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ORDER

GOVERNMENT CONTRACTS AND TENDERS ACT
[CAP 245]

- INSTRUMENT OF APPOINTMENT –
CHAIRPERSON OF THE CENTRAL TENDERS
BOARD ORDER NO. 94 OF 2015

MUNICIPALITIES ACT [CAP 126]

- MUNICIPAL COUNCIL ELECTIONS
REGULATIONS (AMENDMENT) ORDER
NO. 95 OF 2015



REPUBLIC OF VANUATU

GOVERNMENT CONTRACTS AND TENDERS ACT [CAP 245]

Instrument of Appointment – Chairperson of the Central Tenders Board Order No. 94 of 2015

In exercise of the powers conferred on me by subsection 11(1) of the Government Contracts and Tenders Act [CAP 245], I, the Honourable SATO KILMAN LIVTUVANU, Prime Minister, following a fair and transparent selection process, make the following Order.

1 Appointment

Mr. Igniace LIATLATMAL is appointed as the Chairperson of the Central Tenders Board for a period of 3 years.

2 Commencement

This Order is taken to have commenced on 22 April 2015

Made at Port Vila this 29th day of JUNE, 2015.


Honourable SATO KILMAN LIVTUVANU
Prime Minister





REPUBLIC OF VANUATU

MUNICIPALITIES ACT [CAP 126]

Municipal Council Elections Regulations (Amendment) Order No. 95 of 2015

In exercise of the powers conferred on the Electoral Commission by subsection 7(2), the Electoral Commission makes the following Order.

1 Amendments

The Municipal Council Elections Regulations Order No. 60 of 1982 is amended as set out in the Schedule.

2 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 17th day of July, 2015.

John Killion Talo
Chairman



Martin Tete
Member

Linnes Moli Tarianga
Member

SCHEDULE

AMENDMENTS OF THE MUNICIPAL COUNCIL ELECTIONS REGULATIONS ORDER NO. 60 OF 1982

1 Regulation 1 (definition of “general seat”)

Repeal the definition.

2 Regulation 1

Insert in their correct alphabetical order

“seat which is not reserved for women” means any seat prescribed by the Minister under paragraph 4(d) of the Act but does not include a reserved seat;”

3 Regulation 12

Repeal the Regulation, substitute

“12. Polls to be secret and electors to vote once for one candidate

- (1) A poll is to be taken by secret ballot.
- (2) Subject to regulation 13, no person shall have more than 1 vote nor vote for more than one candidate.”

4 Schedule 1 – Part 1A

Repeal the Part.

5 Schedule 3 – Subrule 10(1)

Repeal the subrule, substitute

- “(1) If a voter intends to vote he or she must present himself at his allotted polling station. The returning officer or polling clerk must satisfy himself that –
- (a) the voter is registered on the roll at the station; and
 - (b) has not already voted; and
 - (c) place his signature or initials opposite the name of the voter in the margin of one of the electoral rolls,

before the returning officer or polling clerk can deliver to the voter one ballot paper for each candidate and one envelope.”

6 Schedule 3 – Subrule 10(1A)

Repeal the subrule.

7 Schedule 3 – Subrule 10(2)

Delete “envelopes” (first occurring), substitute “envelope”

8 Schedule 3 – Subrule 10(2)(b)

Repeal the subrule, substitute

“(b) record his vote by placing the ballot paper bearing the name and symbol of his chosen candidate in the envelope;”

9 Schedule 3 – Subrule 10(2)(d)

Delete “envelopes”, substitute “envelope”

10 Schedule 3 – Subrule 10(2)(e)

Repeal the subrule, substitute

“(e) place the envelope in the ballot box; and”

11 Schedule 3 – Rule 20

Delete “the Minister”, substitute “the Electoral Commission”

12 Schedule 3 - Rule 21

Repeal the rule, substitute

21. Declaration by the Electoral Commission of candidates elected

The Electoral Commission must as soon as practicable after receiving notification in accordance with rule 20 from all electoral officers, announce for each ward:

- (a) the number of votes cast for each candidate; and
- (b) the name of each candidate elected in accordance with rules 22, 23, 24, 24A and 25.

13 Schedule 3 – Rule 22

Repeal the rule, substitute

“22. Determination of successful candidate

- (1) In determining which candidates to be declared elected in each ward, the following systems are to be used:
 - (a) for a seat which is not reserved for women – the system of proportional representation under rule 23; and
 - (b) for a reserved seat – the system set out in rule 24A.
- (2) To avoid doubt, in each ward of a Municipality, the winning candidates for a seat which is not reserved for women must be determined before determining the winning candidate for a reserved seat.”

14 Schedule 3 – Rule 23

Repeal the rule, substitute

“23. Method of calculation for a system of proportional representation

- (1) The following calculations are to be carried out separately for each ward:
 - (a) the total number of votes cast is to be divided by the number of seats contested. The result, calculated to 2 decimal places, will indicate the number of votes required to secure one seat and is to be known as the “electoral quotient”;
 - (b) the total number of votes cast for each party (and for this purpose a party is to mean one or more candidates using the same electoral symbol) is to be divided by the electoral quotient;
 - (c) the result of the division at paragraph (b) is to be expressed as a whole number (which will be zero if the total number of votes cast for the party is less than the electoral quotient) and a remainder;
 - (d) the whole number obtained at paragraph (c) is to indicate the number of seats won outright by the party concerned and these are to be awarded successively to the candidate with the highest number of votes;

- (e) any remaining seat not allocated as a result of the operation at paragraph (d) are to be awarded to the party which, after the operation at paragraph (c) had the largest remainder.
- (2) Despite subrule (1), if after subrule 23(1)(c), no party obtains a result which can be expressed as a whole number (greater than or equal to 1), the Electoral Commission may declare the available seat filled by the party with the largest remainder.”

15 Schedule 3 – Rule 24

After the rule, insert

“24A. Declaration of winning candidate for seat reserved for women

The Electoral Commission may declare a female candidate who:

- (i) was not declared by the Electoral Commission as the winning candidate for a seat under rule 23; and
- (ii) has achieved the highest number of votes from other female candidates in that ward,

as the winning candidate for the seat reserved for women in each ward.”

16 Schedule 3 – Subrule 25(1)

Delete “for a general seat”;

17 Schedule 3 – Subrule 25(2)

- (a) Delete “for a reserved seat”;
- (b) Delete “subrule 22(b)”, substitute “rule 24A”