



**NATIONAL PARLIAMENT OF SOLOMON ISLANDS**

**BILLS AND LEGISLATION COMMITTEE**

**REPORT**

**ON**

**THE GAMING AND LOTTERIES (AMENDMENT) BILL 2006**

## CONTENTS

1. TERMS OF REFERENCE
2. FUNCTIONS
3. MEMBERSHIP
4. PURPOSE OF THE BILL
5. OBSERVATIONS
6. RECOMMENDATIONS

## TERMS OF REFERENCE

To examine and report to Parliament the Committee's observations and recommendations on:-

**"The Gaming and Lotteries (Amendment) Bill 2006"**

### 2. FUNCTIONS

In accordance with Section 62 of the Constitution as read with Section 71 of the Standing Orders, the Bills and Legislation Committee's functions in addition to the provisions in Standing 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 deems necessary;
- (f) examine such other matters in relation to legislation that, in the opinion of the Committee require examination; and
- (g) make a written report to each Meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

3. **MEMBERSHIP**

The Membership of the Bills & Legislation Committee comprises of five members and the following have availed themselves for deliberations on the Bill on Monday 9 October 2006.

Hon. Edward J. Huniehu	-	Chairman
Hon. Peter Boyers	-	Member
Hon. Severino Nuiasi	-	“

Apologies were received from Hon. Seth Gukuna and Hon. Laurie Chan. In attendance to the Committee were:

- Mr. Ranjit Hewagama, Principal Legal Draftsman.
- Mr. Fred Fakarii, Permanent Secretary for Home Affairs.

Committee Secretariat:

- Mr. Warren Cahill, the Project Manager Parliamentary Strengthening Project.
- Ms. Atenasi Ata-Wasuka
- Mr. Jude Devesi
- Mr. David Kusilifu

4. **PURPOSE OF THE BILL**

The Gaming and Lotteries (Amendment) Bill 2006

**Objects and Reasons:**

The objects and reasons as stated in the amending Bill are to amend [*The Gaming and Lotteries Act*] as follows:

Subsection (8) of section 6 of the Gaming and Lotteries Act, Chapter 139 gives licensed casino operators “two years” within which to complete building the premises within which to operate.

Hence, the Bill seeks to increase the number of years that licensed operators are given to complete building their premises from two years to such period as recommended by the Board and approved by the Minister.

The proposed amendment states:

**“(8) Notwithstanding the provisions of subsection (1) and (3), the Minister may on the recommendation of the Board grant holders of commercial gaming permits such further period as may be necessary to comply with requirements of subsection (1).”**

## 5. OBSERVATIONS

The Bills and Legislation Committee met on Monday 9<sup>th</sup> October 2006 to examine and make its observations and recommendations on **“The Gaming and Lotteries (Amendment) Bill 2006”**. The Committee notes the following:

### **Subsection (8) of Section 6: Commercial Gaming**

The proposed amendment gives more power to the Minister by removing the defined time limit of two years authorised by Parliament in the current Act and delegating to the Minister on the recommendation of the Board, the power to grant an extension period he or she considers necessary in order to comply with the Act.

- The Committee is concerned that the Bill has the potential to favour a particular investor (operator) and may not be fair to the other operator(s) in the industry.
- In the proposed amendment Parliament delegates the power to grant extension to the holders of commercial gaming permits to the Minister.

Decisions made under this delegation should be required to be notified in the Government Gazette and then to Parliament according to the provisions of the Interpretations Act.

- The Committee further noted that the proposed amendment has the capacity of eliminating the penalty for non-compliance. In removing the time limit of two years and substituting it for an unspecified period at the discretion of the Minister, the proposed amendment is therefore potentially providing an unlimited period for non-compliance with the Act without Parliamentary scrutiny.
- The Committee is also concerned that while the proposed amendment provides for the Minister to make his decision on the recommendation of the Board, according to section (19) of Act the Minister appoints the Board and may at any time revoke the appointment of any member if he considers it expedient to do so. The Committee is of the view that particularly in an area as sensitive and prone to corruption as the gaming industry all mechanisms associated with the decisions of the Minister and the Board must be subject to the highest levels of, accountability and transparency. The Committee believes the current amendment does not promote the principles of good governance, accountability and transparency.

## 6. RECOMMENDATIONS

The Committee has reviewed the amendment and has considerable reservations with it in its current form. The Committee is strongly of the view that in its current form the amendment does not reinforce the original intention of the Act.

In terms of promoting good governance, accountability, transparency and scrutiny by Parliament the Committee recommends that the following amendment be moved in Committee of the Whole House:

Omit the proposed amendment and insert instead:

“(8) Notwithstanding the provisions of subsection (1) and (3), the Minister, on the recommendation of the Board, **may by order published in the Gazette**, grant holders of commercial gaming permits such further period as may be necessary to comply with requirements of subsection (1).”

**Hon. Edward J. Huniehu**  
**Chairman**  
**Bills & Legislation Committee**