

No.4 of 2008.

Political Parties (Registration) Act (Amendment) Act 2008.

Certified on: 16 October 2008.



Autonomous Region of Bougainville

No 4 of 2008

Political Parties (Registration) Act (Amendment) Act 2008

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

MADE by the House of Representatives, to come into operation on certification.

1. NEW SUB-SECTIONS (3) AND (4) IN SECTION 4 – ACTING REGISTRAR

Section 4 of the *Political Parties (Registration) Act 2006* is amended by inserting the following new subsections:

“(3) At any time when the office of the Registrar:-

(a) is not filled on a permanent basis; or

(b) the holder of the office is absent from the Autonomous Region

of Bougainville for an extended period or for any reason is not able to carry out his duties,

the Bougainville Executive Council may appoint a person to act in the office for a period not exceeding six months.

“(4) A person appointed under sub-section (3) to act temporarily in the office of Registrar has and may exercise and perform all the powers, duties and functions of the Registrar, and any law applying to the Registrar shall apply to a person appointed to act temporarily in the office of the Registrar in the same way as it applies to the Registrar.”

2. NEW PART VII.

The *Political Parties (Registration) Act 2006* is amended by inserting after Part VI the following new Part:

“PART VII. – TRANSITIONAL ARRANGEMENTS FOR BY-ELECTIONS

CONDUCTED BEFORE THE SECOND BOUGAINVILLE GENERAL ELECTION.

“35. APPLICATION OF THIS PART

(1) This Part shall apply notwithstanding the other provisions of this *Act* and where the 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 that may take part in a by-election for the seat of a member in the House of Representatives held after the first Bougainville general election held in 2005 and the second Bougainville general election to be held on a date determined in accordance with section 107 of the *Bougainville Constitution*, but only in circumstances where in the opinion of the Registrar, it is not practicable to register political parties under the provisions contained in the other Parts of this Act.

“36. ADOPTION OF ‘INTERIM REGISTRATION OF POLITICAL PARTIES’ PROVISIONS IN SECTION 237 OF BOUGAINVILLE CONSTITUTION

(1) In the circumstances provided for in section 35(2), political parties in Bougainville shall be registered under the provisions of section 237 of the *Bougainville Constitution*, but those provisions shall apply subject to such modifications as are provided for in this Part.

“(2) In circumstances where the provisions of section 237 of the *Bougainville Constitution* are to be applied to the registration of a political party in Bougainville, then the determination dated 3rd March 2005 made under section 237(3) shall also apply to the process for registration of that political party, and for the avoidance of doubt, the terms of that Determination are set out in Schedule 1 to this Act.

“(3) A political party registered under the provisions of section 237 of the *Bougainville Constitution* for the purpose of taking part in the first Bougainville general election, held in 2005, may, upon satisfying the Registrar that:

- (a) in the period since that first Bougainville general election, 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 specified in the Determination set out in Schedule 1,

be deemed to be registered for the purposes of this Act for any by-election in respect of which the provisions of section 35(2) apply.

“(4) 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 maintained by the Bougainville Political Parties Monitor

appointed under section 237(1) of the *Bougainville Constitution* to handle registration of political parties for the first Bougainville general election, are set out in Schedule 2 to this Act.

“(5) The Registrar may make a Determination as to the material required to be supplied by political parties whose names are listed in Schedule 2 to provide the evidence that they have continued to operate actively for the purposes of section 26(3)(a).

“(6) 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 by-election in question fixed under section 69 of the *Bougainville Elections Act 2007*.

“(7) As soon as practicable after the last day of the period for the nomination of the candidates for the by-election in question fixed under section 69 of the *Bougainville Elections Act 2007*, 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) recorded as registered in 2005 that, under section 36(3) have been deemed to be registered for the purposes of this Act; or
- (b) have been registered under section 36(2).

“37. TRANSITIONAL ARRANGMENTS FOR DISCLOSURE OF SOURCES OF FUNDING

A political party registered under this Part shall make the disclosure of 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, whether that registration was made:

- (a) under section 237 of the *Bougainville Constitution* and recognized under section 36(3) of this Act; or
- (b) under this Part.”

Sec. 36(2)

SCHEDULE 1

Determination Under Section 237(3) of the Bougainville Constitution as to Matters on Which Information Required in relation to Registration of a Political Party in Bougainville

Being a Determination as to what constitutes, in relation to a political party –

- (a) a reasonable number of members in all regions of Bougainville; and
- (b) policies on broad subject matters of relevance to Bougainville; and
- (c) organizational structures that meet basic standards of democracy.

1. 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 members in accordance with the Constitution of that political party.

2. 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*.

2. 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;
- (c) the duties and responsibilities and accountability of executive officers; and

- (d) procedures relating 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.

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Sec. 36(3)

SCHEDULE 2

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;*
Bougainville Labour Party

I hereby certify that the foregoing is a fair copy of the *Political Parties (Registration) Act (Amendment) Act 2008* which has been made by the House of Representatives

Acting Clerk of the House of Representatives

I, NICHOLAS PENIAI, Speaker of the House of Representatives hereby certify that the *Political Parties (Registration) Act (Amendment) Act 2008* was made by the House of Representatives on 15 October 2008.

Speaker of the House of Representatives

