy, strategy and plan which has been adopted, whether wholly or by combination or amalgamation, with or without variations, by the Coalition Executive shall bind and be implemented by the Coalition of Political Parties.
14. If a political party to the Coalition changes its parliamentary party leader, the following rules shall apply:
  - (a) if the parliamentary party leader is the Prime Minister:
    - (i) the political party shall recommend to the Leader that he or she resign as Prime Minister; and
    - (ii) after the Prime Minister's resignation, the members of Parliament who are members of the Coalition, shall nominate to the Governor-General, when he has activated Schedule 2 of the *Constitution* for the purpose of electing a Prime Minister, the new parliamentary party leader of the political party as a candidate for election as Prime Minister subject to paragraph 8.

- (b) if the leader is the Deputy Prime Minister:
  - (i) the Coalition of Political Parties shall recommend to the Deputy Prime Minister that he or she resign as Deputy Prime Minister; and
  - (ii) after the resignation of the Deputy Prime Minister, the Coalition of Political Parties shall recommend to the Prime Minister that the Governor-General be advised to appoint the new parliamentary party leader as Deputy Prime Minister.

## **PART 2 COALITION AGREEMENT RULES FOR THE OPPOSITION SIDE**

- 15. The rules contained in this Part shall apply as minimum provisions for incorporation into any Coalition Agreement to be made or adopted by political parties in opposition (“Opposition Coalition of Political Parties”).
- 16. After a general election, the parliamentary party leader of the political party in the Opposition Coalition of Political Parties with the highest number of seats in Parliament shall be the Leader of the Opposition Coalition of Political Parties (“Opposition Leader”) and, be recommended as Leader of Opposition in accordance with section 66 of the *Constitution*.
- 17. Where two or more political parties in the Opposition Coalition of Political Parties have the highest and equal number of seats in Parliament, the members of Parliament of the Opposition Coalition of Political Parties shall either agree by consensus or elect by secret ballot, the parliamentary party leader to become the Opposition Leader.
- 18. The Opposition Coalition of Political Parties shall have an executive body (“Opposition Coalition Executive”) comprising the Opposition Leader and nominated members of Parliament of the political parties and where necessary, other members as may be agreed to by leaders of the political parties to the Coalition. The Opposition Coalition Executive shall have the executive functions over the Opposition Coalition of Political Parties and be deemed the governing body of the Opposition

Coalition of Political Parties.

19. The Leader of the Opposition shall be the Chairman of the Opposition Coalition Executive and may appoint a Deputy Chairman and a Secretary.
20.
  - (a) The Leader of Opposition shall, in consultation with the Opposition Coalition Executive, appoint Opposition Spokespersons on different portfolios.
  - (b) The Leader of Opposition in consultation with the Public Service Commission may appoint up to seven staff to support the operation of the Opposition and the Office of the Leader of Opposition.
21. In assigning responsibilities to members in Opposition Coalition, the Leader of the Opposition shall consult the Opposition Coalition Executive.
22. Where a political party in the Opposition Coalition or the Opposition Coalition Executive wishes to replace the Leader of Opposition, the political party or the executive shall give no less than ten days notice to the Leader of Opposition specifying the grievances or complaints. Upon receipt of the notice, the Leader of Opposition shall convene a meeting of the Opposition Coalition Executive, within seven days, to deliberate on the matters stated in the notice.
23. For the purposes of paragraph 22, the Leader of Opposition shall be given fair and reasonable opportunity to respond to grievances or complaints. The Leader of Opposition shall be present when the Opposition Coalition Executive is making deliberations on and delivering its decision. The Opposition Coalition Executive may appoint a panel of three members of the Opposition Coalition to investigate the grievances or complaints and prepare and submit a report to the executive body which will hear and determine the grievances or complaints.
24. At any meeting held under paragraph 22, where the Leader of

Opposition is not present when a decision is made, the political party with the highest number of seats shall appoint one amongst its executive to preside at that meeting.

- 25 If a political party to the Opposition Coalition changes its parliamentary party leader and that person is the Leader of Opposition, the Opposition Coalition shall recommend to the Speaker that the Governor-General be advised:
- (a) to remove the Leader of Opposition from office; and
  - (b) to appoint the new parliamentary party leader of the political party as Leader of Opposition.

## ENDNOTES

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### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

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### LIST OF LEGISLATION

#### ***Political Parties Integrity Act 2014 (No. 9 of 2014)***

Assent date	12 June 2014
Gazetted	30 June 2014*
Commenced	30 June 2014*

*[\*Note: The date of Gazetted and the Commencement date have been validated by s4 of the Constitution (Amendment and Validation) Act 2023 and s66 of the Legislation Amendment, Repeal and Validation Act 2023]*

#### ***Electoral (Amendment) Act 2018 (No. 14 of 2018)***

Assent date	7 December 2018
Gazetted	10 December 2018
Commenced	7 September 2018

#### ***Electoral Act 2018 (No. 6 of 2018)***

Assent date	7 September 2018
Gazetted	7 September 2018
Commenced	25 September 2018 (except ss 4 & 12; Part 4, Div 5 & s 107(2))

#### ***Legislation Amendment, Repeal and Validation Act 2023 (No. 17 of 2023)***

Assent date	29 December 2023
Gazetted	29 December 2023
Commenced	5 February 2024

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### LIST OF AMENDMENTS

s 2	amd by Act No. 6 of 2018
s 5	amd by Act No. 17 of 2023

Pt 2	rep by Act No. 6 of 2018; re inserted by Act No. 14 of 2018
s 19	amd by Act No. 6 of 2018
s 22	amd by Act No. 6 of 2018
s 33	amd by Act No. 17 of 2023
s 45	amd by Act No. 6 of 2018
s 46	amd by Act No. 6 of 2018
s 62	amd by Act No. 17 of 2023