



National Parliament of Solomon Islands

Bills and Legislation Committee

Committee Report

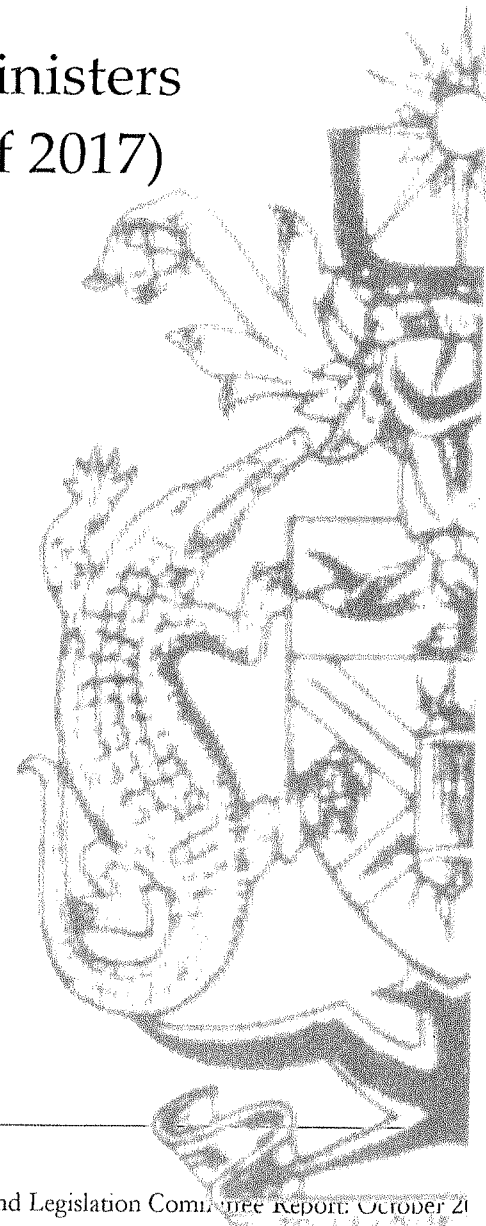
Report on the Prescription of Ministers
(Amendment) Bill 2017 (No. 5 of 2017)



NP-Paper No. 31 of 2017

Presented on 20th October, 2017

National Parliament Office



COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (10th Parliament) are:

Hon. Connelly Sandakabatu, MP (Chairman)

Hon. Jeremiah Manele, MP

Hon. Dr Derek Sikua, MP

Hon. Rick Houenipwela, MP

Hon. Matthew C. Wale, MP

Hon. Dr CulwickTogamana, MP

Hon. Steve Abana, MP

Hon. Commins A.Mewa, MP

Hon. Peter Tom, MP

Hon. Namson Tran, MP

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CHAIR'S FOREWORD



Hon. Connelly Sandakabatu, MP, Chairman

REPORT OF THE BILLS AND LEGISLATION COMMITTEE

Mr. Speaker,

Pursuant to Standing Orders No. 71 (b) and (g) of the National Parliament of Solomon Islands, it is an honour and pleasure for me Sir, to present the Report of the Bills and Legislation Committee on the Inquiry into the **Prescription of Ministers(Amendment) Bill 2017** for laying before Parliament.

A handwritten signature in black ink, appearing to read 'Connelly', written in a cursive style.

Hon. Connelly Sandakabatu

Chairman

Bills and Legislation Committee

20 October, 2017

COMMITTEE FUNCTIONS

The Committee is established under *Standing Order*⁷¹; an Order made pursuant to the *Constitution*¹ and has the functions, together with the necessary powers to discharge such, to:

- (a) examine such matters as may be referred to it by Parliament or the Government;
- (b) review all draft legislation prepared for introduction into Parliament;
- (c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- (d) monitor all motions adopted by Parliament which require legislative action;
- (e) review current or proposed legislative measures to the extent it deems necessary;
- (f) examine such other matters in relation to legislation that, in the opinion of the Committee require examination; and
- (g) make a written report to each Meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

¹ Section 62, *Constitution of Solomon Islands* 1978.

EXECUTIVE SUMMARY

Notice of The Prescription of Ministers (Amendment) Bill was received by the Honourable Speaker on the 20th of July 2017. The Bills and Legislation Committee (the Committee) conducted hearings into the Bill on the 13th of September 2017.

The object of the Bill is to increase the number of Ministers from 23 to 24. The policy rationale for this Amendment is to facilitate the creation of a Ministry to administer the *Solomon Islands Tertiary Education and Skills Authority Act 2017 (SITESA)*. The responsibility for the SITESA Act currently rests with the Ministry of Education and Human Resources Development.

The Committee does not support the policy intention of enlarging the size of Cabinet, as proposed in this bill.

The Committee recognises the need for higher education to be managed separately from the rest of the education portfolio. However, the Committee is of the strong view that this can be achieved either by amalgamating any number of other ministries to make room for a Ministry of Higher Education. Alternatively, a new department with its own Permanent Secretary could be established within the current Ministry of Education and Human Resources Development to be responsible for higher education. Although the former option is preferable.

The proposal contained in this bill is a very poor policy decision by the government, and Parliament should not support it.

The Committee made the following recommendation:

That the Prime Minister withdraws this bill. Further, that two existing ministries be combined to make room for the desired ministry of higher education.

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1.0 INTRODUCTION

This Report present the findings and recommendations by the Bills and Legislation Committee ('the Committee') after reviewing the **Prescription of Ministers (Amendment) Bill 2017** ('the Bill') as required under the Standing Orders of the National Parliament of Solomon Islands ('the Standing Orders').

Relevant stakeholders² were invited before the Committee and make presentations or provide submissions on the contents, policy matters, and intentions of the Bill.

The hearings into the Bill was held on the 18 of Sept 2017 at the National Parliament Building. The List of witnesses that appeared before the Committee and minutes of these proceedings are contained in Appendix 1 and 2.

Written submissions were also received from witnesses that appeared before the Committee. A list of Written Submissions can be found in Appendix 3.

² See Appendix 1

3.0 ISSUES DISCUSSED

These are some issues and observations the Committee gathered during the hearings on the Bill.

3.1 Good governance/Political stability

The Committee noted that the political stability in Solomon Islands is also based on the Westminster system. It is unwritten tradition in the Westminster system that the size of Cabinet be much less than half of the members of parliament. This is critical to ensuring the executive government (Cabinet) is truly accountable to Parliament. This bill seeks to erode this very important principle.

In presenting before the Committee, former Prime Minister Sir Francis B. Hilly pointed out that at independence, the founding fathers were careful to ensure that Cabinet was never more than a third of the members of parliament. It seems prudent that this noble understanding be revived and adhered to.

In her submission, Ms. Liloqula, a former senior public servant and CEO of the Transparency Solomon Islands (TSI) raised concerns of having Parliament dominated by the executive government. She highlighted that having the Prime Minister, along with 24 Ministers, Cabinet sub-committees Chairs, the Chairman of Government caucus and the Deputy Speaker indicates that Parliament will be dominated by government side where government will have the number and they can vote through any Bill or agenda in Parliament without proper examination for the good of the people and the country.⁶

Ms. Ruth Liloqula, further informed the Committee that political parties are instruments already put in place to create stability in the governance of the country through policies and directives. TSI also believes that political stability depends on the behaviour and practices of elected Members of Parliament through the guidance of the *Political Parties Integrity Act 2014*, and not through the numerical strength in the number of ministers. The increase in number of ministers will not guarantee political stability. Furthermore, the notion of having 24 ministers and a Prime Minister undermines the integrity of democracy under the Westminster system. The Westminster system puts a limit on the number of ministers to ensure that Parliament is not a rubberstamp but a House wherein issues are properly discussed and examined.⁷

⁶ Ms. Ruth Liloqula, Evidence, 18th September, 2017.

⁷ Ibid

The Committee was informed that most of the government's budget goes towards its recurrent budget and less towards the development budget. By establishing a new ministry it would incur additional recurrent expenditures that would otherwise be used for development purposes. The proposed SITESA Budget has already been estimated at a total of \$611,975,890 million.¹¹ Whereas, in the current scheme of things the 2017 Approved Budget cost \$342,699,288 million with an additional difference of \$269,276,602 million.

3.3 Amalgamation of Departments/Ministries

The Committee is concerned that the establishment of another ministry will be costly for the country.

In her evidence, Ms. Ruth Liloqula¹², stressed that due to the growing population in the country and the need for the people to work, it is better to increase the number of departments under the ministry whereby permanent secretaries can administer. It was also expressed during the hearings that if this new ministry is an important part in the development of the country and government, there are some government ministries that are quite small and can be amalgamated to allow this proposal.

Sir Hilly also supported that the smaller ministries can be amalgamated to give way for this new ministry. He suggested that for the purposes of costs and other aspects, amalgamation of other ministries before creation of a new one is important.¹³

3.4 Consultation

The Committee inquired into the Ministry's consultation process and coverage of the Bill with relevant key stakeholders. The Ministry's submission to the Committee stated that no consultation was carried out as the Bill is to effect the provisions of the *Solomon Islands Tertiary Education and Skills Authority Act 217*. The submission also stated that there are no impacts on custom/traditional culture of Solomon Islands.¹⁴

The Committee is concerned that the lack consultations with relevant stakeholders undermine the integrity of the consultation processes that is required for the drafting of the Bill. An effective and appropriate consultation is a key factor in good decision making, good policy, and good legislation. A lack of or inadequate consultation fails to take advantage of all available knowledge and expertise.

¹¹ Dr Fred Isom Rohorua, SPM, OPMC, Evidence, 18th September, 2017.

¹² Ms. Ruth Liloqula, Evidence, 18th September, 2017.

¹³ Sir Francis Billy Hilly, Evidence, 18th September, 2017.

¹⁴ John Muria (Jnr), SSPM. Bills Checklist of the Bills and Legislation Committee.

4.0 APPENDICES

Appendix 1: Witnesses

Monday 18 Sept 2017

Time	Witnesses	Position
10:10am – 10:43am	Mrs Florence Naesol	Chairlady, Transparency Solomon Islands (TSI)
	Ms Ruth Liloqula	Chief Executive Officer, TSI
	Ms Joanna Kenilorea-Hanu	Senior Crown Counsel (drafting), AG Chambers
10:48am – 11:43am	Sir Francis Billy Hilly	Former Prime Minister & Politician
	Sir Allan Kemakeza	Former Prime Minister & Politician
	Ms Joanna Kenilorea-Hanu	Senior Crown Counsel (drafting), AG Chambers
2:34pm – 3:10pm	Sir Nathaniel Waena	Former Governor General & Politician
	Ms Joanna Kenilorea-Hanu	Senior Crown Counsel (drafting), AG Chambers
3:43pm – 4:41pm	Dr Fred Isom Rohorua	Secretary to the Prime Minister (SPM)
	Ms Joanna Kenilorea-Hanu	Senior Crown Counsel (drafting), AG Chambers

Sir Allan Kemakeza	Former Prime Minister & Politician
Ms Joanna Kenilorea- Hanu	Senior Crown Counsel (drafting), AG Chambers

The Chairman made opening remarks and invites the witnesses to introduce themselves and make their presentations.

Members of the Committee then question the witnesses on their presentations.

Evidence concluded and the Chair thanked the witnesses for their attendance and contribution on the Bill.

*Evidence concluded. 11:43am
Hearing suspended for lunch break.*

The Hearing resumed at 2:34pm and the following witnesses were admitted.

Hearing 3 Witnesses

Sir Nathaniel Waena	Former Governor General & Politician
Ms Joanna Kenilorea- Hanu	Senior Crown Counsel (drafting), AG Chambers

The Chairman made opening remarks and invite the witness to introduce himself and make his presentation. He begun by asking a series of questions and present his views. Members of the Committee answered the former GGs' queries and then question and seek clarification on his presentations and on the clauses of the Bill.

Evidence concluded and the Chair thanked the witnesses for their attendance and presentations on the Bill.

*Evidence concluded. 3:10pm
Hearing suspended.*

The Hearing resumed at 3:43pm and the following witnesses were admitted.

Hearing 4 Witnesses

Dr Fred Isom Rohorua	Secretary to the Prime Minister (SPM)
Ms Joanna Kenilorea- Hanu	Senior Crown Counsel (drafting), AG Chambers

The Chairman made opening remarks and invite the SPM to make his presentations.

Members of the Committee then question and seek clarification from the witnesses on his presentation and on the clauses of the Bill.

Evidence concluded and the Chair thanked the witnesses for their attendance and presentations on the Bill.

5. Adjournment

The Committee hearing closed at 4:41pm.

