



National Parliament of Solomon Islands

Bills and Legislation Committee

Committee Report

Report on the Anti-Corruption (Amendment) Bill 2019
(No. 3 of 2019)



NP-Paper No.13 of 2019

Presented on 5th September, 2019

National Parliament Office



COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (11th Parliament) are:

Hon. Makario Tagini, MP (Chairman)

Hon. Matthew Cooper Wale, MP

Hon. Derrick Rawcliff Manuari, MP

Hon. John Moffat Fugui, MP

Hon. Senley Levi Filualea, MP

Hon. Rollen Seleso, MP

Hon. Silas Kerry Vaqara, MP

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CHAIR'S FOREWORD



Hon. Makario Tagini, MP, Chairman

REPORT OF THE BILLS AND LEGISLATION COMMITTEE

Mr. Speaker,

Pursuant to Standing Orders No. 71 (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 **Anti-Corruption (Amendment) Bill 2019** for laying before Parliament.

A handwritten signature in black ink, appearing to be 'M. Tagini', written over a horizontal line.

Hon. Makario Tagini, MP

Chairman

Bills and Legislation Committee

4th September, 2019

COMMITTEE FUNCTIONS

Refer to Standing Order 71 of the National Parliament of Solomon Islands.

EXECUTIVE SUMMARY

The Committee had conducted and concluded its hearings into the Anti-Corruption (Amendment) Bill 2019 on the 31st of August 2019.

The principal Act stipulates that judges of the High Court are to be appointed as chairperson of the Solomon Islands Independent Commission Against Corruption (SIICAC). However section 80(1) of the Constitution prescribe the age limit for High Court Judges to be under 70 years. With the current wording of section 11(6) of the principal Act, it is restrictive because it would automatically disqualify interested applicants for chairperson of the SIICAC who are above the age of 70 years.

The object of the Bill is to amend section 11(6) of the principal Act to allow the nomination process to also consider retired judges for chairperson of the SIICAC. These are persons who are above the age of seventy (70) years.

The Committee have no issues with the amendment in the Bill, however suggested that it should be slightly re-drafted so that the rewording would make it much neater, tidier, succinct and precise. The Committee is of the view that the principal Act is an important legislation for this country and should not be ambiguous in its application.

After scrutinising the Bill the Committee made the following recommendation;

Section 11(6) of the Bill be redrafted in the following format;

(6) In addition, the nominating committee may nominate a person for appointment or reappointment as chairperson of the Commission if the person is;

(a) qualified for appointment as a judge or,

(b) a retired judge.

Subject to the above recommendation, the Committee commend the Bill to the House.

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1.0 INTRODUCTION

This Report presents the findings and recommendations by the Bills and Legislation Committee ('the Committee') after inquiring into the **Anti-Corruption (Amendment) Bill 2019** ('the Bill') as required under the Standing Orders of the National Parliament of Solomon Islands ('the Standing Orders').

This Bill seeks to amend the principal Act by amending section 11(6) to allow the nomination process to also consider credible and competent applicants for chairperson of the Solomon Islands Independent Commission against Corruption (SIICAC) who are above the age of seventy (70) years.

Relevant stakeholders¹ were invited before the Committee to make presentations or provide submissions on the contents, policy matters, and intentions of the Bill.

The hearings into the Bill was held on the 31 of August 2019. The List of witnesses that appeared before the Committee and minutes of these proceedings are contained in Appendix 1 and 2.

¹See Appendix 1

2.0 BACKGROUND INFORMATION

The Anti-Corruption (Amendment) Bill 2019 makes an amendment to section 11(6) of the principal Act. Though it still uses the same wording of the principal Act. In essence it repealed and replaces section 11(6) by removing the word 'only' after the word 'may' and insert after the word 'judge' the sentence, 'or retired judge of the High Court'.

The Committee in its 2018 report on the Anti-Corruption Bill 2017 already stressed this issue under recommendation 4, however the Government did not consider it as necessary at that time.

In the principal Act only judges of the High Court are eligible to be appointed as chairperson of the SIICAC. Section 80 of our national Constitution prescribe the age limit for Judges of the High Court to be under seventy (70) years. With the current wording in the principal Act, section 11(6) is restrictive because it would automatically disqualify interested applicants for chairperson to the SIICAC who are above the age of seventy (70).

Therefore, the intention of this amendment is to amend section 11(6) to allow the nomination process to also consider credible and competent applicants for chairperson who are above the age limit of seventy (70) years. This will allow retired Judges to be eligible as applicants for chairmanship of the SIICAC.

Members are advised to refer to the final pages in the Bill containing the Bill's objects and the explanatory memorandum to understand the structure of the Bill, when read in light of the Table of Provisions page.

3.0 ISSUES DISCUSSED

During the scrutiny of the Bill, the Committee considered the following issue:

3.1 Drafting

The Committee generally agrees with the amendment, however suggested that it should be slightly re-drafted so that the rewording would make it much neater, tidier, succinct and precise. The Committee is of the view that this is an Act we cannot afford to allow ambiguity when interpreting or implementing it.

The Committee suggested a re-drafting of the amendment so that it is much neater and precise. The following drafting format is suggested;

(6) 'In addition, the nominating committee may nominate a person for appointment or reappointment as chairperson of the Commission if the person is;

(a) qualified for appointment as a judge or,

(b) a retired judge.'

Recommendation

The Committee recommend;

1. Section 11(6) of the Bill to be redrafted in the following format;

(6) In addition, the nominating committee may nominate a person for appointment or reappointment as chairperson of the Commission if the person is;

(a) qualified for appointment as a judge or,

(b) a retired judge.

END OF REPORT

4.0 APPENDICES

Appendix 1: Witnesses

Date	Name	Position & Organisation
Sat 31 August 2019 10:18am – 10:40am	Mrs. Joanna Kenilorea Hanu	Senior Legislative Counsel, AG Chambers, MJLA
	Ms. Ha'a Haurae	"
	Mr. Frank Paulsen	Chairman, A-C Nominating Committee
	Mr. Muzong Kodi	TAP Manager, UNDP
	Mr. Philip Manakako	Secretary, A-C Commission
	Dr Derek Mane	DSPM/Policy, OPMC
	Mr. Holmes Saeve	GS, SICA

Appendix 2: Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

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BILLS AND LEGISLATION COMMITTEE

Minutes of Proceeding

Committee Hearing into the Anti-Corruption (Amendment) Bill 2019

Saturday 31 August 2019, CR II, Parliament House @ 10:18am.

1. Members Present

Hon. Makario Tagini, MP (Chairman)
Hon. Matthew Cooper Wale, MP
Hon. Derrick Rawcliff Manuari, MP
Hon. Senley Levi Filualea, MP

Secretariat and Support Services

Mr Wilson Anii, Committee Secretary
Ms Salome Pilumate, Committee Secretary
Ms. Cordney Wale, Committee Secretary
Mr. Lawrence Scott, Media
Mr. Alfred Dola, Media
Mr. Marlon Kenny, Hansard
Ms. Teresa Nori, Hansard

2. Chairman call the meeting to order

3. Hon. Derrick Manuari say the opening prayer

4. Welcome and Opening Remarks

The Chairman made opening remarks by acknowledging and welcoming the Chairman of the Nominating Committee and officers from the Anti-Corruption Office and office of the Prime Minister and Cabinet. The witnesses were reminded of the Parliamentary Privileges, recordings of the proceeding and Members of the Committee were introduced.

The Chair then invites the witnesses to deliver their presentation. The witnesses introduce themselves and the Chairman of the NC commenced his presentation.

5. Committee hearing into the Anti-Corruption (Amendment) Bill 2019

The Hearing proper commenced and the following witnesses were admitted.

Witnesses

Mrs. Joanna Kenilorea Hanu	Senior Legislative Counsel, AG Chambers, MJLA
Ms. Ha'a Hautirae	"
Mr. Frank Paulsen	Chairman, A-C Nominating Committee
Mr. Muzong Kodi	TAP Manager, UNDP
Mr. Philip Manakako	Secretary, A-C Commission
Dr Derek Mane	DSPM/Policy, OPMC
Mr. Holmes Saeve	GS, SICA

The Committee questioned the witnesses on their presentation and on the contents of the Bill. The witnesses answered, made clarification and commented on issues raised.

The Chairman thanked the witnesses for their attendance and conclude the proceeding.

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

Evidence concluded

6. Adjournment

Closing prayer by the Chairman

The Committee adjourned the hearing at 10:40am

