

Anti-Corruption Act 2018

PART 2 SOLOMON ISLANDS INDEPENDENT COMMISSION AGAINST CORRUPTION

Division 1 Establishment

7. Solomon Islands Independent Commission Against Corruption established

- (1) The Solomon Islands Independent Commission Against Corruption is established.
- (2) The Commission is a body corporate with perpetual succession.

8. Functions and powers

The Commission has the following powers and functions:

- (a) to determine the appropriate action to take on conclusion of corruption investigations;
- (b) to prosecute corruption offences with the consent of the Director of Public Prosecutions;
- (c) to prevent corruption through its functions under Part 3;
- (d) to direct the Director-General in the operation of the Commission;
- (e) any other powers and functions conferred on it by this or any other Act.

Division 2 Composition and membership

1. Membership

- (1) The Commission consists of the following members appointed by the Governor-General by *Gazette* notice:
 - (a) a chairperson;
 - (b) a deputy chairperson;
 - (c) 4 other members.

(2) The deputy chairperson has all the powers and functions of the chairperson at any time the chairperson is unable to exercise those powers or perform those functions.

(3) The membership of the Commission must:

(a) include at least 2 persons of each gender; and

(b) include at least one person who is qualified or experienced in accounting or financial management; and

(c) represent a reasonable geographical spread of the provinces of Solomon Islands.

(4) The Governor-General must appoint each Commission member in accordance with the nomination made by a committee (the “*nominating committee*”) consisting of the following:

(a) the Chairman of the Law Reform Commission, who is chairperson of the nominating committee;

(b) a judge of the High Court nominated by the Chief Justice;

(c) the Chairman of the Public Service Commission;

(d) the President of the National Council of Women;

(e) the General Secretary of the Solomon Islands Christian Association.

(5) The nominating committee may only nominate a person to be a Commission member if the person meets the following eligibility criteria for membership:

(a) the nominating committee is satisfied that the person:

(i) is a person of high integrity and is capable of exercising diligence, sound judgment, confidentiality and impartiality in the performance of their functions; and

(ii) has knowledge and experience relevant to the prevention of corruption and a sound knowledge of the culture and values of Solomon Islands; and

(iii) has the physical and mental capacity to perform his or her functions as a member;

(b) the person is not any of the following:

- (i) a member of Parliament or a Provincial Assembly;
 - (ii) a member of a local government council established under section 3 of the [Local Government Act](#) (Cap. 117) or the Honiara City Council established by section 4 of the [Honiara City Act 1999](#);
 - (iii) a member of a political party registered under section 25 of the [Political Parties Integrity Act 2014](#);
 - (iv) insolvent or an undischarged bankrupt;
 - (v) a person convicted:
 - (A) in Solomon Islands, of a corruption offence or any other offence carrying a potential penalty of a fine of at least \$200 or at least 6 months imprisonment; or
 - (B) outside Solomon Islands, of an offence that would be a corruption offence or an offence carrying a potential penalty of a fine of at least \$200 or at least 6 months imprisonment if committed in Solomon Islands;
 - (vi) a person the Leadership Code Commission has determined has engaged in misconduct in office in relation to conduct engaged in within the previous 5 years.
- (6) In addition, the nominating committee may only nominate a person for appointment or re-appointment as chairperson of the Commission if the person is qualified at the time of the nomination for appointment as a judge of the High Court. **Noted that this provision was amended by the Anti-Corruption (Amendment) Act 2019 as provided for below:**

Anti-Corruption (Amendment) Act 2019

Section 11(6) of the principal Act is repealed and replaced with the following:

- “(6) In addition, the nominating committee may nominate a person for appointment or re-appointment as chairperson of the Commission if the person is at the time of nomination:
- (a) qualified for appointment as a judge of the High Court of Solomon Islands; or
 - (b) a retired judge of the High Court of Solomon Islands; or
 - (c) eligible for appointment as a judge of the High Court of Solomon Islands but is otherwise over the retirement age for judges of the High Court of Solomon Islands.”

12. Duration of appointment

- (1) A Commission member holds office for 5 years or the shorter period specified in the instrument of appointment.
- (2) A person may be re-appointed to be a Commission member for a further single term of up to 5 years, served either consecutively or after a break in service.

13. Vacation of office

- (1) A person ceases to be a Commission member if:
 - (a) the person ceases to be eligible for membership under section [11](#)(5)(b); or
 - (b) the person's appointment is terminated under subsection (2).
- (2) The Governor-General may terminate the appointment of a Commission member by *Gazette* notice:
 - (a) on the ground of physical or mental inability to satisfactorily perform the duties of the office; or
 - (b) if the Governor-General is satisfied the member has failed to comply with section [22](#). *Note that section 22 is on the disclosure requirement of the Leadership Code Commission to be given a copy to the Chairperson of the SIICAC and the Director General of SIICAC.*
- (3) The exercise of a power or the performance of a function by the Commission is not affected only by a vacancy in its membership.