



NATIONAL PARLIAMENT OF SOLOMON  
ISLANDS

BILLS AND LEGISLATION COMMITTEE

COMMITTEE REPORT

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**Report on the Public Health Emergency Bill 2021  
(No.1 of 2021)**



**NP-Paper No.6 of 2023  
Presented on 13 April 2023  
National Parliament Office**



## COMMITTEE MEMBERS

**The current members of the Bills and Legislation Committee (11<sup>th</sup> Parliament) are:**

Hon. John Maneniaru, MP (Chairman)

Hon. Matthew Cooper Wale, MP

Hon. John Deane Kuku, MP

Hon. Rick Nelson Houenipwela, MP

Hon. Peter Kenilorea Jnr, MP

Hon. Lilly Maefai, MP

Hon. Derrick Rawcliff Manuari, MP

Hon. Sam Shemuel Iduri, MP (*Deceased on 23/1/2023*)

Hon. Sila Tausinga Vanqara, MP

Hon. Stanley Festus Sofu, MP (Ceased Membership on 25/2/2022 upon appointment to  
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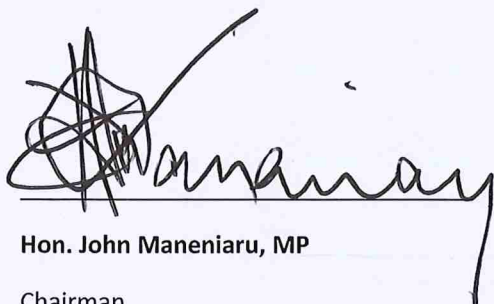
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## CHAIR'S FOREWORD



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 **Public Health Emergency Bill 2021** (No. 1 of 2021) for laying before Parliament.

A handwritten signature in black ink, which appears to read "Maneniaru". The signature is written in a cursive style and is positioned above a horizontal line.

**Hon. John Maneniaru, MP**

Chairman

Bills and Legislation Committee

13 April 2023

## COMMITTEE FUNCTIONS

Standing Order 71 of the National Parliament of Solomon Islands.

There shall be a Standing Select Committee designated the Bills and Legislation Committee whose functions, in addition to the provisions in Orders 50 and 55, shall be 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 seems 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.

## EXECUTIVE SUMMARY

The Committee conducted an inquiry into the Public Health Emergency Bill 2021 as mandated under Order 71 (g) of the Parliamentary Standing Orders. During the inquiry, the Committee conducted hearings in Honiara from the 13<sup>th</sup> of May to the 7<sup>th</sup> of July, 2021, and resolved to extend these hearings to the provincial centers. Provincial hearings began in the Choiseul on the 16<sup>th</sup> of August and were completed in the Guadalcanal Province on the 3<sup>rd</sup> of November 2021. Due to budgetary constraints and limited time three provinces, namely Makira, Isabel and Malaita could not be done.

The object of the Bill is to enable a coordinated effort to prevent, control or protect against and provide a response to a public health emergency, and to mitigate or remedy the health, social and economic effects of a public health emergency.

In its scrutiny of the Bill, the Committee noted a number of issues with the Bill in terms of the drafting, its relationship and consistency with existing laws. However, in the report, the Committee highlighted only those overarching issues considered as the main “fault lines” of the Bill. During the hearings, the Committee sought the people’s views on these fault lines. These are discussed extensively in six (6) chapters of this report. They are;

- the use of existing laws to address the pandemic,
- the Bills interaction with the national Constitution,
- the duration of the declaration proposed in the Bill,
- the offences and penalties proposed in the Bill,
- the administrative penalties proposed in the Bill, and
- Parliament oversight with regard to regulation making.

The Committee, after considering these issues, submitted as follows;

- The Bill proposes a legal frame work that suppresses people’s basic rights, including those enshrined in the constitution of Solomon Islands. Efforts to respond to the pandemic can be adequately undertaken without directly infringing, breaching or unnecessarily suppressing these basic rights. The approach to addressing the pandemic should be a robust and effective response befitting a global public health emergency but it must be balanced with the consideration to avoid unnecessary suppression of basic rights.

The Committee therefore recommends that;

1. The Public Health Emergency Bill 2021 be withdrawn for further work and to include the points that have been raised in this report.

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## 1.0 INTRODUCTION

1. As required under the Standing Orders of the National Parliament of Solomon Islands ('the Standing Orders'), the Bills and Legislation Committee ('the Committee') conducted an inquiry into the **Public Health Emergency Bill 2021** ('the Bill'). This Report presents the findings of that inquiry and the recommendations by the Committee.
2. The Bill's purpose<sup>1</sup> is to enable a coordinated effort to prevent, control or protect against and provide a response to a public health emergency, and to mitigate or remedy the health, social and economic effects of a public health emergency.
3. The hearings on the Bill were held in Honiara from the 13<sup>th</sup> of May to the 7<sup>th</sup> of June, 2021. The Committee then resolved to extend the hearings to the provincial centers. The Committee begun its provincial hearing at Taro in the Choiseul Province on the 16<sup>th</sup> of August. Then on the 19<sup>th</sup> of August at Gizo in the Western province, 20<sup>th</sup> of August at Munda in the Western Province, 24<sup>th</sup> of August at Seghe also in the Western Province. On the 31<sup>st</sup> of August the Committee conducted its hearing at Tulaghi in the Central Islands Province and on the 10<sup>th</sup> of September at Tingoa in the RenBel Province. The Committee continued its hearings on the 14<sup>th</sup> of October at Lata in the Temotu Province and finalised its hearing on the 3<sup>rd</sup> of November at Visale in the Guadalcanal Province. Due to budget constraints and limited time, the Committee was unable to visit the rest of the Provinces.
4. Relevant stakeholders<sup>2</sup> including relevant government ministries and stakeholders were invited by the Committee to the hearings in Honiara. In the provinces, Provincial Premiers, Provincial Executive members, MPAs, Provincial Assembly Speakers, Provincial Clerks, Provincial Secretaries, Provincial officers, government seconded officers, chiefs, members of the clergy, and other community leaders were invited as witnesses before the Committee. They presented their opinions and experiences on the issues raised with some of them providing concrete proposals and submissions on both the contents and policy matters arising from the Bill. The List of witnesses who appeared before the Committee, the minutes of the proceedings, and list of submissions received are contained in Appendix 1, 2, & 3.

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<sup>1</sup> See Clause 5

<sup>2</sup> See Appendix 1

## 2.0 BACKGROUND

1. On 30 January 2020 the World Health Organization (WHO) declared a Public Health Emergency of International Concern in relation to novel coronavirus disease, later described as COVID-19. The WHO subsequently characterised COVID-19 as a pandemic<sup>3</sup> on 11 March, 2020.
2. As at 5 December 2022 there have been over 641 million cases of COVID-19 worldwide, 6.6 million of those resulting in deaths.<sup>4</sup> Solomon Islands has experienced community transmission of the COVID-19 virus resulting in many people being infected with the virus as well as deaths recorded attributed to the virus. The latest published statistics<sup>5</sup> put the number of cases at 24,575 and 153 deaths so far in the country.
3. On 25 March 2020, the Solomon Islands Governor-General declared a state of public emergency in relation to the COVID-19 pandemic in accordance with s16 of the Constitution. This invoked the Emergency Powers Act 1996 (Cap 11) which facilitated the Emergency Powers (COVID-19) Regulations 2020 were made under s 2 of the Act. This state of public emergency was declared six more times by the Governor General and extended each time by Parliament, with the seventh and most recent extension being on 24 of March 2022.
4. The Public Health Emergency Bill 2021 was tabled in the Solomon Islands Parliament on the 12<sup>th</sup> of March 2021. The purpose of the Bill is to 'enable a co-ordinated effort' and to 'protect the community' in relation to 'a public health emergency or circumstance that threatens public health' The intention of the Solomon Islands Government for the Bill - once enacted – is that the powers contained in such an Act will form the basis for the future response to public health emergencies, including the current COVID-19 pandemic. This would effectively replace the current state of emergency process under the Constitution.
5. During the inquiry the Committee heard numerous issues of concern on the drafting and its interaction with other relevant legislations and laws. However the Committee in its reporting resolve to only consider the overarching issues that are considered as the main fault line issues of the Bill. During the hearings, the Committee sought the people's views on these fault line issues. These are discussed extensively in the following chapters.

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<sup>3</sup> World Health Organization, Listings of WHO's Response to COVID-19 (2020)

<sup>4</sup> World Health Organization, WHO Coronavirus (COVID-19) Dashboard (2021) <https://covid19.who.int/>.

<sup>5</sup> Ibid

## **CONSULTATIONS ON THE BILL**

6. It was noted that the Attorney General and the Ministry of Health and Medical Services (MHMS)<sup>6</sup> conducted eight (8) consultations with relevant stakeholders around the country on the development of the Bill. Consultations were conducted in Malaita and Western Provinces. Six (6) consultations were conducted in Honiara. All consultations targeted the Heads of relevant government ministries, authorised officers who were charged with the implementation of the Emergency Powers (Covid-19) Regulations 2021, and included non-government organizations, development partners, Churches, other faith-based organizations, Private Sector representatives, and State Owned Enterprises, unions, women and youth representatives.
7. However, during the inquiry, witnesses expressed the concern that there had not been any consultations on the Bill with them. At Taro, in Choiseul Province, when asked about this, witnesses informed the Committee that the consultation team only reached Gizo. There had been no foreknowledge of the proposed Bill. A former premier<sup>7</sup> admitted that he only just knew about the Bill when he was invited by the Committee for the hearing.
8. At the hearing in Gizo a retired nurse<sup>8</sup> commented that he just received a copy of the Bill at the door, so he could not contribute adequately in the discussions. He encouraged the Ministry of Health to carry out awareness programs on the Bill. He submitted that it is very important that people from the rural to urban areas must understand the consequences contained in the bill.

## **INTERNATIONAL HEALTH REGULATIONS (2005)**

9. The World Health Organization (WHO) submission<sup>9</sup> to the Committee stated that Solomon Islands is a State Party to the International Health Regulations (2005), an instrument of international law administered by the WHO. The International Health Regulations (2005) are designed to protect all States from the international spread of diseases, including public health risks and public health emergencies. These Regulations contain rights and obligations binding on Solomon Islands, including those to achieve and maintain core capacities, including to detect, assess, notify, report, and respond effectively and promptly to public health risks and public health emergencies of international concern like COVID-19.
10. According to the WHO<sup>10</sup>, legal frameworks are a critical component of a country's ability to effectively manage public health emergencies. Adequate legal frameworks are essential to

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<sup>6</sup> MHMS, PHEB Consultation Report, 20 May 2021

<sup>7</sup> Mr. Jackson Kilo, Hansard, 16 August 2021

<sup>8</sup> Mr. Belshazzar Sasa, Hansard, 19 August 2021

<sup>9</sup> Dr. Sonya Tanevska, Hansard, 25 May 2021

<sup>10</sup> WHO, Hansard, 25 May 2021

support and enable countries to implement their obligations and rights under the International Health Regulations (2005)<sup>11</sup>. The legal framework should have key components such as human rights-based approach; oversight and accountability and it should provide clarity and guidance on the exercise of powers during a declared emergency period.

### **Human Rights-based Approach**

11. Article 3 of the International Health Regulations states *“An emergency law should contain principles and rights that should provide guiding values and seek to deal with the ethical tension implicit in restricting the rights of individuals in the interest of protecting the wider community and promoting the right to health”*.

### **Restriction on human rights as a result of emergency measures**

12. The WHO noted that under International human rights law some rights, such as freedom of movement, freedom of expression and freedom of peaceful assembly, may be subject to restrictions for public health reasons, even in the absence of a state of emergency. However, such restrictions should be made in accordance with requirements under domestic and international law, including the Siracusa Principles<sup>12</sup> which guide the limitation and derogation of human rights, including during emergency situations:
  - i. **Legality:** The restriction must be “provided by law”. This means that the limitation must be contained in a national law of general application, which is in force at the time the limitation is applied. The law must not be arbitrary or unreasonable, and it must be clear and accessible to the public.
  - ii. **Necessity.** The restriction must be necessary for the protection of one of the permissible grounds stated in the ICCPR<sup>13</sup>, which include public health, and must respond to a pressing social need.
  - iii. **Proportionality.** The restriction must be proportionate to the interest at stake, i.e. it must be appropriate to achieve its protective function; it must be proportionate to a targeted objective; and it must be the least intrusive option among those that might achieve the desired result without unduly intruding upon other rights of targeted persons.
  - iv. **Non-discrimination.** No restriction shall discriminate contrary to the provisions of international human rights law.
  - v. Also relevant is the qualifying phrase, “in a democratic society”, which has been defined as meaning that a country must demonstrate that relevant limitations do not impair the democratic functioning of the society.

### **Regional example**

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<sup>11</sup> WHO Benchmarks for IHR

<sup>12</sup> Developed by experts in international law, at a convention, held at Siracusa, Italy, in 1984.

<sup>13</sup> International Covenant on Civil and Political Rights

13. In the case of PNG s.41 of the National Pandemic Act outlines principles that must be taken into account in the exercise of emergency powers and are modelled on the Siracusa Principles. Section 41 provides that the exercise of powers must:
- vi. Be necessary for achieving the purposes and objectives of the Act;
  - vii. Be the least restrictive as possible;
  - viii. Be the least intrusive as possible;
  - ix. Take into full account the human rights of the persons affected by such actions, directions or measures

### **Freedom of expression**

14. The WHO further submitted that; in line with international law, the Constitution of Solomon Islands protects freedom of expression and provides that it may only be limited in certain circumstances. Should an emergency law provide that, in the interest of dealing with the emergency, free speech can in some way be restricted (e.g., cl.40 & 60 of the Bill) by prohibiting the spreading of false information, the restriction should be clearly justifiable in the interests of public health and subject to review by a court. The restriction should be in clear terms and not capable of being applied to repress legitimate political expression, whistleblowing, or public debate. This is equally applicable to cl.38 of the Bill which currently prohibits industrial action without further clarifying circumstances that would justify this or clarifying exceptions where this right can be exercised.
15. According to the WHO, attempts to regulate misinformation through the law may have both positive and negative impacts. The UN Special Rapporteur on Freedom of Expression has urged governments to protect and promote freedom of expression during the COVID-19 pandemic. In particular, the Special Rapporteur advised against using the so-called 'infodemic' as a problem that criminalization will solve as penalties limit the willingness of people to share valuable information and they are often subject to misuse. It was also noted that working with social media platforms to address disinformation and providing clear, accessible information to combat the spread of misinformation is likely to be more effective.
16. The WHO also submitted that where people are subject to controls, such as quarantine (e.g. cl.17 of the Bill), these restrictions are imposed for the benefit of the wider community. To that end, necessary support should be provided to them for their continued well-being and care, such as providing adequate accommodation, sustenance and where necessary, free medical care. Wherever possible, persons subject to orders (such as quarantine) should be provided with all necessary sustenance support. This will make it easier for people to comply with orders and help to protect public health generally.

17. The obligations highlight above should extend to all persons who are subject to orders made under the Bill, whether they are citizens or not.
18. The WHO stated that article.32 of the International Health Regulations ensures equal treatment of travellers, while art.42 requires the implementation of health measures be applied in a transparent and non-discriminatory manner.

### **Oversight and Accountability**

19. The Bill seeks an initial 6-months declared emergency period, followed by 2 years extension period, and further 12 months thereafter. This is noted to be an exceptionally long period for an emergency declaration.
20. According to the WHO, in some countries where similar laws have been enacted, they include mechanisms for accountability by Parliament, the public, and/or other institutions. Such mechanisms may include reporting to Parliament on the emergency declaration, and on actions taken during the emergency period under the emergency declaration.
21. This issue is particularly important given the lengthy period as noted at p2.19 above. The WHO submitted that this period is far longer than other comparable countries, such as Nauru (30 days, extendable for further 30-day periods), New Zealand (3 months, extendable for further 3 month periods), Western Australia (6 days, extendable for further 14 day periods), and Cook Islands (28 days, extendable by Parliament).

### **Exercise of Powers**

22. The WHO also submitted that the law should provide clarity and guidance on the exercise of powers during a declared emergency period, as these tend to be broad and wide ranging - and do have the potential to interfere with fundamental rights and freedoms. Without adequate safeguards, inconsiderate application of such powers can have significant consequences for individuals and communities.
23. Part 3 of the Bill provides sweeping powers to authorized officers (who may be just ordinary police officers, nurses, immigration officers etc.) to act in circumstances that may not technically necessitate a public health emergency. The WHO noted the concern that authorized officers are unlikely to fully understand the circumstances surrounding an incident so as to ascertain if it amounts to a public health threat, and hence to warrant an immediate response.

### **Applicable principles and standards**

24. According to the WHO limitations should be clearly justified in accordance with domestic and international law, and accord with accepted principles, including the Siracusa Principles. The OHCHR<sup>14</sup> Guidance on Emergencies and COVID-19 provides a summary of the Siracusa Principles on limitation and derogation of rights applicable during COVID-19.
25. WHO submitted that International Covenant on Civil and Political Rights art.4 provides for derogation of rights in times of emergencies with the exception of a few rights such as the right to life, freedom from torture etc.
26. The WHO further submitted that, art.3 of the International Health Regulations requires the implementation of the Regulations to be:
  - i. with full respect for the dignity, human rights and fundamental freedoms of persons.
  - ii. guided by the Charter of the United Nations and the Constitution of the World Health Organization.
  - iii. guided by the goal of their universal application for the protection of all people of the world from the international spread of disease.

### **Regional example**

27. Sections 92C-92H of the Health Act 1956 (NZ) sets out guiding principles in the management of infectious diseases and reflects the Siracusa Principles, in particular Sections 92F, 92G and 92H as it provides as follows:
28. Section 92F. Principle of proportionality  
Measures applied to an individual under this Part must;
  - i. be proportionate to the public health risk sought to be prevented, minimized, or managed; and
  - ii. not be made or taken in an arbitrary manner.
29. Section 92G. Least restrictive alternative  
In any case where this Part enables alternative measures to be applied to an individual, preference must be given to the least restrictive measure that, in the judgment of the person

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<sup>14</sup> UN Office of the High Commissioner for Human Rights

or court concerned, will achieve the objective of minimizing the public health risk posed by the individual.

30. Section 92H. Measures to apply no longer than is necessary

Measures applied to an individual under this Part must not be applied longer than is necessary to prevent or minimize the public health risk that the individual poses.

**Offences and Penalties**

31. The WHO submitted that the offence provisions should be clearly drafted and penalties should be proportionate to the breach, having regard to the socio-economic context in Solomon Islands, and the potential impact they may have on the poor and those in vulnerable populations.

32. The WHO submitted that, compared to other comparable countries, the Bill contains penalties that are vastly in excess of the seriousness of the conduct it is seeking to prevent. As proposed, they include prison terms typically ranging between 10 and 20 years (at the maximum). Offences in comparable countries for the same type of conduct tend to range between six months and five year's imprisonment. For example, under the *National Pandemic Act 2020* (Papua New Guinea), the maximum penalty is 5 years imprisonment; in Vanuatu, under their Public Health Act, 1 year imprisonment is being proposed for amendments to that Act.

33. Similarly, maximum fines of up to \$5,000,000 SBD appear to be excessive for the average Solomon Islander and their earnings. According to the most recent Household Income and Expenditure Survey conducted by the National Statistics Office, the median income per capita in Solomon Islands is \$5,798 SBD. In this connection the following points have been noted:

- i. Offence provisions should be clearly drafted, specifying who the offence applies to, the elements of the offence (i.e., the behavior, conduct it applies to), and defenses that are available.
- ii. Offence provisions should not be vague or uncertain about when an offence may be committed and by whom (e.g., cl.40, 42 & 60 of the Bill)
- iii. Law should provide alternative enforcement options to prosecution, such as warnings.

**Regulation making Powers**

34. The WHO also submitted that the Bill's regulation-making powers (cl 14, 54) are expansive and it is suggested that Parliament consider placing limitations to ensure that appropriate parliamentary debate and scrutiny of public health matters is preserved.

35. It is further suggested that these powers could be qualified in two ways: **firstly**, by requiring the Prime Minister to be satisfied before making a proposed regulation that it is necessary to protect public safety; and **secondly**, by including provisions that before making a regulation, it would be incumbent on the Prime Minister to seek and take into account technical advice relevant to the regulation. With such additional steps in place, it will help to ensure that regulations are reflective of societal needs and meet the required public health goal.
36. The Bill also seeks to impose a penalty of up to 20 years imprisonment (cl.54 (2) (g)). This penalty is quite exceptional for subordinate laws, which typically deal with administrative matters, or provide the details envisaged by the 'parent law'. The WHO submitted that penalties of this magnitude are undesirable in the case of enactments that often receive far less debate and parliamentary oversight than acts of parliament.

#### **Comprehensive Public Health Emergency Management**

37. According to the WHO, legal frameworks play a key role in establishing frameworks for preparedness, surveillance, reporting, and verification of public health risks. The International Health Regulations (2005) require State Parties such as Solomon Islands to develop capacities to prevent, protect against, control and respond to public health risks. However, the Bill focuses solely on response measures and does not provide for critical public health actions such as health emergency planning, mobilization of health workforce and service capacity, and detection, contact tracing, information-sharing and other surveillance activities.

#### **Committee's view**

38. The Committee agrees with the observations made by the WHO on the Bill. The Committee notes that in line with the WHO submission, Solomon Islands can still fight the pandemic without suppressing people's fundamental rights. The WHO further stated that a rights-based response is vital to successfully addressing public health, while maintaining trust and confidence in the governments' public health efforts, and avoiding negative consequences of rights violations such as stigma and discrimination, disproportionate impact on vulnerable and marginalized populations, and social disharmony. Furthermore, the Committee underscores the core issue – as pointed out by WHO - that a country's legal framework must take into account fundamental human rights, and allow for a rights-based approach to managing any public health risk.
39. The Committee is of the view that the approach taken in the current Bill, which is supposedly aimed at coordinating a national response to the pandemic, in fact results in the suppression of rights. The Committee agrees with the WHO submission that the pandemic can be responded to without breach or suppression of basic rights. The Committee is of the view that the approach

should be a robust and effective platform to respond to a public health emergency without the need to unnecessarily suppress basic rights.

### 3.0 USE OF EXISTING LAWS

- 3.1 So far the government had been dealing with the COVID-19 pandemic using existing legislations to impose border restrictions, quarantine suspected cases, repatriated citizens, and manage the community transmission of the virus.
- 3.2 While there is room for improvement, the Committee highly commend the Government for an outstanding work in mitigating the spread of the virus in the country. The Committee further expresses appreciation to the Solomon Islands public at large, for observing government orders and other pandemic related protocols.
- 3.3 The Committee understands that the intention of the government is for the Bill to be the legal basis for the response to public health emergencies, such as the COVID-19 pandemic instead of utilizing the state of public emergency powers contained in the Constitution. It is noted that Section 16 of the Constitution can only be used as a last resort in severe circumstances of public emergencies.
- 3.4 During the hearings on the Bill, witnesses questioned why the government could not use existing legislative framework to address the situation. They pointed out that certain laws are already in enacted that may only need to be amended to cater for the current public health situation.
- 3.5 The Committee noted that relevant existing laws include the Environmental Health Act, the National Disaster Council Act, the Biodiversity Act, the Quarantine Act, the Immigration Act, the Employment Act and the Police Act. It was further noted these are Acts of Parliament which, by assignment in terms of section 37 of the Constitution, have been assigned under the responsibility of each respective Minister.
- 3.6 At the Gizo hearings a witness<sup>15</sup> expressed that, *“there are existing mechanisms already where we operate as a country. So the question is whether a state of emergency warranties us to set up one more different setup to deal with a pandemic or a public health issue. To avoid that particular risk I am sure our existing mechanisms is quite robust. It is an issue of clear directions on what to do in a given situation where it does not mean that we have to override the Constitution because of a particular situation that arises. So with the existing mechanisms and structures that we have, I am pretty sure we can effectively deal with the pandemic, thus we need clear directions”*.

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<sup>15</sup> Mr. Patrick Toiraena (DPS Western Province), Hansard, 19 August 2021

- 3.7 At the Visale hearing, the Premier of Guadalcanal Province commented that, *“there is no need for us to have any other law. I think the current law is already sufficient, we just need to improve them. The framework in the Bill are already in other acts like the quarantine and health. What we need to do is strengthen the other acts. The current framework already works. So we do not know what the real intention behind this [is]”*.
- 3.8 The Premier suggested, *“there is an act already that has guided the work of the National Disaster Council. A lot of emergency situations which we have with the cycle, that's the kind of act they activate or they enforce that act. The framework of the National Disaster Council is clear and very inclusive. Every sector that we talked about when in a state of emergency, all the stakeholders are inside, and I am talking about the Ministry of Agriculture, Ministry of Education, etc. If we want to strengthen ourselves in terms of managing a pandemic or a public health issue, we should strengthen the act, because all the stakeholders are inside”*.

## 4.0 INTERACTION WITH THE CONSTITUTION

### **The Constitution**

- 4.1 The Solomon Islands Constitution was adopted by virtue of the Solomon Islands Independence Order 1978, when the country gained independence. Some of the key features of the Constitution are;
- Chapter 1, which affirms the Constitution as the supreme law of Solomon Islands and if any other law is inconsistent with it, that other law shall, to the extent of the inconsistency, be void.
  - Chapter 2 provides for the protection of individual rights and freedom well known as the 'fundamental rights'.
  - Chapters 5, 6 and 7 provides for the establishment and the functions of the three arms of the state; the legislature (Parliament), the executive (Government) and the Judiciary (Courts).
- 4.2 The three arms of the state are created independent of each other and cannot interfere with each other's role. Similarly, the fundamental rights cannot be interfered with by the arms of the state. However the fundamental rights are not absolute because the Constitution also provides exceptions. The Constitution provides for the basic rights to be limited or restricted by law where it is reasonably justifiable in a democratic society.

### **Committee's view:**

- 4.3 During the inquiry on the Bill, the Committee noted that certain provisions of the Bill may be inconsistent with the Constitution. The Committee is of the view that, the way these provisions are drafted attempts to elevate the Bill above the Constitution. The Committee believes these encroachments can be challenged as unconstitutional and could therefore be declared null and void.

In its scrutiny of the Bill the Committee is of the view that the following clauses contravene the Constitution.

### **Clause 6 - Effect of Act;**

- 4.4 Clause 6 of the Bill states; *'In the event of an inconsistency arising between a provisions of this Act and a provision of any other law, this Act prevails.'*

#### **Issues with the proposed law:**

- 4.5 When 'law' is not properly defined in the Bill, the Committee is of the view that it may be perceived that any other law mentioned in this clause includes the Constitution.

Section 2 of the Constitution states; *'This Constitution is the supreme law of Solomon Islands and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void.'*

- 4.6 During the provincial hearings on the Bill the Committee sought the views of the people on this proposal. In all the provincial centers visited most of the witnesses strongly expressed that the Constitution is the supreme law and must not be tampered with.

- 4.7 A former provincial premier of the Choiseul Province<sup>16</sup> expressed during the hearings at Taro; *"the way the Bill is drafted and worded in clause 6 appears that it would like to elevate this Bill above all other Acts and even above the Constitution as well, and this is a big worry. A democratic government might give rise to a dictatorial government"*.

- 4.8 The Premier of Guadalcanal Province in his submission<sup>17</sup> to the Committee suggested that this clause *"should be revised along with other clauses inside which contradicts or contravenes the Constitution. Those clauses need to be revised to allow the Constitution as it rightly stands, that the Constitution is the supreme law of the country and we should not touch it"*.

- 4.9 At the Seghe hearing in the Marovo Lagoon, a witness commented that *"this Act has its purposes and objectives and purposely, it is for emergency time. The purpose of this Act is to protect the citizens of Solomon Islands. Sometimes we want to stand on our constitutional rights during the time of emergency but then you will spread the sickness. This Act will make the people of Solomon Islands safe like in the case of the current pandemic. I think it makes sense for the government to keep its people safe rather than committed to the Constitution and apply the rights"*.

#### **Clause 8 – Making of Declaration;**

- 4.10 Clause 8 permits the Prime Minister to make a declaration for a public health emergency. Sub clause (1) mandates the Prime Minister to declare a public health emergency in the country and the declaration to be published in the Gazette. Sub clause (2) states the condition that a declaration can only be made on the advice of the Minister of Health to the Prime Minister

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<sup>16</sup> Mr. Jackson Kilo, Hansard, 16 August 2021

<sup>17</sup> Mr. Francis Sade, Hansard 3 Nov 2021

and that a public health risk exists. Sub clause (3) enumerates what the declaration must specify.

#### **Issues with the proposed Clause:**

- 4.11 The Committee is of the view that, under s 16 (2) of the Constitution, only the Governor General can make a declaration for a state of public emergency - no one else. The Committee is concerned that the Bill, a subsidiary law, attempts to mirror the Constitution under clause 8.
- 4.12 In a written submission to the Committee, a former Governor General<sup>18</sup> stated that, *“the Public Health Emergency Bill 2021 is a proposed legislative measure by Parliament to replicate, by delegation the Prime Minister, the powers of the Governor-General to declare a state of emergency. In his view, the Prime Minister is a functionary below the Governor-General in the constitutional hierarchy”*.
- 4.13 He further submitted<sup>19</sup> that *“s16 of the Constitution allows Parliament to play a role after the declaration of a state of emergency. However Parliaments’ power is limited under s16 and plays no direct legislative role. It approves the declaration of the state of emergency by resolution in the manner prescribed in that section. It can also revoke the declaration by resolution before it expires. Otherwise the declaration will continue for a period of 4 months and lapse”*.
- 4.14 During the Munda hearings a witness<sup>20</sup> submitted that *“clause 8 empowers the Prime Minister to make declaration for a public health emergency, which is different from the Governor General’s declaration under the Constitution, for a state of public emergency”*.
- 4.15 A witness<sup>21</sup> at the Tulaghi hearings suggested that following the advice of the Minister of Health, that clause should provide for Parliamentary debate on it before the Prime Minister can make the declaration. This is to allow independent views and the checks and balances that are debated and considered on the floor of parliament.
- 4.16 The Opposition Office submitted<sup>22</sup> to the Committee that ‘the intended scope of the power proposed to be conferred by clause 8 of the Bill, clearly shows that a declaration will impact

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18 Sir Frank Ofagioro Kabui, written submission, 21 June 2021

19 Ibid

20 Mr. Eric Maefelo, Hansard, 20 August 2021

21 Adrian Toni, Hansard, 31 August 2021

22 Opposition Office, Hansard, 7 June 2021

the whole country. This means, the people and all their normal activities and private rights, may be affected by such a declaration and given this is an extra ordinary situation, it makes sense to vest that power on the Governor General to make a declaration’.

**Clause 38 – No industrial action to be taken by authorised officers or persons providing essential services;**

- 4.17 Clause 38(2) states; *‘An authorized officer, or person employed or engaged to carry out functions, duties or responsibilities in an essential service, commits an offence if the authorized officer or person takes part in industrial action while a Declaration is in force or there exists a circumstance that threatens public health.’*

**Issues with the proposed Clause:**

- 4.18 The Committee is of the view that during a declaration opportunities should be provided for authorized and essential workers to voice their concerns and grievances to authorities so that operational matters can be improved.
- 4.19 The Committee is concerned that clause 38 may infringe s13 of the Constitution. Section 13 states; *‘Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association,’*
- 4.20 The Committee is of the view that essential workers coming under a collective group should not be hindered in the enjoyment of their freedom of assembly and association, to bargain for improved terms and working conditions during a public health emergency. Therefore, the Committee views this clause as unreasonable and inconsistent with the Constitution.
- 4.21 During the Lata hearings, the Chief Education Officer<sup>23</sup> commented that *“the proposed Clause will cause undue restrictions to front liners’ voices not being heard by the Government. He expressed that their lives will be insecure when there is a pandemic. He suggested amending the wordings so that there is avenue where front liners voices can be considered”*.
- 4.22 At the Munda hearings the Chief Labour Officer<sup>24</sup> at Noro suggested that a clause should be added to allow for free expression of views and resolution of grievances through normal government processes.

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<sup>23</sup> Mr. Steven Kumi, Hansard, 13 October 2021

<sup>24</sup> Mr. Eric Maefelo, Hansard, 20 August 2021

- 4.23 In a written submission to the Committee the Director of Nursing services/SINA member<sup>25</sup> stated that as 'Authorized Officers' in the proposed Bill, nurses will be suppressed by this clause. He submitted that nurses have a union - the Solomon Islands Nurses Association (SINA) - that advocates for their rights and welfare, which currently they have a Scheme of Service (SoS) for their members. It was noted that work on their SoS is on-going, which concerns the Association who expressed the view that the clause will disrupt its successful implementation. The Director also submitted that the clause is inconsistent with the Labour Act and the Trade Union Act.

**Clause 48; (Penalty Notice) - Instruction to Commissioner of Police;**

- 4.24 Clause 48 (2) states; *'On receiving the authorized officer's notice, the Prime Minister must, after consulting with the Attorney-General and Director of Public Prosecutions, or the Commissioner of Police ... (b) by written notice to the Commissioner of Police, instruct the Commissioner of Police to lay a charge against the person for the offence allegedly committed.'*
- 4.25 Further, clause 48(3) provides that *'The authorized officer or Commissioner of Police (as the case requires) must comply with the Prime Minister's instruction.'*

**Issues with the proposed Clause:**

- 4.26 The Committee is of the view that the clause is inconsistent with s 43 (5) of the Constitution. Section 43 (5) states;
- 'Nothing in this section shall be construed as precluding the assignment to a Minister of responsibility under section 37 of this Constitution for the organisation, maintenance and administration of the Police Force, but the Commissioner of Police shall be responsible for determining the use and controlling the operations of the Force and, except as provided in the preceding subsection, the Commissioner shall not, in the exercise of his responsibilities and powers with respect to the use and operation control of the Force, be subject to the direction or control of any persons or authority.'*
- 4.27 The Committee is of the view that investigation of alleged offences are normal operational matters for the police and laying of charges is the role of the Director of Public Prosecution.
- 4.28 In view of section 43 of the Constitution, the Committee believes that the position of the Commissioner of Police is independent and cannot be interfered with in respect to the

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<sup>25</sup> Mr. Selwyn Hou, written submission, 10 June 2021

operational control of the RSIPF. The Committee is of the view that clause 48 is inconsistent with section 43 of the Constitution.

- 4.29 A former police officer<sup>26</sup> at the Munda hearing stated; *“the Commissioner of Police is a Commander in Chief Operation while the Governor General is Commander in Chief Ceremony. For me, the Commissioner is a high rank within the organisation or with the government. It is not his work for someone to give direction to him. He should be respected as one of the highly respected organisation within the government set up. To me, the post should be respected in his/her integrity as the Commissioner of Police”*.
- 4.30 At the Honiara hearings the PS for the Ministry of Police<sup>27</sup> informed the Committee that her Ministry was involved in the consultations on the Bill and admitted that there may be oversight on their part with regards the exact wordings of the clause. The PS and the Commissioner of Police suggested rewording the clause to include the words *‘in consultation with the Commissioner of Police.’*
- 4.31 The PPC Central Islands Province<sup>28</sup> submitted at the Tulaghi hearing that the office of the Commissioner of Police has to be neutral and independent so that s/he can make fair decisions for our communities and the country.

**Clause 58 – Consistency with the Constitution;**

- 4.32 Clause 58(2) states; *‘An action or provision, which is reasonably justifiable for the purpose of dealing with circumstances arising or existing during the public health emergency, the Declaration relates to or the circumstance that threatens public health:*
- a. *is not inconsistent with, and does not contravene, section 5, 6(2),9,11,12,13,14 or 15 of the Constitution; and*
  - b. *may not be held to be inconsistent with, or to contravene, section 5, 6(2), 9, 11,12,13,14 or 15 of the Constitution.’*

**Issues with the proposed Clause:**

- 4.33 The Committee is of the view that clause 58(2) (a) of the Bill may be inconsistent with the Constitution and, if challenged, may be found to be void under s 2 of the Constitution. This is because cl 58(2) (a) of the Bill appears to deem that certain ‘action[s] or provision[s]’ are effectively exempt from the application of sections 5, 6(2), 9, 11, 12, 13, 14 or 15 of the

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<sup>26</sup> Mr. Samuel Tarakabu, Hansard, 20 August 2021

<sup>27</sup> Ms. Karen Galokale, Hansard, 27 May 2021.

<sup>28</sup> Mr. David Soakai, Hansard, 31 August 2021

Constitution. ('Fundamental rights provisions.'). The fundamental rights provisions do not allow for ordinary legislation (such as the Bill) to determine the interpretation and application of those same provisions. As currently drafted, cl 58(2) (a) attempts to do so and may therefore be found void if challenged.

- 4.34 Clause 58(2) (b) of the Bill broadly constitutes an ouster or privative clause. That is, the provision attempts to exclude the exercise by the courts of their jurisdiction, in particular that of the High Court and the Court of Appeal in relation to the fundamental rights provisions. This is contrary to the principle of the separation of legislative, executive and judicial powers contained in the Constitution. The language of cl 58(2) (b) suggests that it has been modelled on s 16(7) of the Constitution in relation to 'periods of public emergency'. The constitutional status of s 16(7) distinguishes it, however, from that of cl 58(2) (b) of the Bill. Clause 58(2) (b) may also be held to be void under s 2 of the Constitution.
- 4.35 The Committee supports the view that cl 58 may be removed from the Bill without significantly undermining the Bill's intention or effectiveness. This is because the fundamental rights provisions in the Constitution anticipate and provide for the making of law and the taking of other actions in relation to certain public health matters. They do so by providing for a justifiable exception to the application of those rights in the following circumstances:
- i. S 5(1) (h) contemplates an exception from the right to personal liberty, as authorized by law, 'for the purpose of preventing the spread of infectious or contagious disease';
  - ii. S 6(3) (d) allows for an exception from protection from forced labour in the event of 'any other emergency or calamity that threatens the life and well-being of the community';
  - iii. S 9(2) (a) provides for certain laws 'in the interests of ... public health' and s 9(2) (b) 'for the purpose of protection [of] the rights or freedoms of other persons' where they would otherwise be inconsistent with the right to 'privacy of home and other property'. Sections 11(6), 12(2), 13(2) of the Constitution similarly provide for certain exceptions from the protection for 'freedom of conscience' (s 11(6)), 'freedom of expression' (s 12(2)), 'freedom of assembly and association' (s 13(2)), 'freedom of movement' (s 14(3)); and 'protection from discrimination on grounds of race' etc. (s 15(9)).
- 4.36 In a written submission to the Committee a witness<sup>29</sup> stated that most fundamental rights, except the right not to be tortured, in the Constitution are not absolute. The rights can be limited or restricted by law where it is reasonably justifiable in a democratic society. However, it is noted that neither the Constitution, nor the Bill provide any guidance as to what the concept is.

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<sup>29</sup> Mr. Philip Kanairara, written submission, 16 July 2021

- 4.37 During the hearing at Visale the Premier<sup>30</sup> of Guadalcanal Province commented that *“clause 58 (2) (b) encroaches on the responsibility of the Judiciary. He expressed that the clause takes away the impartiality or power of different pillars of governance under our democratic principles”*. He submitted that already it pre-determines what the judiciary must rule on. *“We are under the principle of the democracy and so the judiciary is independent of the executive”*.
- 4.38 At the Seghe hearing a witness<sup>31</sup> disagrees with the clause and commented; *“I do not agree with this, taking all our rights. This is what makes us human beings, we have rights. And so from me, I can say that I do not agree with this. In any case, I can suggest this, put the powers of the Courts there and if there are any issues go and solve them at the Courts rather than this bill taking away the rights of the court”*.

#### **Alignment of responsibilities with Ministry Expertise**

- 4.39 The bill purports to create and confer powers and functions that are similar or exactly the same as those provided for under Emergency Powers Act. The Prime Minister is given significant specific responsibilities under the Bill. Given this, it is assumed that the Prime Minister will be assigned responsibility for the administration of the Bill.

#### **Issues with the proposed Clause:**

- 4.40 The Committee is of the view that the Bill proposes to deal with a health issue which should continue to fall under the prerogative of the Ministry of Health and responsibilities of the Minister of Health. To assign the Prime Minister playing the pivotal role in a health issue under the Bill is an encroachment on the role of the Minister of Health. The Minister of Health is best able to draw on the extensive expertise and experience of the Ministry of Health in order to respond effectively to the public health emergencies anticipated by the Bill. Further, the Minister is ultimately responsible to Parliament for the Ministry.
- 4.41 At the Gizo hearings the Immigration officer<sup>32</sup> commented that, *‘the Bill is to do with health and under those portfolios and administrative process of the Government - example the Ministers. When we are talking about the pandemic situation it involve a health emergency situation. The Minister for health is there, he had been appointed as an elected parliamentarian. What I am confused about now was that the Bill was talking about health but most powers belong to the Prime Minister. The Minister for Health should be the one to make decisions.’*

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<sup>30</sup> Mr. Francis Sade, Hansard, 3 November 2021

<sup>31</sup> Mr. Tyson Ghera, Hansard, 24 August 2021

<sup>32</sup> Mr. Billy Guporo, Hansard, 19 August 2021

## 5.0 DURATION OF DECLARATION

- 5.1 During the provincial hearings almost all witnesses express great concern on clause 9. They commented that, in an emergency situation, we definitely need a state of emergency. But the state of emergency must impinge on the basic rights of individuals and our communities for the shortest possible time.

### **Clause 9 – Duration of Declaration**

- 5.2 Clause 9 proposes a total time period of 4 yrs for the duration of a public health emergency through extensions. The process is outlined in the following sub clauses;
- (1) states that on the initial declaration it has effect for 6 months.
- (2) proposes that before the expiry period Parliament may pass a resolution supported by two-thirds of the members for an additional period of 1 year 6 months totaling to 2 years.
- (3) state; that if Parliament does not pass a resolution under sub clause (2), the declaration ceases to have effect.
- (4) (a) propose; that if the declaration was extended again after 2 years it will have effect for an additional 12 months.
- (4) (b) propose; at the expiry of the additional 12 months, Parliament by two-thirds majority can pass a resolution for another additional 12 months.

### **Issues with the proposed Clause:**

- 5.3 The Committee understands that in a public emergency situation the fundamental rights of individuals maybe severely curtailed to allow the Government to control the effects, and to make a proper response to an outbreak and the spread of diseases.
- 5.4 It is unclear how an extension of the Declaration to two or more years can be justified as satisfying the definition of a 'public health emergency' as required by cl 9(2). 'Public health emergency' is defined in the Bill as requiring an 'urgent response'. It is unclear how the extension of powers over two or more years can constitute an 'urgent response'. The potential for an extension is mitigated somewhat by the requirement that it is passed by a supermajority of Parliament. Despite this, the period of the potential extension is excessive in contrast to other jurisdictions.
- 5.5 The Committee supports the recommendation that any extension to the duration of a Declaration should be for a maximum period of either, an initial one-year period on the passage of a resolution of a super-majority of Parliament; or one further three month period by order of the Prime Minister.

- 5.6 Further, it may be advisable to clarify the definition of ‘*public health emergency*’ such that it requires ‘...*an urgent response* in Solomon Islands’. This would ensure consistency with cl 8(2).
- 5.7 The Committee is of the view that the scheme currently proposed under this clause is too long, unreasonable and unjustifiable in a democratic society. The Committee is concerned that the duration of a public health emergency can be so long that it raises the risk for the government to encroach on the fundamental rights of persons unreasonably and unjustifiably. Further, under a lengthy extended emergency period, it is prone to political abuse and may lead to a dictatorial type of government.
- 5.8 The Speaker<sup>33</sup> of the Temotu Provincial Assembly commented that *“the standards and benchmark are already set in the Constitution, and that is the four months. We operate by quarter which gives ample time for us to assess and deal with any further extensions. In terms of these six months period, my submission is that we should be maintaining the four months period as provided for in the current state of emergency period in the Constitution. Which means the process or the time frame of two years is too much”*.
- 5.9 At the Gizo hearings a representative<sup>34</sup> of a CSO (Ecological Solutions Foundation) commented that, the duration of six months is sufficient, but the extension to two years should be re-considered. *“I would like to say that we are living here in Gizo and the main problem is water. Also we in Gizo are living in town but majority of the houses in Gizo do not have sanitation, especially those fellow workers who come and settle here to find work to earn a living and so they build their own houses. Majority of the people go down to the mangrove. I just want to mention this one because it will be a challenge especially when we are talking about the duration of the Declaration. Also here in Gizo, plenty of us do not have garden and we survive mostly on market products. And so the duration will affect market vendors that come from other islands to come and sell their food products. It will be a problem for us because if they do not come and sell their food products, there is no other option for us to buy food. These are the things we the residents here in Gizo will be facing considering the duration in the Bill”*.
- 5.10 During the hearings in Taro a witness commented, *“I would say fourteen days but then the practicality of our country which is spread everywhere. Can parliament convene within that period? Maybe that is why they put it to six months. And because of emergency with regards to resources as well, maybe that is what prompts them to put six months. But I think it's too long, but I will be a bit reserve for what is the best time, but I think six months is too long”*.

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<sup>33</sup> Mr. Johnson Levela, Hansard, 13 October 2021.

<sup>34</sup> Ms. Henslyn Boseto, Hansard 19 August 2021

## 6.0 OFFENCES AND PENALTIES

- 6.1 The Committee is of the view that the offences and penalties contained in the clauses do not reflect the scheme of offences and penalties in the Penalties Miscellaneous Act (2009). Some of the penalty units, and number of years imprisonment proposed under the Clause, are too excessive than even other serious crimes.
- 6.2 In law, penalties are imposed to deter and punish unlawful activity. When penalties are put at a higher scale these are intended as deterrence to offenders - from breaching the law. However, deterrence can only be effective if the public was made aware of it. Also the penalties must be affordable in line with the economic context of the country.
- 6.3 In the following clauses, the penalty units, and the number of years for imprisonment range from 10,000 to 150,000 penalty units, and 5 to 15 years of imprisonment. The clauses are;

### **Clause 37 - Contravention of regulation, Order or direction;**

- 6.4 Clause 37(2) states; *'A person commits an offence if the person contravenes a regulation, an Order or a direction of an authorised officer. Maximum penalty: 100,000 penalty units or imprisonment for 10 years, or both.'*
- 6.5 Sub clause (3) (b) states; *'as a result of the contravention, a person becomes contaminated or infected with disease or dies from contamination or disease. Maximum penalty: 150,000 penalty units or imprisonment for 15 years, or both.'*

### **Clause 38 - No industrial action by authorized officers or persons providing essential services;**

- 6.6 Clause 38 (3) states; *'An authorised officer, or person employed or engaged to carry out functions, duties or responsibilities in an essential service, commits an offence if the authorised officer or person takes part in industrial action while a Declaration is in force or there exists a circumstance that threatens public health. Maximum penalty: 15,000 penalty units or 5 years imprisonment, or both.'*

### **Clause 39 - Offences relating to authorized officers;**

- 6.7 Clause 39(e) (ii) states; *'if required by an authorised officer to give or produce information, fails to comply with the requirement. Maximum penalty: 20,000 penalty units or imprisonment for 5 years, or both.'*

**Clause 40 - Offences of disseminating rumours and false information;**

- 6.8 Clause 40(c) states; *'A person commits an offence if....the person: endeavours to disturb, or disturbs, the public, safety, order or security by inciting hatred or contempt of a class of persons. Maximum penalty: 25,000 penalty units or imprisonment for 10 years, or both.'*

**Clause 41 - Offences of deception for committing fraud;**

- 6.9 Clause 41 states; *'...if the person engages in deception or other dishonest conduct with the intent to obtain money, property or other benefit from another person by giving that other person the impression that he or she would be giving the money, property or benefit for a measure for the response to the public health emergency.... Maximum penalty: 10,000 penalty units or imprisonment for 5 years, or both.'*

**Issues with the proposed Clauses:**

- 6.10 In the provincial hearings, the Committee sought the views of witnesses on these clauses. Most of them expressed great concern that the penalties are too excessive and unaffordable for ordinary Solomon Islanders. They commented that if the penalties are intended for foreigners then it should be categorised to apply separately to citizens and foreigners.
- 6.11 During the hearings in Honiara, the Solomon Islands Bar Association (SIBA)<sup>35</sup> submitted that the offences and penalties in the Bill are excessive. For example, the offence for defamation under clause 39 (1) (b). SIBA submitted that criminal defamation is a misdemeanour under section XIX of the Penal Code. The punishment under section 41 of the Penal Code is imprisonment for a term not exceeding two years, or with a fine, or both. In contrast the offence of using defamatory language under clause 39 (1) (b) of the Bill has a maximum penalty of 20,000 penalty units or imprisonment for five (5) years, or both. It is obvious that the penalty proposed under the Bill is higher.
- 6.12 At the Taro hearing a witness<sup>36</sup> commented that, *"we should be looking at the reasons why people commit offences before we penalise them. People in the villages if we impose these penalties they will never afford them but they commit offences with good reasons because they want to survive"*.
- 6.13 In a written submission<sup>37</sup> to the Committee the Solomon Islands Chamber of Commerce and Industry (SICCI) views the penalties as excessive and harsh. SICCI's submission stated that, applying excessive penalties during emergencies or pandemic seems irrational. Individuals

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<sup>35</sup> SIBA Executive, written submission, 2 June 2021

<sup>36</sup> Mr. Isaac Lekelalu, Hansard, 16 July 2021

<sup>37</sup> Natalina Hong (CEO), written submission, 13 Sept 2021

and businesses will not afford to pay higher penalties in a situation of an economic recession caused by volatile economic climate due to the impacts from a pandemic and ongoing restrictions.

- 6.14 The Committee is of the view that the penalties imposed must be reasonable for ordinary Solomon Islanders. These penalties must be amended according to the existing scheme of offences and penalties in the Penal Code.

## 7.0 ADMINISTRATIVE PENALTIES

- 7.1 During the inquiry most of the witnesses raised concerns that the Bill proposes a lot of discretionary powers to be given to the Prime Minister under the Administrative Penalty clauses. They content that in so doing, the Executive would assume the responsibilities of the Legislature and the Judiciary.

### **Clause 45 – Prime Minister to determine Offences**

- 7.2 Clause 45 states; *‘The Prime Minister may, by Order, determine the offences for which administrative penalties may be imposed. Administrative penalties may be imposed for those offences only.’*

### **Issues with the proposed Clause:**

- 7.3 The Committee is concerned that the Prime Minister is being given the power to determine offences to which administrative penalties may apply. This gives too much discretionary powers to the Prime Minister, which may be susceptible to abuse or conflict of interest. It was noted that an unpopular Prime Minister may use the opportunity to penalize political opponents during a declared state of public emergency.
- 7.4 During the Munda hearing a health officer<sup>38</sup> commented that *“the PM is encroaching on the responsibility of the judiciary”*. The officer suggested amendments to authorise the PM to deal with the administrative arrangement but allowing the courts or the Magistrate to determine the penalties.
- 7.5 At the Tulaghi hearings the Premier<sup>39</sup> of the Central Islands Province commented that, *“this role should be left to the Judiciary”*. He stated that magistrates and court judges are more qualified to make judgements on offences and determine penalties.

### **Clause 47 – Forfeiture of property and payment of costs**

- 7.6 Clause 47(a) states; *‘In addition to payment of the monetary administrative penalty:*
- a) property used or involved in the alleged commission of an offence may be:*
- i. seized by the Government and held until the administrative penalty and any costs are paid; or*

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<sup>38</sup> Ms. Christina Mamupio, Hansard, 20 August 2021

<sup>39</sup> Mr. Stanley Manetiva, Hansard, 31 August 2021

- ii. *seized by the Government and sold and the sale price for the property held until the administrative penalty and any costs are paid; or*
- iii. *forfeited to the Government;'*

**Issues with the proposed Clause:**

- 7.7 The Committee is concerned that this clause may have the possibility of taking away properties of many Solomon Islanders. The Committee noted that most ordinary Solomon Islanders don't own property but live on customary lands.
- 7.8 At the Visale hearing a witness commented,<sup>40</sup> *"when ordinary Solomon Islander living in the rural areas commit offences during a declaration there is possibility their customary land can be forfeited to the state"*.

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<sup>40</sup> Israel Sibia, Hansard, 3 Nov 2021

## 8.0 REGULATIONS AND PARLIAMENT OVERSIGHT

### **Clause 14 & 54 – Regulations and Parliament oversight**

- 8.1 Clause 14 of the Bill enables the Prime Minister to make regulations ‘prescribing matters that are reasonably justifiable’ in relation to a public health emergency ‘while a Declaration is in force’ (see also clause 54(4)).
- 8.2 Clause 54 grants a broader regulation-making power to the Prime Minister that may be invoked ‘to prescribe matters that are necessary or expedient for carrying out or giving effect’ to the Bill. The regulations must be consistent with the Bill.
- 8.3 Matters that may be covered by regulations are set out in Schedule 1 (cl 14(3)). Regulations may cover, for example, the powers of the Incident Controller, Authorised Officers and offences which can carry a maximum of 20 years imprisonment (cls 14, 30 (2)(b), 34, 54-57; Schedule 1).

### **Issues with the proposed Clauses:**

- 8.4 The Committee is of the view that given the breadth of powers and discretion provided to the Executive Government under the Bill - generally and the regulation-making power specifically - Parliament should be given a greater role in relation to their oversight. Such powers are often justified in a public health emergency. Additionally, appropriate safeguards against their misuse are also required because the urgency and pressure of emergencies, such as the COVID-19 pandemic, may result in inadvertent overreach or mistakes by well-meaning members of the Executive government.
- 8.5 Further, greater Parliamentary oversight of the regulation making power under the Bill supports the law-making role of Parliament, which may otherwise be encroached on by the Executive arm.
- 8.6 There are a range of mechanisms that could be included in the Bill to enhance Parliamentary oversight of regulations made under the Bill. These include, requiring that some or all regulations or orders made under the Bill are ‘subject to affirmative resolution’ by Parliament as defined by s 16 of the Interpretation and General Provisions Act (Cap. 85), or alternatively, that they are ‘subject to negative resolution’ under s 16 and s 62 of that Act.
- 8.7 Further, if the Prime Minister retains responsibility for the Bill, it could be amended to require that the Minister for Health and Medical Services have the power to make the regulations

under the Bill rather than the Prime Minister. In doing so, the Bill could require that the Minister receive advice on the suitability of the regulations from the Permanent Secretary for Health. Alternatively, the Prime Minister could be required to consult with the Minister on the proposed regulations before they are made.

- 8.8 At the Choiseul Province hearing in Taro a witness<sup>41</sup> commented, “*why not give the minister responsible for public health to make the regulations other than the Prime Minister who is at the top level of the government?*” It is noted that the custodianship of this bill, when it becomes law should be the minister responsible for health, who also should have the power to make regulations.

#### **Clause 54 – Power to create offences**

- 8.9 Clause 54 states;
- (1) *The Prime Minister may make regulations, not inconsistent with this Act, to prescribe matters that are necessary or expedient for carrying out or giving effect to this Act.*
- (2) *The Regulations may:*
- (g) *Create offences and impose a maximum penalty not exceeding 5,000,000 penalty units or 20 years imprisonment, or both.*

#### **Issues with the proposed Clause:**

- 8.10 The Committee noted that this clause relates to clause 45 in the Bill where it gives power to the Prime Minister to determine the offences for which administrative penalties may be imposed.
- 8.11 In the discussion on the legal framework of the Constitution, it is noted that the three arms of the state are created independent and perform their roles separately of each other. The clause attempted to concentrate significant power under the executive.
- 8.12 The Committee is concerned that this clause encroaches on the law-making role of Parliament by enabling the Prime Minister to create offences via regulations. It is highly preferable that offences under the Bill be specified in the Bill itself and passed by Parliament. Offences, particularly those that carry significant levels of punishment, should not be provided for in regulations. Further, the maximum penalty for offences against the regulations should be reduced and made proportional with comparable penalties.

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<sup>41</sup> Mr. Isaac Lekelalu, Hansard, 16 August 2021

- 8.13 At the Seghe hearing a witness<sup>42</sup> supports the proposal in the clause stating; *“If we do not give enough power to our prime minister, he will hesitate to talk because he did not have legislative backup. So there is a law empowering the PM to safe guard us from peoples actions that can make us vulnerable to the pandemic”*.
- 8.14 Another witness<sup>43</sup> at the Seghe hearing commented; *“while it is alright for some of us to give every power to the Prime Minister, there are other bodies (Judiciary) that perform that role. If we give ultimate power to the Prime Minister we will go into dictatorship or an authoritarian type of government”*.
- 8.15 At the Tulagi hearings, a witness<sup>44</sup> questioned; *“on regulations the prime minister will have the power. If you look at the declaration, the prime minister has the power, if you look at the penalties prime minister has the power to do whatever he wants. So where Parliament and the Judiciary does involved in the process?”* The witness suggested the Bill to be redrafted to empower the other organs of the state.

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42 Mr. Tyson Ghera, Hansard, 24 August 2021

43 Mr. John Pikacha, Hansard, 24 Auguts 2021

44 Mr. Francis Mua, 31 August 2021

## 9.0 CONCLUSION

- 9.1 Currently a State of Public Emergency (SOPE) is declared under s 16 of the Constitution by the Governor General. This invokes the 'Emergency Powers Act' which authorises the Governor General to make regulations. The government is responsible for making and implementing orders under the regulations.
- 9.2 The Constitutional proclamation under s 16 is inadequate for public health emergencies so the Government developed the Bill to provide a coordinated and efficient response to the pandemic if it becomes wide spread.
- 9.3 The Bill proposes that when a public health emergency situation arises, power is vested in the Prime Minister on behalf of the Government to make; declarations (cl 8), regulations (cl 14, 54), create offences (cl 54(g)) and impose penalties (cls 46, 54(g)). furthermore, in exercising this power the Bill permits the Prime Minister to restrain or restrict some of the fundamental rights of persons.
- 9.4 The Committee understands the COVID-19 pandemic is an unprecedented situation that the country never experienced before. So, it welcomes and supports the government's intention to have a legislative framework to guide its efforts to ensure urgent responses to public health emergencies.
- 9.5 However, the Committee believes that such legislative framework must not encroach on people's fundamental rights a minute longer than is necessary, unless it is reasonable and justifiable in a democratic society.
- 9.6 During the provincial hearings there is support for the Bill. Witnesses expressed that the health risks posed by COVID-19 are a threat to the public, so there is real need for a legislative framework that will enable a quick and efficient response during a public health emergency. However, in its current form, the Committee notes that the Bill concentrates too much power on the Prime Minister, and permits him to restrict fundamental rights of persons.
- 9.7 The Committee agrees with the approach submitted by the WHO on this Bill. The legal framework proposed in this Bill should be a robust and effective platform to respond to a public health emergency, without the need to suppress basic rights. The Committee is of the view that the Bill be withdrawn for further work, including considering the points raised in this report.

## 10. RECOMMENDATIONS

The Committee, following its scrutiny of the Bill, makes the following recommendation:

**The Public Health Emergency Bill 2021 be withdrawn for further work and to include the points that have been raised in this report.**

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END OF REPORT

## 11. APPENDICES

### Appendix 1: Witnesses

<b>Date, Venue, Start Time</b>	<b>Names</b>	<b>Position &amp; Organisation</b>
Friday 22 May 2021, Parliament Conf Rm II, Honiara, 10:05am	Mr. James Remobatu	STC, Chairman, Oversight committee
	Mr. John Muria Jr	Attorney General
	Ms. Pauline Mcneil	PS MHMS
	Mr. Mackennie Dentana	PS MoFT
	Mr. Mostyn Mangau	Commissioner RSIPF
	Dr Nemia Bainivalu	DSPH, MHMS
	Ms. Ethel Frances	PS, MAL
Tuesday 25 May 2021, Parliament Conf Rm II, Honiara, 10:13am	Ms. Pauline. Meneil	PS MHMS
	Dr Gregory Jilini	DSHC, MHMS
	Dr George Malefoasi	CEO/NRH, MHMS
	Dr Nemia Bainivalu	DOHP, MHMS
	Dr Yogesh Choudhri	Senior Adviser, MHMS
	Mr. Brian Idufanoa	PPO/CPO, MHMS
	Ms. Yvonne Ogaoga	Legal Policy Officer, MHMS
	Dr Sonja Tanevska	Officer in Charge, WHO
	Dr Simon Burggraaf	Immunization Officer, WHO
	Mr. Jone Vave	Administrator, WHO
	Mr. Melchior Matakiki	PS, MECDM
	Mr. Loti Yate	Director, NDMO, MECDM
	Mr. Jonathan Tafiariki	Deputy Director, NDMO, MECDM
Mr. George Baragamu	Chief of Operations, MECDM	
	Mr. Riley Mesepitu,	PS, MCILI

Wednesday 26 May 2021, Parliament Conf Rm II, Honiara, 10:12am	Mr. Chris Akosawa,	Director Immigration (Ag), MCILI
	Mr. Owen Rove,	CIO (BC), MCILI
	Mr. Timothy Manepuria,	CIO (LTV), MCILI
	Mr. Moses Maneiria,	PIO, MCILI
	Ms. Rachel Olutimayin	DPP, ODPP, MJLA
Thursday 27 May 2021, Parliament Conf Rm II, Honiara, 10:04am	Ms. Julia Twumasi	DSCS, MPNSCS
	Mr. Ian Vaevoso	DC NSOS, RSIPF
	Ms. Karen Galokale	PS, MPNSCS
	Mr. Mostyn Mangau	Commissioner RSIPF, RSIPF
	Mr. Brian Halisanau	Director Civil Aviation, CAAI
	Mr. Thierry Nervale	Director, SIMA
Friday 28 May 2021, Parliament Conf Rm II, Honiara, 10:20am	Mr. Coswal Nelson	Director Budget, MoFT
	Mr. Bruce Phillips	Accountant General, MoFT
	Mr. Jim Sutton	Comptroller of Customs, MoFT
Monday 31 May 2021, Parliament Conf Rm II, Honiara, 10:26am	Mr. Stephen Maesiola	PS, MID
	Mr. Jimmy Nuake	Deputy Secretary, MID
	Dr Claude Posala	President, SIMA
	Ms. Natalia Hong	CEO, SICCI
	Dr Lazarus Tavichikai	Executive Member, SICCI
	Qila Tuhanuku	Vice Chair, SICCI
	Fr. Selwyn. Hou	Director Nursing, MHMS
	Ms. Ethel Frances	PS, MAL

Tuesday 1 June 2021, Parliament Conf Rm II, Honiara, 10:10am	Mr. Michael Ho'ota	DST
	Mr. Francis Tsatsia	Director Biosecurity
	Mr. Andrew Melanolu,	Director DOE
	Mr. Barney Keqa,	Director Livestock
	Ms. Gina Kekea	President of MASI
	Ms. Georgina Maka	Board Member of MASI
	Mrs. Cheryl Aumanu,	Board Member of MASI
Wednesday 2 June 2021, Parliament Conf Rm II, Honiara, 10:09am	Mr. Andrew Radcliffe	Member, SIBA
	Mr. Eran Soma	President, SIBA
Thursday 3 June 2021, Parliament Conf Rm II, Honiara, 10:27am	Ms. Emma Garo	Chief Magistrate, Central Magistrate Courts
	Mr. David Pearce	Manager Ground Operations, Sol-Airlines
	Ms. June Melanie Pelomo	Insurance & Legal Affairs Officer, Sol-Airlines
	Mr. Eranda Kotelawala	CEO, Solomon Ports
	Mr. Percy Biliki	Habour Master, Solomon Ports
	Mr. Andrew Kwamani	PR-SO, Solomon Ports
	Mr. Edward Kolohai	General Secretary, Solomon Islands Christian Association
	Pr. Ellison Bako	Chairman, SIFGA
	Mr. Geoffrey Alacky	Secretary (Ag), SIFGA
	Mr. Kenneth M. Ite'a	Executive Member, SIFGA
Friday 4 June 2021, Parliament Conf Rm II, Honiara, 10:31am	Mr. Casper J Fa'asala	Office Manager, PWDSI
	Ms. Jennifer Wate	GS, DSE
	Mr. Inia Barry	Board Chair, DSE

	Mr. Brian Funusulia	Disaster Manager, SI Red Cross
	Mr. Clement Manuri	Secretary General, SI Red Cross
	Mrs. Joana Ramorii Tatalu	Health Manager, SI Red Cross
	Mr. Douglas Kelson	Chairman, ST John Ambulance
	Ms. Larissa Anita	Senior Ambulance Officer, St John Ambulance
	Sir. Nathaniel Waena	Former Governor General
Tuesday 8 June 2021, Parliament Conf Rm II, Honiara, 11:09am	Ms. Rochelle Palmer	Senior Legal Officer, PSO
	Mrs. Martha Behulu Manaka	Deputy Public Solicitor, PSO
	Mr. Alan Watkins	PSO Advisor
	Mr. Francis Waleanisia	Secretary to Opposition Leader
	Mr. Abraham Namokari	Deputy Secretary, Opposition Office
	Mr. Gary Hatigeva	Press Officer, Opposition Office
	Mr. Billy Titiulu	Secretary to Independent Leader
	Mr. Banabas Henson	Deputy Secretary, Independent Office
Wednesday 9 June 2021, Parliament Conf Rm II, Honiara, 10:35am	Dr Derick Sikua	Former PM & MP
	Ms. Ethel Frances	PS, MAL
	Mr. Francis Tsatsia	Director Biosecurity, MAL
	Mr. Michael Ho'ota	DST, MAL
Monday 16 August 2021, Choiseul Provincial Chamber, Taro, 10:07am	Charles Midokana	PTA- Chairman, Nukiki Community
	Leslie Inokana	Church Administrator, Nukiki
	Anthony Telovae	Leader, Moli Community
	Benon Doropita	SBOM – Chairman, Nukiki

	Linus Melotobata	Leader, Moli
	Jackson P. Tohuruahu	Teacher, Konamana CHS
	Patson Dorovoqa	Leader, Poroporo Community
	Micah Pitamama	Leader, Sipokana Community
	Iula Koveke	Women's Rep, Sasamuga Community
	Lucy Vevo	Women's Rep, Chivoko Community
	Regina Dadalo	Women's Rep, Loimuni Community
	Lazarus Naleqolona	Chief, Razazela Community
	Sam Moroto	Rep, Moba Community
	Taylor Tamana	Circuit Secretary, Varango Community
16/8/21, Choiseul Provincial Chamber, Taro, 12:55pm	Vincent Eria	PPC, Choiseul Province, RSIPF
	Greg Sokeni	Speaker, Choiseul Provincial Assembly
	Geoffrey Pakipota	Provincial Secretary, Choiseul Province
	Frank Papaban	Private Sector, Taro
	Jackson Kilo	Former Premier, Self-employed, Community Rep
	Sammy Vazara	Self-employed, Community Rep
	Murray Rotoava	School Principal
	Christopher Makoni	Clerk, Choiseul Provincial Assembly
	William Tmba	Director, Choiseul Provincial Health
	Brian Raroui	Education Inspector, MEHRD, Choiseul Province
	Isaac Lekelalu	Project Manager, Choiseul Township
	George Tego	PDO, MECDM/NDMO, Choiseul Province

	Obed Maneara	PLO, MAL, Choiseul Province
Thursday 18 August 2021, Fair Trade Conf Rm, Gizo, Western Province, 9:44am	Belshazzar Sasa	Village Elder, Totoku Community, Simbo
	Josephine Takena	Chairlady, Nusabaruku Community
	Maria Terapata	Member, Nusabaruku
	Nelson Tuke	Village Elder, Measuru Community, Simbo
	Charles Kelly	Town Clerk, Gizo Town Council
	Adrian Korakule	Pastor (UCSI), Vonunu, Vella
	Charles Tonawane	Sec. Teacher, Teaching Service
	Vincent Ghanny	Chief, Sambora Community, Simbo
	Joel Naurong	Secretary, Clinic Committee, Pienuna Community, Ranongar
	Presley Jessy	Sec. Teacher, Teaching Service
	Konnish N. Gholomo	Finance/Admin Officer, Save the Children
	Ripua Mazini	Project Officer, Save the Children
	Stephen Suti A.	Senior Filed Officer, NDF
	Henio Ghoni	Tribal Chief, Paeloqe Community
	Joel Henaker	Church Rep, Six Mile Community
	Tarie Beneteti	Village Secretary, Titiana Community
	Frazer Nuapitu	Elder, Vorivori Community
	Eli Sione	Church Elder, Hakaroa Community
	Kabolo Inifiri	Church Pastor, Hakaroa Community
	Henry Kuata	Elder, Saeraghi Community
Bennett Daga	Chairman Covid-19 Committee, Bibolo Community	

	Don Rector Norege	West Gizo Circuit Secretary, Paeoqe Community
	Scriven Pioh	Elder, Saeraghi Community
	Benjamin Mela	Youth Leader, West Gizo
	Hellen Tau	Women Leader, Paeoqe Community
	Varina Qila	KCA Vice President, Pienuna Community
	Bensly B.	Chairman, MHMS (Simbo)
	Hensllyn Boseto	Office/Project Manager, ESSI
	Aubrey Vavu	Research Assistant, ESSI
	Harry Sogoilo	Church Pastor, Bibolo Community Rep
	John Biri	Member, Vorivori Community
	Peter Siope	UC Pastor Gizo, United Church Gizo
	Tekau K. Kaieti	Chairman, Titiana Community
	Bavasi Sale	Secretary, New Manra Community
	Teibaua	Elder, New Manra Community
	Redross Piokera	Teacher, Titiana CHS
	Philimon Jack	Elder, Hambere Community
	Hon. Ramrakha Talasasa	MPA, Western Provincial Assembly
18/8/21, Fair Trade Conf Rm, Gizo, Western Province, 2:14pm	Patrick Toiraena	Dep. Prov. Secretary, Western Prov. Gov't, MPGIS
	Zaza Gina	Senior Tourism Officer, Western Prov. Gov't (WPG)
	Danny Ruel	Provincial Disaster Officer, NDMO
	Walter Salo	Provincial Planning Coordinator, WPG
	Hopeful Piosasa	Chief Education Officer, WPG

	Billy Guporo	Senior Immigration Officer, MCILI
	Michael Buin	Director Health (Ag), MHMS
	Kersy Sauso	Clerk to Assembly, Western Provincial Assembly
	Ogier Kiko	Branch Coordinator, Solomon Islands Red Cross (SIRC)
	Renee Rario	Environment & SWM, GTC/WPG
	Moffat Maeta	Gizo Market Manager, Gizo Town Council
	Clarinda Molia Hanna	Camp Manager, MTGPEA
	Rendy Solomon	Chief Health Inspector, MHMS, WPG
	Ashley Jason Tahunipae	Customs Officer, Customs & Excise Division, WPG
	Ben D. Maenu'u	CCE, MID, WPG
	Justina F. Magu	Officer Commanding Station, RSIPF
	Bruno Manele	Deputy Director, Western Peace Office, MTGEA, WPG
	Sipuru Rove	CFO, Agriculture, MAL
Friday 20 August 2021, Davinia Taylor Memorial Hall, Helena Goldie Hospital, Munda, Western Province, 1:30pm	Michael Dive	Principal, Tabaka Technical School
	Patt Loe	Community Rep, Tabaka Technical School
	Rev. Wilfred Kurepitu	Chaplain, Goldie College
	John Lamu	Chief, Buni Community
	Roben Lehe	Rep, Madou Community
	Wilson K. Boso	Pastor, Buni Community
	Rev. Anthony Sapo	Helen Goldie Hospital
	Samuel Tarakabu	Rep, Canaan & Rawaki Community
	Levan Wong	Rep, Bulelavata Community

Frank Nuqu	Principal, Biulah PSS
Obadeah Piziki	Farmer, Rep, RHP/Madali Community, Rendova
Joseph L.	Rep, Nusabanga Community
Andrew Telo	Director of Nursing, Helena Goldie Hospital
David Gapirongo	Hospital Secretary, Helena Goldie Hospital
Foster P. Kari	Rep, Bulava Community
John Homelo	R/C Treasurer, Bulava Community
Christina Mamupio	Health Officer, MHMS, EHD, Noro
Fiona Timothy	Health Officer, MHMS, EHD, Noro
Charlyn Golu	Fisheries Officer (PFO), MFMR
John Dafanisi Jnr	Customs Technical Officer, MoFT
Hugo koli	Health Inspector, MHMS
Eric Maefelo	CLO –MCILI, Western Province
Samuel Iro	Customs, MoFT, Noro
Jimmy Leni	Registered Nurse, Sol tuna Ltd
Rev. Kendrick Rasa	School Principal, MEHRD
Michael Hanaipeo	Fisheries Officer, MFMR, Noro
John Manu	Fisheries Officer, MFMR
Obed Rooney	Immigration Officer, MCILI
Gavin Totu	Clerk, NTC, Noro
Brenton Sualalu	Assistant Chief Security, Soltuna Ltd
Holmes Saeve	Rep, Kindu Community

	Dr Hanee	Medical Officer, MHMS
	Brian Bird	General Secretary, United Church In Sol Is
	Satu Kirihau	Aerodrome Fire Officer, MCAC
	Tonyrex Alu	Senior Forester, MOFR
Tuesday 24 August 2021, JR Lodge, Seghe, Marovo Lagoon, Western Province, 10:22am	Kelvin Lamusasa	PFO, MAL Extension Division, Munda
	Terence Gaza	Rep, SI Ports Authority
	Rev. Hilary Bero	United Church, Patutiva
	Oleander Duni	Nurse In-charge, Seghe MHMS
	Rosemary Velo	Nurse, Vangunu (Tige)
	Leroy Lingisasa	Church Elder, Nazareth
	Varane Graham	Church Pastor, Seghe SDA
	Douglas Bates	Community Rep. Tomize
	Devine W Pidur	Regional Secretary, United Church, Ngeir
	Pasco Palmer	Elder, Bareho
	Robson Posala	SIEA (Rep)
	Beraki Pitu	Pastor, NgariNagri
	Lionel Viulu	Youth Rep, Niniveh Vge
	Morrison Vendi	Pastor, Niniveh
	David Jotongo	Spoke Person, Niniveh
	Laurecn Jekah	Minister, Buinitusu
Tapilyn Rence	Village Rep, Bareho	
Cinderella Pae	UCWF Leader, Patutiva	

Willie Kar	Minister, Vivu
David Japhter Kimmie	H/T, MEHRD
John Galo	Youth/S. School Coord, UCSI, SEGHE
Jeffery Simbe	Chief, Chuchulu
John Dick	Church Elder, Buinitusu
John Leqere	Pastor, Patutiva
Loyley Ngira	Blue Town, M/Director
Ella Pajajana	Head Teacher, Seghe Primary School
James Kamasai	Secretary Chiefs Com, Patutiva
Morris Ngira	School Teacher, Seghe Primary Sch
Timothy Sivi	PHT, Seghe Primary School
Masolo Pidura	Deputy Chairman, Chubikopi
Johnny Amos	Youth Coordinator, South New Georgia
Boby Haro	CPC Chairman, Tetemaka Rep
Alan Pulipae	Elder, New Land
Peter Mara	Pastor, Chubikopi Village
Elliot Timothy	C/Leader, Sasaghana
Mike Visara	Reverend, Church
Allen S	Officer, Airline, Seghe
Henry Vilipi	Police Officer, MPNS
Patson Basia	Vge Elder/Secretary, Chea Village
Perton Bemu	Community Member, Ketoketo

	John Pikacha	Community Rep, Kolotiana
	John Nonga	SEO, MEHRD
	Ralph Ako	Associate Youth Coordinator, SDA, Marovo
	George Whitney	Community Rep, SDA
	Rev Ashley Hoti	Church Minister, UC
	Wagner Shadrack	Student, SDA Penjuku
	Linton John	Church Member, SDA Tatabiri
	Brusta Collen	Church Member, SDA Ketoketo
	Daniel Talena	Teacher, SDA Peava
	Siana Watts	Community Rep, Peava
	Yoursly Chera	Church Leader, Seghsehe
	Alrick Jimaru	Village Chief, Chea Village
	Ferol Dori	Church Rep, Biche
	Torah I	Church Member, Cheke
	Trevor Ghemu	Church Youth Leader, Sobiro
	Tyson Ghera	CDO, Marovo Constituency
	Henry Susu'u	School Principal, Halisi CHS
	Mathias R	Elder SDA, Bulibuki
31 <sup>st</sup> August 2021, Multi-Purpose Hall, Central Island Province, am	Fr. Pattison Tako	Principal, Siota PSS
	Mr Andrew Rofo	F6-Tutor, Siota PSS
	Clement Kakango	Elder, Polomuhu
	David Hokosehi	Chief, Polomuhu

Frank Omelanga	Agric. Div (CFO), Agriculture
Pr Jack Ray	District Director,
John Mally	OIC, Telekom
Joash J Hoto	Rector SSEC
Rukuale Levis	Church Elder, UC, Tulagi
Ellison Parapoly	Village Rep, Lango (Ward 6)
Joseph Keba	Provincial Community Officer, CGGMP (PCO)
Peter Manekaoni	Village Rep, Vuturua (Ward 6)
Hilda S	Village Rep, Boromole (Ward 8)
Lonsdale Meta	Pastor, Hadiana Village, Big Ngella (Ward 8)
Lizzie Seko	CIPC, Tulagi
John Tome	Village Rep., Harovo Village
Ambrose Tuva	Staff, Kulikau Tabu Lodge
Isaac Seko K	Teacher, Bromole (Ward 8)
Sam Ghoghosono	Teacher, Belaga (Ward 7)
Margaret Taroniara	Community Health Nurse Consultant, MHMS Tulagi Hospital
Barnabas Kabolo	Deputy Principal, Macmahon CHS, MEHRD
Alison Tovoryo	Senior Tourism Officer, CIP Government
Fr. Patterson Sodo	Rector Tulagi Parish, ACOM
Edgar Tarai	MPA, Provincial Government
Silas Seha	Russells
John Lateran Tura	Russells

Michael Moli	Taroniara Teacher, Taroniara
Louisa Tangoia	Taroniara Teacher, Taroniara
Fr Gabriel Maelasi	Taroniara (Teacher), Taroniara Puest
Ronald Manedika	Provincial Community Officer, MPGIS
John Sara	Rep Belaga Community
Reginald Douglas	Rep Aviavi, Slipway
Elipja Taikole	Hagalu Chairman
Matthew Sale	Clerk to ASS, C/ Province
Robert Manebona	PCC Group, CPG
Jessie Kuali	Women, CPC
Annie Sade	Women Rep. Russell Islands Rep
Comnis Kame	Solomon Water Rep
Adrian Toni	PCPA
Alan C Siale	PS CPG, MRGIS
E Butafa	Prov Secretariat, CPG
R Muaki	Engineer, CPG
George Sasi	Sports, Youth & Children, CPG
David Soaki	PPC/CP, RSIPF
Simon Geatavern	Chief Village
Dr Leslie Bunabo	Health Director, MHMS
Stanley Manetua	Provincial Premier (CIP), CPG
Francis Moah,	Speaker to Assembly, CPG

	John P	Roderrick Bay
	Charles Kona	Planning Specialist, CPG
	Norman Tareile	S – Leader, Savo
	Raphael Lavungana	Chief, Savo
	Fred Loji	Community Rep, Savo
	Mary Kora	Community Rep, Savo
	Deborah Vasuni	Community Rep, Savo
Friday 10th Sept. 2021, Tigoa, Rennell Province, am	Brian Panio	Community Officer
	Marina Baiabe	H/T Tupuaki School, Renbel Province
	Christina Mary Nasiu	PCD, PGSP/Renbel Province
	Crystal Ageika M	PCW President, Renbel Province
	Aaron Nusiu	Pastor, SSEC Renbel
	Puia Tapuika	S/Em... , Bellona
	Eddie Peau	Teacher, Rennell
	John Temoa	Community Rep, Rennell
	Anthony T Kiupua	Teacher, MEHRD
	David Tepai	Police Officer, Tigoa
	Moffat Darius Nasiu	SportsYouth Rep, W5 RBP
	Dixon Soaika	Village Rept, W1, East Rennell
	Buddy W No'amasahu	CEO, SIIPHRAA
	Hellen Tekoloi	Church Rep, Ward 5
Fr Luke Foi	ACOM Priest, ACOM	

	Wally Teikagogo	OPP/Manager, RISPF
	Eddie Teika	Edu. Officer, Edu, Renbel
	Florence Kwai	Agriculture Extn., Ministry of Agric & Livestock
	Alphonsus T	Catechists, Catholic
	Johanathan Puia	Church Leader, SSEC
	Oris Pongi	Church Leader, SDA Church
	Teika George	Teacher, Education
	Ringo Peseika	Church Elder, SDA Church
	Ashley M Tepuke	H/Teacher, Kugura Primary School
	Stuart Baiabe	Community Church Leader, Hatagua/TNT ASSOG
	Leslie M	
	Kikolo Tetuha	Lavagu Rep
	John James	Lavagu, Ward 3, WDC
	Alick Tuhaika	Lavagu, Ward 3, WDC
	Able Tamaiva	Tahamuku, Ward 4
	John Teng	Private Business Rep.
	Gabriel S	Private Business Rep.
Wednesday 13th Oct. 2021, Lata, Temotu Province, 1:00pm	Hon Clay Forau	Premier, TPG
	Hon Matchilu Peter Tolua	Provincial Minister, TPG
	Dr Paul Kekou	Acting PHD, Lata Hospital
	Samuel Manu	Register Nurse, Lata Hospital
	John Peter Metoula	Health Promotion Officer, Lata Hospital

Hon G Rangī	MPA, TPG
George Metibe	Police Officer, RSIPF
Augustine M	Principal LRTC, LRTC-ACOM
Edwin M	Farmer, KWM
Casper Roan	Chief, Luova Village
Noah Mepaseli	Farmer, NGO
John Peter Peniop	USP Centre Coordinator, USP
Titus Nume	CFO-Agric, MAL
Chris P	DS ACOM, DOT
Cecil Kibusatu	Elder, Luova Community
Barnabas Balua	Chief, Utupua Community
Judah Mewa	Teacher, MEHRD
Steve K	CEO-TM2, MHERD, TEA
Doreen L	Treasurer, Women
Doreen M Salana	Teacher, Women
Hon. John Cecil Mona	MPA, TPG
Tom Olu	Elder Village, Chief
Frank Samui	Lawyer, FS Legal Aid Services
Lyn Matamaru	Teacher, School, Lata CHS
Fr Michael Talika	Teacher, School, Lata CHS
Richard Noah Metea	Education Officer, MEHRD
Brumoa G Forau	Procurement Officer, Temotu PG

Luke Sandy	Magistrate, National Judiciary
Edward Suiamo	Ministry Finance, Provincial Assembly
Hon. Lionel Yandi	Minister Commerce Industry
Mr Dickson Palusi	Deputy Principal LRTC
Francis Badeuago	NEO Villager Elder
Wilma Isu	Hospital Secretary, MHMS/Lata Hospital
Christina West	M/T, TCM
Edith Dagi	President, Temotu Council of Women
Roselyn Medirka	CTA (Ag), Provincial Government
Eileen Waihere	Customs Services Officer, SICED
George West	Community Advocate, Civil Society
Berth Meesa	Community Leaser, Nemba Village
Barnabas Likipoli	Self Empoloyd, Lata Down Town
Mr Selwyn Vabukea	Teacher (Class Teacher)
Hon. John Mark Rupa	Minister of Youth (MPA), TGA
Patrick Bwakelo	Former Minister of Education (Farmer)
Gordon Vahimolo	ADON, Health Divisn
Walteo Kesi	Chief Chair, Nevenerua
Barnabas Meaio	Village Leader, Nevenerua
Willaim Mebuta	Nevenerua
Barnabas M	Nevenerua
Legas Ivaio	Nevenerua

	Jack Newton M	Medical Store Manager, MHMS Provincial
	Eric Sammy Kaloe	Registered Nurse, MHMS
Oct. 2021, Visale, Guadalcanal Province, pm	Francis Sade	Premier, GP
	Francis Iso	Minister of Health, GP
	Edward Juvia	Clerk, GP
	Maesac Suk	Deputy PS, GP
	Fr Davidson N	Principal, Selwyn College
	Daniel Dorua	General Secretary, Tadaï House of Chief
	Alfred Tsui	Assistant Secretary, Tadaï House of Chief
	Dominic Bua	Jaovia Chachapa, Tandai House of Chief
	Dr Angella Tahani	Chief Dental Officer, GP Health
	Rev. James Fakau	Principal, BPTC, Kohimarama
	Luke T	Catechist, East/Wing, Visale
	Charles Robo	Catechist, Kusika Community
	Raymond Kepini	Chiefe, Visale Sahalu
	Andrew Pinuko	Paramount Chief, Kusiko Com
	Lacanus Tatai	Deputy Principal, Visale School
	Sylvester Bela	Secretary (SHOC), Kusika Community
	Hugo Merina	Chief, Maravova Community
	John Ravi	Chief, Maravova Community
Eluis Peter	Catechist, Habunasi	
Patrick	Farmer, New M...	

Daniel Taovia	Farmer, Veravoulu Village
Peter Tandes	Farmer, Tambalia
Maritinao P	Farmer, Tambalia
Julia Murina	Farmer, Veravaolu
Henrica Sade	Farmer, Veravaolu
Br Andrew T	Maravovo
Br Davidson Au	Brotherhood, Hautambu
Polinare Jnr	V/Chair Person, Ghabhasi
Douglas	Veravoulu
Luceano K	Community Leader, Kusika Community
Teresa Lalau	Housewife, Veravoulu
Cloud Elias	Youth, Veravoulu
Walter	Teacher, Visale CHS
Benajmin Pulo	House of Chiefs, Paru
Alfred Lukumi	Chief, Veratabalo
Elder Sister Precilla	Verana'aso
Sr Allys Wale	Assistant Head Sister, Community of the Sisters of Melanesia
Br. Enoch K	House/Base, SSF
Flory Kafa	Womens Rep, Verana'aso/Selwyn
Luke T	Catechist, Veratabalo
John Toto	C/Teacher, T
John Tave	Youth Coordinator, Visale Parish

Mary Bosa	Community Rep, Leosa East
Frank	Youth Rep, Maravovo
Aloisio	C/Work, Veravaoulu
Manuela Lafaro	Women Leader, Veravaolu
Katy Newman	Community Rep, Veravoulu
Bernadeth Tahiseu	Community Rep, Veravoulu
Edwin Lafaro	Youth Rep, Veravoulu
Bernard R	School Board, Visale Parish
Christopher	Takaboru
Daniel D B	MPA, GPG
Amaziah Keth R	MPA, GPG
Tobin V	MPA, GPG
Eric Tessie	Church Secretary, Aruligo
Mareone Goreti	Women Disability, Eastwing Constituency
Lazarus A Rina	D/Premier, GPG
Rose Tala	MPA, GPG Minister
Francis L	Secondary Teacher, Visale CHS
Douglas Cherry	Hansard, GPG
Ishmael Kukiti	MPA-Paripo, GPG
Alfred Lini	MPA/Valasi, GPG
Andrew Tahisihaka	MPA/Birao, GPG
Placida Alasia	Coordinator Visale Women, Visale Community

Beverlyn Kopuria	Visale
David Muelai	Visale
Milcah L	Midwife (Nurse), Visale RHC
Cynthia Luza	Legal Officer, GPG
Gladys Pae	Secretary, GPG
Henson S C	Logistic, GPG
Maria Kavoa	Class Teacher, Divit Staff
Dora Sade	W/Rep, Kusika W Rep
Michael Goi	MJ
Anslem Mane	Constable, RSIPF
Steward N	Logistic, GP
Ethel Maeue	Sargent, RSIPF
Danny Bale	Constable
Aaron Qalo	Kings Driver

## Appendix 2: Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS AND LEGISLATION COMMITTEE

P.O. Box G19,  
Honiara.

Tel:  
28520/23424.

Fax: 24272

### Minutes of Proceedings

Committee Hearing into the Public Health Emergency Bill 2021 (No.1 of 2021)

Day 1 /2021

Friday 22<sup>nd</sup> May 2021, CR II, Parliament House 10:05 am

#### 1. Members Present

Hon Matthew Wale, MP – Chairman (Ag)  
Hon. John Deane Kuku, MP  
Hon. Stanley Sofu, MP  
Hon. Lily Maefai, MP  
Hon. Rick Houenipwela, MP  
Hon. Peter Kenilorea Jr, MP

#### Absent/Apology

Hon. John Maneniaru, MP

#### Secretariat

Mr. Gregory Fineanganofu, Director Committees  
Mr. Wilson Anii, Committee Secretary  
Mr. Heston Rence, Committee Secretary  
Ms. Salome Pilumate, Committee Secretary  
Ms. Ivory Iruha'a, Committee Secretary  
Ms. Cordney Wale, Committee Secretary  
Ms. Theresa Nori, Hansard Reporter  
Mr. Philemon Loe, Principal Media Officer

#### 2. Prayer

The MP for Small Malaita, Hon. Rick Houenipwela said the opening prayer.

#### 3. Welcome and Opening Remarks

The Chairman (Ag) of the Bills and Legislation Committee, Hon. Matthew Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

#### 4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)

The Hearing proper commenced and the following witnesses from the Oversight Committee, OPMC were admitted:

##### Hearing 1 Witnesses

- i. Mr. James Remobatu, STC, Chairman, Oversight committee
- ii. Mr. John Muria Jr, Attorney General
- iii. Ms. Pauline Mcneil, PS MHMS
- iv. Mr. Mackennie Dentana, PS MoFT
- v. Mr. Mostyn Mangau, Commissioner RSIPF
- vi. Dr Nemia Bainivalu, DSPH, Incident Controller, MHMS
- vii. Ms. Ethel Frances, PS, MAL

The witnesses made their presentations before the committee.

The committee questioned the witnesses based on the evidences presented.

The examination concluded

#### 4. Closing prayer

Closing prayer said by Commissioner Police, Mr. Mostyn Mangau.

**5. Adjournment:**

The committee adjourned hearing at 12:27pm

**6. Documents Tabled**

None

**Day 2 /2021**

**Tuesday 25<sup>th</sup> May 2021, CR II, Parliament House 10:13 am**

**1. Members Present**

Hon. Matthew Wale- Chairman (Ag)

Hon. Stanley Sofu, MP

Hon. Peter Kenilorea (Jnr), MP

Hon. Lilly Maefai, MP

Hon. Rick Houenipwela, MP

Hon. John Dean Kuku, MP

**Absent/Apologies**

Hon. John Maneniaru, MP, Chairman

**Secretariat**

Mr. Gregory Fineanganofu, Director Committees

Ms. Cordney. M. Wale, Committee Secretary

Mr. Wilson Anii, Committee Secretary

Mr. Whitmon Tabiru, Committee Secretary

Ms. Sherolyn R., Hansard Reporter

Mr. Philemon Loe, Media Officer

**2. Opening prayer**

Hon. Stanley. Sofu said the opening prayer.

**3. Welcome and Opening Remarks**

The Chairman (Ag) of the Bills and Legislation Committee Hon. Matthew Cooper Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced and the following witnesses from the Ministry of Health and Medical Services were admitted:

**Hearing 2 Witnesses**

- i. Ms. Pauline Mcneil, PS MHMS
- ii. Dr Gregory Jilini, DSHC, MHMS
- iii. Dr George Malefoasi, CEO/NRH, MHMS
- iv. Dr Nemia Bainivalu, DOHP, MHMS
- v. Dr Yogesh Choudhri, Senior Adviser, MHMS
- vi. Mr. Brian Idufanoa, PPO/CPO, MHMS
- vii. Ms. Yvonne Ogaoga, Legal Policy Officer, MHMS

The witness made their presentations before the committee.

The committee questioned the witness based on the evidences presented.

The examination concluded.

*Hearing suspends at 1:14 pm*

The Hearing proper resumed at 1:28 pm and the following witnesses from the World Health Organisation (WHO) were admitted:

**Hearing 3 Witnesses**

- viii. Dr Sonja Tanevska, Officer in Charge, WHO
- ix. Dr Simon Burggraaf, Immunization Officer, WHO

The witnesses made their presentations before the committee.  
The committee questioned the witnesses based on the evidences presented.  
The examination concluded.

*Hearing suspends at 2: 30pm*

The Hearing proper continued at 2:50pm and the following witnesses from the Ministry of Environment, Climate Change, Disaster Management and Meteorology were admitted:

**Hearing 4 Witnesses**

- x. Mr. Melchior Mataki, Permanent Secretary, MECDM
- xi. Mr. Loti Yate, Director, NDMO
- xii. Mr. Jonathan Tafiariki, Deputy Director, NDMO
- xiii. Mr. George Baragamu, Chief of Operations, NDMO,

The witness made their presentations before the committee.  
The committee questioned the witness based on the evidences presented.  
The examination concluded.

***Hearing adjourned at 4:00 pm***

**5. Adjournment:**

The committee adjourned hearing at 4:00 pm.

**6. Documents Tabled**

None

**Day 3/ 2021**

**Wednesday 26<sup>th</sup> May 2021, CR II, Parliament House, 10:12 am**

**1. Members Present**

Hon. Matthew Wale, MP, Chairman (Ag)  
Hon. John Deane Kuku, MP  
Hon. Rick Houenipwela, MP  
Hon. Stanley Sofu, MP  
Hon. Peter Kenilorea, MP

**Apologies**

Hon. John Maneniaru, Chairman

**Absent**

Hon. Lily Maefai, MP

**Secretariat**

Mr. Gregory Fineanganofu, Director Committees  
Mr. Wilson Anii, Committee Secretary  
Ms. Salome Pilumate, Committee Secretary  
Ms. Ivory Iruha'a, Committee Secretary  
Ms. Cordney Wale, Committee Secretary  
Mr. Philemon Loe, Principal Media Officer  
Ms. Sherilyn Ragoso, Hansard Reporter  
Mr. Greg Kinimete, Hansard Reporter

Chair call the meeting to order at 10:12am

**1. Prayers**

Opening prayer said by MP for North New Georgia, Hon. John Deane Kuku.

**2. Welcome and Opening Remarks**

The Chairman (Ag) of the Bills and Legislation Committee Hon. Matthew Cooper Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**3. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced and the following witnesses from the Ministry of Commerce, Industries, Labour and Immigration were admitted:

**Hearing 5 Witnesses**

- i. Mr. Riley Mesepitu, Permanent Secretary, MCILI
- ii. Mr. Chris Akosawa, Director, Immigration (Ag), MCILI
- iii. Mr. Owen Rove, CIO (BC)
- iv. Mr. Timothy Manepuria, CIO (CTI)
- v. Mr. Moses Maneiria, PIO

The witnesses made their presentations before the committee.  
The committee questioned the witnesses based on the evidences presented.  
The examination concluded.

*Hearing suspends for lunch at 11:52 am*

The Hearing proper continued at 1:40pm am and the following witnesses from the Office of the Director of Public Prosecution were admitted:

**Hearing 6 Witnesses**

- vi. Ms. Rachel Olutimayin, DPP, ODPP, MJLA

The witness made her presentations before the committee.  
The committee questioned the witness based on the evidences presented.  
The examination concluded.

*Hearing adjourned at 2:48pm*

**4. Adjournment:**

The committee adjourned hearing at 2:48pm

**5. Documents Tabled**

None

**Day 4/ 2021**

**Thursday 27<sup>th</sup> May 2021, CR II, Parliament House 10:04 am**

**1. Members Present**

Hon Matthew Wale, MP, Chairman (Ag)  
Hon. John Deane Kuku, MP  
Hon. Rick Houenipwela, MP  
Hon Peter Kenilorea (Jnr)

**Apologies**

Hon. Lily Maefae, MP  
Hon John Maneniaru, MP  
Hon Stanley Festus Sofu, MP

**Secretariat**

Mr. Gregory Fineanganofu, Director Committees  
Mr. Wilson Anii, Committee Secretary  
Mr. Whitmon Tabiru, Committee Secretary  
Ms. Hazel Fafale, Hansard Reporter  
Mr. Greg Kinimete, Hansard Reporter  
Ms. Theresa Nori, Hansard Reporter  
Ms. Sherolyn Ragoso, Hansard Reporter  
Mr. Lawrence Scott, Media Officer

**2. Prayer**

The Commissioner of Police said the opening prayer.

**3. Welcome and Opening Remarks**

The Chairman (Ag) of the Bills and Legislation Committee Hon. Matthew Cooper Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**4. Inquiry into the 2021 Appropriation Bill 2021**

The Hearing proper commenced and the following witnesses from the Ministry of Ministry of Police, National Security & Correctional Services were admitted:

**Hearing 7 Witnesses**

- i. Ms. Julia Twumasi, DSCS, MPNSCS
- ii. Mr. Ian Vaevoso, DC NSOS, RSIPF
- iii. Ms. Karen Galokale, PS, MPNSCS
- iv. Mr. Mostyn Mangau, CRSIPF, RSIPF

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing Suspended at 10:58am*

*Hearing Suspended for lunch at 10:58am.*

The Hearing proper continued at 1:38 pm and the following witness from the Ministry of Civil Aviation Authority of Solomon Islands (CAASI) was admitted:

**Hearing 8 Witnesses**

- i. Mr. Brian. Halisanau, Director Civil Aviation, CAAI

The witness made his presentation before the Committee.  
The Committee questioned the witness based on the evidence presented.  
The examination concluded.

*Hearing Suspended at 2:17pm*

The Hearing proper continued at 2:22pm and the following witness from the Office of Solomon Islands Maritime Authority was admitted:

**Hearing 9 Witnesses**

- ii. Mr. Thierry Nervale, Director, SIMA

The witness made his presentation before the Committee.  
The Committee questioned the witness based on his evidence presented.  
The examination concluded.

*Hearing proper adjourned 2:55pm*

**5. Adjournment:**

The committee adjourned hearing at 2:55pm

**6. Documents Table**

**Day 5/ 2021**

**Friday 28<sup>th</sup> May 2021, CR II, Parliament House 10:20 am**

**1. Members Present**

Hon Matthew Wale, MP, Chairman (Ag)  
Hon Rick Houenipwela, MP  
Hon. John Deane Kuku, MP  
Hon. Peter Kenilorea Jr, MP

**Absent/Apologies**

Hon. John Maneniaru, MP, Chairman  
Hon. Lily Maefai, MP

**Secretariat**

Mr. Wilson Anii, Committee Secretary  
Mr. Heston Rence, Committee Secretary  
Ms. Salome Pilumate, Committee Secretary  
Ms. Ivory Iruha'a, Committee Secretary  
Mr. Philemon Loe, Media Officer  
Ms. Theresa Nori, Hansard Reporter

Chair call meeting to order at 10:20am

**2. Prayer**

The Member of Parliament for East Are'Are, Hon. Peter Kenilorea Jr said the opening prayer.

**3. Welcome and Opening Remarks**

The Chairman (Ag) of the Bills and Legislation Committee Hon. Matthew Cooper Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced and the following witnesses from the Ministry of Finance and Treasury were admitted:

**Hearing 10 Witnesses**

- i. Mr. Coswal Nelson, Director Budget, MoFT
- ii. Mr. Bruce Phillips, Accountant General, MoFT
- iii. Mr. Jim Sutton, Comptroller of Customs, MoFT

The witnesses made their presentation before the Committee.

The Committee questioned the witnesses based on their evidence presented.

The examination concluded.

Hearing proper adjourned 12:33pm

**5. Adjournment:**

The committee adjourned hearing at 12:33pm

**6. Documents Table**

**Day 6/ 2021**

**Monday 31<sup>st</sup> May 2021, CR II, Parliament House 10:26 am**

**1. Members Present**

Hon Matthew Wale, Chairman (Ag)  
Hon. Peter Kenilorea Jnr  
Hon. Rick Houenipwela, MP  
Hon. Lilly Maefai, MP  
Hon. Stanley Sofu, MP  
Hon. John Dean Kuku, MP

**Absent/Apologies**

Hon. John Maneniaru, Chairman (Apologies)  
Hon. Sam Shemuel Iduri, MP (Absent)  
Hon. Derrick Rawcliff Manu'ari (Absent)

**Secretariat**

Mr. Wilson Ani, Committee Secretary  
Mr. Wilson Orisi, Committee Secretary  
Mr. Whitmon Tabiru, Committee Secretary  
Ms. Cordney M Wale, Committee Secretary  
Mr. Richard A., Hansard Reporter  
Ms. Hazel F., Hansard Reporter  
Ms. Sherolyn R., Hansard Reporter  
Mr. Philemon Loe, Media Officer

**2. Prayer**

Hon. Stanley Sofu said the opening prayers.

**3. Welcome and Opening Remarks**

The Acting Chairman of the Bills and Legislation Committee Hon. Matthew Cooper Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced at 2:20pm and the following witnesses from the Ministry of Infrastructure Development were admitted:

**Hearing 11 Witnesses**

- i. Stephen Maesiola, PS, MID
- ii. Jimmy Nauake, Deputy Secretary, MID

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing Suspended at 12:03 pm*

The Hearing proper continued at 12:16pm and the following witness from the Solomon Islands Medical Association was admitted:

**Hearing 12 Witnesses**

- iii. Dr Claude Posala, President, SIMA

The witness made his presentation before the Committee.  
The Committee questioned the witness based on the evidence presented.  
The examination concluded.

Committee suspend hearings at 1:19pm.

*Hearing Suspended at 1:19pm*

The Hearing proper continued at 1:22pm and the following witnesses from the Solomon Islands Chamber of Commerce & Industries were admitted:

**Hearing 13 Witnesses**

- iv. Ms. Natalina Hong, CEO, SICCI
- v. Dr Lazarus. Tavichikai, Executive Member, SICCI
- vi. Qila Tuhanuku, Vice Chair, SICCI

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing Suspended at 1:37pm*

The Hearing proper continued at 2:05pm and the following witness from the Solomon Islands Nurses Association was admitted:

**Hearing 14 Witnesses**

- vii. Fr. Selwyn. Hou, Director Nursing, MHMS

The witness made his presentation before the Committee.  
The Committee questioned the witness based on the evidence presented.  
The Chairman thank the witness for his attendance, the examination concluded.

Hearing adjourned at 2:45pm

**5. Adjournment:**

The committee concluded hearing at 2:45pm

**Day 7/ 2021**

**Tuesday 1st June 2021, CR II, Parliament House 10:10am**

**1. Members Present**

Hon. Matthew Wale, MP, Chairman (Ag)  
Hon. Stanley Sofu, MP  
Hon. Peter Kenilorea, MP  
Hon. John Deane Kuku, MP  
Hon. Lily Maefai, MP  
Hon. Rick Houenipwela, MP

**Absent/ Apologies**

Hon. John Maneniaru, MP

**Secretariat**

Mr. Wilson Anii, Committee Secretary  
Mr. Heston Rence, Committee Secretary  
Ms. Salome Pilumate, Committee Secretary  
Ms. Ivory Iruha'a, Committee Secretary  
Ms. Cordney Wale, Committee Secretary  
Mr. Philemon Loe, Media Officer  
Ms. Sherilyn Ragoso, Hansard Reporter

**2. Prayer**

The Permanent Secretary of the Ministry of Agriculture and Livestock, Ms. Ethel Frances said the opening prayer.

**3. Welcome and Opening Remarks**

The Acting Chairman of the Bills and Legislation Committee Hon. Matthew Cooper Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced at 10:10am and the following witnesses from the Ministry of Agriculture and Livestock were admitted:

**Hearing 15 Witnesses**

- i. Ms. Ethel Frances, PS, MAL
- ii. Mr. Michael Ho'ota, DST, MAL
- iii. Mr. Francis Tsatsia, Director Biosecurity
- iv. Mr. Andrew Melanolu, Director DOE
- v. Mr. Barney Keqa, Director Livestock

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

Hearing suspends at 10: 45am

The Hearing proper continued at 1:40pm and the following witnesses from the Media Association of Solomon Islands were admitted:

**Hearing 16 Witnesses**

- vi. Ms. Gina Kekea, President of MASI
- vii. Ms. Georgina Maka, Board Member of MASI
- viii. Ms. Cheryl Aumanu, Board Member of MASI

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

Hearing Suspended at 2:47pm

Hearing adjourned at 2:50pm

Adjournment:  
The committee concluded hearing at 2:50pm

**5. Documents Tabled During Hearings**

None

**Day 8/ 2021**

**Wednesday 2<sup>nd</sup> June 2021, CR II, Parliament House 10:09am**

**1. Members Present**

Hon. Matthew Wale, MP, Chairman (Ag)  
Hon. Stanley Sofu, MP  
Hon. Peter Kenilorea, MP  
Hon. John Deane Kuku, MP  
Hon. Lilly Maefai, MP

Hon. Rick Houenipwela, MP

**Absent/ Apologies**

Hon. John Maneniaru, MP

**Secretariat**

Mr. Wilson Anii, Committee Secretary  
Mr. Whitmon Tabiru, Committee Secretary  
Ms. Cordney Wale, Committee Secretary  
Mr. Philemon Loe, Media Officer  
Mr. Gregory Kinimete, Hansard Reporter

**2. Prayer**

Hon. Lily Maefai said the opening prayers.

**3. Welcome and Opening Remarks**

The Acting Chairman of the Bills and Legislation Committee Hon. Matthew Cooper Wale made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced at 10:09am and the following witnesses from the Solomon Islands Bar Association were admitted:

**Hearing 17 Witnesses**

- i. Mr. Andrew Radcliffe, Member, SIBA
- ii. Mr. Eran Soma, President, SIBA

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing adjourned at 11:48am*

**Adjournment:**

The committee concluded hearing at 11:48am

**5. Documents Tabled During Hearings**

None

**Day 9/ 2021**

**Thursday 3<sup>rd</sup> June 2021, CR II, Parliament House 10:27am**

**1. Members Present**

Hon. John Maneniaru, MP, Chairman  
Hon. Stanley Sofu, MP  
Hon. Peter Kenilorea, MP  
Hon. John Deane Kuku, MP  
Hon. Lily Maefai, MP  
Hon. Rick Houenipwela, MP  
Hon. Derrick Manu'aru, MP

**Absent/ Apologies**

Hon. Matthew Wale, MP  
Hon. Sam Iduri, MP

**Secretariat**

Mr. Wilson Anii, Committee Secretary  
Ms. Ivory Iruha'a, Committee Secretary  
Ms. Salome Pilumate, Committee Secretary  
Mr. Heston Rence, Committee Secretary  
Mr. Philemon Loe, Media Officer  
Mr. Greg Kinimete, Hansard Reporter  
Ms. Theresa Nori, Hansard Reporter  
Ms. Sherilyn Ragoso, Hansard Reporter

**2. Prayer**

None

### **3. Welcome and Opening Remarks**

The Chairman of the Bills and Legislation Committee Hon. John Maneniaru made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

### **4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced at 10:27am and the following witnesses from the Central Magistrate were admitted:

#### **Hearing 18 Witnesses**

- i. Ms. Emma Garo, Chief Magistrate, Central Magistrate

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing suspended at 11:38am*

The Hearing proper resumed at 1:34pm and the following witnesses from the Solomon Islands Ports Authority and Solomon Airlines Ltd were admitted:

#### **Hearing 19 Witnesses**

- ii. Mr. David Pearce, Manager Ground Operations, Sol-Airlines
- iii. Ms. June Melanie Pelomo, Insurance & Legal Affairs Officer, Sol-Airlines
- iv. Mr. Eranda Kotelawala, CEO, Solomon Ports
- v. Mr. Percy Biliki, Harbour Master, Solomon Ports
- vi. Mr. Andrew Kwamani, PR-SO, Solomon Ports

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

Hearing suspend at 3:23pm

The Hearing proper resumed at 3:31pm and the following witnesses from the Solomon Islands Christian Association and Solomon Islands Full Gospel Association were admitted:

#### **Hearing 20 Witnesses**

- vii. Mr. Edward Kolohai, General Secretary, SICA
- viii. Pr. Ellison Bako, Chairman, SIFGA
- ix. Pr. Geoffrey Alacky, Secretary (Ag), SIFGA
- x. Mr. Kenneth M. Ite'a, Executive Member, SIFGA

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing adjourned at 3:47pm*

### **5. Adjournment:**

The committee concluded hearing at 3:47pm

### **6. Documents Tabled During Hearings**

None

### **Day 10/ 2021**

**Friday 4<sup>th</sup> June 2021, CR II, Parliament House 10:31am**

#### **1. Members Present**

Hon. John Maneniaru, MP, Chairman  
Hon. Stanley Sofu, MP  
Hon. Peter Kenilorea, MP  
Hon. John Deane Kuku, MP  
Hon. Lily Maefai, MP  
Hon. Rick Houenipwela, MP

Hon. Matthew Wale, MP  
Hon. Derrick Manu'ari, MP

### **Absent/ Apologies**

#### **Secretariat**

Mr. Wilson Anii, Committee Secretary  
Mr. Whitmon Tabiru, Committee Secretary  
Ms. Cordney Wale, Committee Secretary  
Mr. Philemon Loe, Media Officer  
Mr. Greg Kinimete, Hansard Reporter  
Ms. Theresa Nori, Hansard Reporter  
Ms. Sherolyn Ragoso, Hansard Reporter  
Mr. Heston Rence, Committee Secretary

#### **2. Prayer**

Hon Matthew Wale said the opening prayer.

#### **3. Welcome and Opening Remarks**

The Chairman of the Bills and Legislation Committee Hon. John Maneniaru made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

#### **4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced at 10:31am and the following witnesses from the Development Services Exchange were admitted:

##### Hearing 21 Witnesses

- i. Mr. Casper J Fa'asala, Office Manager, PWDSI
- ii. Mrs. Jennifer Wate, GS, DSE
- iii. Inia Barry, Board Chair, DSE

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing suspended at 11:45am*

The Hearing proper resumed at 12:01pm and the following witnesses from St. Johns Ambulance Service and Solomon Islands Red Cross were admitted:

##### Hearing 22 Witnesses

- iv. Mr. Brian Funusulia, Disaster Manager, SI Red Cross
- v. Mr. Clement Manuri, Secretary General, SI Red Cross
- vi. Mrs. Joana Ramorii Tatalu, Health Manager, SI Red Cross
- vii. Mr. Douglas Kelson, Chairman, ST John Ambulance
- viii. Ms. Larissa Anita, Senior Ambulance Officer, St John Ambulance

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

Hearing suspend at 12:45pm

The Hearing proper resumed at 12:59 pm with Sir Nathaniel Waena as the former GG was admitted:

##### Hearing 23 Witnesses

- ix. Sir. Nathaniel Waena, Former Governor General

The witnesses made his presentation before the Committee.  
The Committee questioned the witness based on the evidence presented.  
The examination concluded.

*Hearing adjourned at 1:27pm*

#### **5. Adjournment:**

The committee concluded hearing at 1:27pm

## 6. Documents Tabled During Hearings

**Day 11/ 2021**

**Tuesday 8<sup>th</sup> June 2021, CR II, Parliament House 11:09am**

### 1. Members Present

Hon. John Maneniaru, MP, Chairman  
Hon. Stanley Sofu, MP  
Hon. Rick Houenipwela, MP  
Hon. Peter Kenilorea, MP  
Hon. Matthew Wale, MP  
Hon. Derrick Manu'aru, MP

### Absent/ Apologies

Hon. John Deane Kuku, MP  
Hon. Lily Maefai, MP

### Secretariat

Mr. Gregory Fineanganofu, Director Committees  
Mr. Wilson Anii, Committee Secretary  
Mr. Heston Rence, Committee Secretary  
Ms. Salome Pilumate, Committee Secretary  
Ms. Cordney Wale, Committee Secretary  
Ms. Ivory Iruha'a, Committee Secretary  
Mr. Philemon Loe, Media Officer  
Ms. Sherilyn Ragoso, Hansard Reporter  
Ms. Theresa Nori, Hansard Reporter

### 2. Prayer

The MP for East Kwaio, Hon. Stanley Sofu said the opening prayer.

### 3. Welcome and Opening Remarks

The Chairman of the Bills and Legislation Committee Hon. John Maneniaru made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

### 4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)

The Hearing proper commenced at 11:09am and the following witnesses from the Office of the Public Solicitor were admitted:

#### Hearing 24 Witnesses

- i. Ms. Rochelle Palmer, Senior Legal Officer, PSO
- ii. Ms. Martha Behulu Manaka, Deputy Public Solicitor, PSO
- iii. Mr. Alan Watkins, PSO Advisor

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing suspended at 12:02pm*

*Hearing suspends for lunch at 12:07pm*

The Hearing proper resumed at 2.14 pm and the following witnesses from Opposition and Independent Office were admitted:

#### Hearing 25 Witnesses

- iv. Mr. Francis Waleania, Secretary to Opposition Leader
- v. Mr. Abraham Namokari, Deputy Secretary, Opposition Office
- vi. Mr. Gary Hatigeva, Press Officer, Opposition Office
- vii. Mr. Billy Titiulu, Secretary to Independent Leader
- viii. Mr. Banabas Henson, Deputy Secretary, Independent Office

The witnesses made their presentation before the Committee.  
The Committee questioned the witnesses based on the evidence presented.  
The examination concluded.

*Hearing adjourned at 4.04 pm*

Closing prayer was said by Hon. Stanley Festus Sofu

**5. Adjournment:**

The committee concluded hearing at 4.04 pm

**6. Documents Tabled During Hearings**

**Day 12/ 2021**

**Wednesday 9<sup>th</sup> June 2021, CR II, Parliament House 10:35am**

**1. Members Present**

Hon. John Maneniaru, MP, Chairman

Hon. Stanley Sofu, MP

Hon. Rick Houenipwela, MP

Hon. Peter Kenilorea, MP

Hon. Matthew Wale, MP

Hon. John Deane Kuku, MP

**Absent/ Apologies**

Hon. Lily Maefai, MP

Hon. Derrick Manu'aru, MP

**Secretariat**

Mr. Wilson Anii, Committee Secretary

Mr. Whitmon Tabiru, Committee Secretary

Ms. Salome Pilumate, Committee Secretary

Ms. Cordney Wale, Committee Secretary

Mr. Philemon Loe, Media Officer

Ms. Hazel Fafale, Hansard Reporter

**2. Prayer**

The MP for East Are'are, Hon. Peter Kenilorea Jr said the opening prayer.

**3. Welcome and Opening Remarks**

The Chairman of the Bills and Legislation Committee Hon. John Maneniaru made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges.

**4. Inquiry into the Public Health Emergency Bill 2021 (No.1 of 2021)**

The Hearing proper commenced at 10:35am and Dr. Derick Sikua was admitted:

**Hearing 26 Witnesses**

i. Dr. Derick Sikua, Former PM & MP

The witness made his presentation before the Committee.

The Committee questioned the witness based on the evidence presented.

The examination concluded.

*Hearing suspended at 11:19am*

The Hearing proper resumed at 11:22am and the following witnesses from the Ministry of Agriculture & Livestock were recalled and admitted:

**Hearing 27 Witnesses**

ii. Ms. Ethel Frances, PS. MAL

iii. Mr. Francis Tsatsia, Director Biosecurity, MAL

iv. Mr. Michael Ho'ota, DST, MAL

The witnesses made their presentation before the Committee.

The Committee questioned the witnesses based on the evidence presented.

The examination concluded.

*Hearing adjourned at 12:08 pm*

**5. Adjournment:**

The committee concluded hearing at 12.08 pm

**6. Documents Tabled During Hearings**

### Appendix 3: Submissions

No.	Title	Author	Date received
1	Final Submission to BLC	Dr Penny Gleeson, UNDP TA	23/4/21
2	General Information on the Bill	MHMS	10/5/21
3	Submission	Andrew Radcliffe	10/5/21
4	PHE Bill Consultation Workshop Report	MHMS	20/5/21
5	Submission	WHO	25/5/21
6	Annexure	WHO	25/5/21
7	Submission	MoFT	28/5/21
8	Written Submission on the PHE Bill 2021	SIBA	2/6/21
9	Submission	Office of the Leader of Opposition	7/6/21
10	Attachment: Some similarities in Existing Acts	Office of the Leader of Opposition	7/6/21
11	Submission	Office of the Leader of Independent	8/6/21
12	Written Submission to the BLC	Chief Justice, Sir Albert R. Palmer	8/6/21
13	Summary of MAL Inputs to the Bill	MAL	9/6/21
14	Summary of CSOs/NGO stand regarding the PHE Bill 2021	DSE	4/6/21
15	Submission - SINA	Fr. John Richardson Selwyn Houniuihi	10/6/21
16	Submission	Sir Frank Ofagioro Kabui	21/6/21
17	Submission	Philip Kanairara	16/7/21
18	Written Submission	SICCI	13/9/21
19	Submission	Nuhu Group Members, Shortlands	28/3/22