

REPUBLIC OF VANUATU

BILL FOR THE DECENTRALIZATION (AMENDMENT) ACT NO. OF 2016

Explanatory Note

This Bill amends the Decentralization Act [CAP 230].

The concept of this amendment is to create reserved seats for women in the Provincial Government Regions and to give effect to the policy of the Vanuatu Government to promote gender equality nationally and, specifically, with regards to political leadership.

Item 1 amends section 5 by inserting a new section 5A after section 5. Section 5A provides for reserved seats for female councillors in each constituency in a Provincial Government Region. Subsection (2) provides that the female candidate who was not declared by the Electoral Commission as the winning candidate for a seat other than the reserved seat and who has the highest number of votes from other female candidates in that constituency is to be declared by the Electoral Commission as the winning candidate for the reserved seat. Subsection (3) provides that the operation of subsections (1) and (2) are not affected if a female candidate is declared by the Electoral Commission as the winning candidate for a seat other than the reserved seat.

Furthermore, subsection (4) provides that for Provincial Government Regions that have small constituencies, occupation of the reserved seat will be rotated amongst the small constituencies in the manner prescribed by the Minister by Order. Subsection (5) provides that small constituencies means a constituency with only one elected member.

Minister of Internal Affairs



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BILL FOR THE DECENTRALIZATION (AMENDMENT) ACT NO. OF 2016

An Act to amend the Decentralization Act [CAP 230].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Decentralization Act [CAP 230] 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 DECENTRALIZATION ACT [CAP 230]

1 After section 5

Insert

“5A Reserved Seats for female councillors in each constituency in a Provincial Government Region

- (1) In an election for members for each constituency in a Provincial Government Region, one seat is reserved for a female councillor.
- (2) The female candidate:
 - (a) who was not declared by the Electoral Commission as the winning candidate for a seat other than the seat referred to in subsection (1); and
 - (b) who has achieved the highest number of votes from other female candidates in that constituency,is to be declared by the Electoral Commission as the winning candidate for the seat referred to under subsection (1).
- (3) To avoid doubt, the operation of subsections (1) and (2) are not affected, if a female candidate is declared by the Electoral Commission as the winning candidate for a seat other than the seat referred to under subsection (1).
- (4) For the purposes of subsection (1) and in addition to section 18AB, for Provincial Government Regions that have small constituencies, occupation of the reserved seat will be rotated amongst the small constituencies in the manner prescribed by the Minister by Order.
- (5) For the purposes of this section, “small constituencies” means a constituency with only one elected member.”