

# REPUBLIC OF VANUATU

## **BILL FOR THE REFERENDUM (AMENDMENT) ACT NO. OF 2016**

### **Explanatory Note**

This Bill amends the Referendum Act [CAP 297].

For the purposes of political stability, the Vanuatu Government has launched a political and electoral reform process and, in that context, Parliament is to review a number of proposed constitutional amendments. Under Article 86 of the Constitution, such amendments to the Constitution will not come into effect unless it has been supported in a national referendum.

While Parliament is expected to determine the proposed amendments to the Constitution in November 2016, it is necessary to start planning the process for conducting a national referendum should the amendments be agreed by Parliament.

As part of the plan, it is proposed that the national referendum will be conducted on the same day as the provincial elections in Penama, Malampa, Shefa and Tafea Provinces that will occur in March 2017.

Following a review of this Act, the Act does not explicitly specify the authority that is to organise, administer and conduct a national referendum. The Government prefers that such responsibility will be on the Electoral Commission with the assistance of the Principal Electoral Officer. In addition, a national referendum should be able to be conducted in conjunction with a general election, provincial election or municipal election.

The amendments in this Bill reflect the review that was carried out on this Act.

Item 1 amends section 1 to provide for the definition of “Electoral Commission” to mean the Electoral Commission established by Article 18 of the Constitution.

Item 2 repeals section 2 by substituting it with a new section 2 to provide for the role of the Electoral Commission, with the assistance of the Principal Electoral Officer, to organise and administer a national referendum.

Item 3 repeals section 3 which is no longer applicable as the amendment made in item 2 no longer requires the form of a writ.

Item 4 repeals subsection 4(1) by substituting it with a new subsection (1) to provide that the Electoral Commission is to, by Order, determine the date for a national referendum.

Item 5 amends subsection 4(2) by inserting after the words “general election” the words “provincial election and municipal election”. This is to allow a national referendum to be held in conjunction with any of the three different elections.

Item 6 amends subsection 8(4) by deleting the words “Principal Electoral Officer and substituting it with “Electoral Commission”, so that the Minister may adapt the Representation of the People Act [CAP 146] and make regulations in such manner as the Electoral Commission considers necessary.

Item 7 repeals subsections 8(5) and (6) which are no longer applicable due to the amendment made in item 2.

Item 8 amends subsection 9(1) and (2) by deleting the words “Principal Electoral Officer” and substituting it with “Electoral Commission”, so that the Electoral Commission as soon as practicable is to announce the result of a national referendum on the radio, print media or television and to publish the result of a national referendum in the Gazette.

Item 9 repeals Schedule 1 which is no longer applicable due to the amendment made in item 2.

## **Minister of Internal Affairs**



**REPUBLIC OF VANUATU**

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REFERENDUM (AMENDMENT)  
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**Arrangement of Sections**

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## **BILL FOR THE REFERENDUM (AMENDMENT) ACT NO. OF 2016**

An Act to amend the Referendum Act [CAP 297].

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The Referendum Act [CAP 297] is amended as set out in the Schedule.

### **2 Commencement**

This Act commences on the day on which it is published in the Gazette.

## SCHEDULE

### AMENDMENTS OF REFERENDUM ACT [CAP 297]

**1 Section 1**

Insert in its correct alphabetical position-

““Electoral Commission” means the Electoral Commission established by Article 18 of the Constitution;”

**2 Section 2**

Repeal the section, substitute

**2. Responsibility of the Electoral Commission in a national referendum**

Whenever in accordance with Article 86 of the Constitution a national referendum is required, the Electoral Commission, with the assistance of the Principal Electoral Officer, is responsible for the organisation, administration and conduct of a national referendum.”

**3 Section 3**

Repeal the section.

**4 Subsection 4(1)**

Repeal the subsection, substitute

“(1) The Electoral Commission is to determine by Order, a day for electors to vote for the purposes of a national referendum.”

**5 Subsection 4(2)**

After “general election”, insert “,provincial election and municipal election”

**6 Subsection 8(4)**

Delete “Principal Electoral Officer”, substitute “Electoral Commission”

**7 Subsections 8(5) and (6)**

Repeal the subsections.

**8 Subsections 9(1) and (2)**

Delete “Principal Electoral Officer”, substitute “Electoral Commission”

**9 Schedule 1**

Repeal the Schedule.