

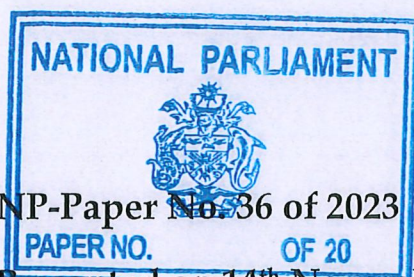


NATIONAL PARLIAMENT OF SOLOMON
ISLANDS

BILLS AND LEGISLATION COMMITTEE

COMMITTEE REPORT

Report on Legislation Amendment, Repeal and
Validation Bill 2023 (No. 16 of 2023)



NP-Paper No. 36 of 2023

Presented on 14th November 2023

National Parliament Office



COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (11th 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. Silas Vaqara Tausinga, MP

Secretariat:

Committees Secretariat

Supporting Departments:

Media

Hansard

ICT

ContActs:

Bills and Legislation Committee

National Parliament of Solomon Islands

P O Box G19

HONIARA

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Telephone: (677) 24164

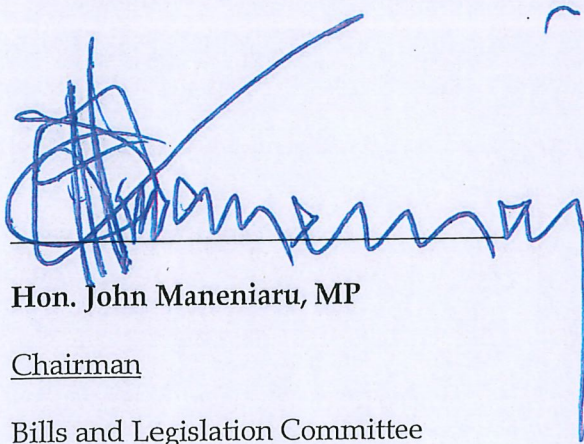
Facsimile: (677) 24272

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 **Legislation Amendment, Repeal and Validation Bill 2023** for laying before Parliament.

A large, stylized handwritten signature in blue ink, which appears to read 'John Maneniaru'. The signature is written over a horizontal line.

Hon. John Maneniaru, MP
Chairman
Bills and Legislation Committee

14 November 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

As mandated under Order 71 (g) of the Parliamentary Standing Orders the Committee conducted hearings into the **Legislation Amendment, Repeal and Validation Bill 2023 ("the Bill")** in Honiara on Thursday 26th October 2023.

The object of the Bill is to correct, repeal and validate Acts and subsidiary legislation of Solomon Islands to perfect the legislation so that the collection of reprints of Acts prepared and published under the Legislation Act 2023 are correct and accurate.

In its scrutiny of the Bill, the Committee recognized that while publishing legislation as a reprint is an administrative action requiring authorization by parliament, correcting the errors through an Act of parliament is necessary.

The Committee has not made any recommendations and commends the Bill to the House.

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1.0 INTRODUCTION

- 1.0 This Report presents the findings of the inquiry and the recommendations by the Committee. This Report summarizes the findings and recommendations of the Bills and Legislation Committee ('the Committee') after conducting an inquiry into the **Legislation Amendment, Repeal and Validation Bill 2023** ('the Bill') as required by the Standing Orders of the National Parliament of Solomon Islands ('the Standing Orders').
- 1.1 The Bill's hearing was held over a day at the National Parliament of Solomon Islands, Conference RII, Honiara, on Thursday 26th October 2023.
- 1.2 The relevant government ministry and stakeholders were invited and participated in the hearings. Appendix 1 contains a list of witnesses who came before the Committee, minutes of the proceedings, Appendix 2 contains the list of submissions received.
- 1.3 Other interested stakeholders and individuals were invited to make written submissions.

2.0 BACKGROUND

- 2.0 The Legislation Digitization and Reprints project began in 2017 although the Attorney General's Chamber's Legislative Drafting Department submitted its initial proposal to the Solomon Islands Justice Program in 2016.¹
- 2.1 The objectives of the project was to compile all amendments made since 1996 and create a collection of laws in their current form that could be updated continuously in an electronic format at a far lower cost and with greater efficiency. The collection will be posted on the Solomon Islands Government website with the intention of making the legislation easily accessible to all. Since legal certainty is crucial to everyone, this will considerably support both economic investment and access to justice.²
- 2.2 As a result of the project, specific areas in the legislation have been found that need to be corrected by legislation in order to guarantee that every time an Act is reprinted, it will be accurate. As a result, the following categories of issues were found: misspellings, grammar mistakes, punctuation, and lack of proof that legislation was published in the gazette as required by Section 59(3) of the Constitution as well as Sections 21 and 61 of the Interpretation and General Provisions Act. Additionally, there is no evidence to indicate that legislation commenced lawfully, that consent was published, or that Acts began in the correct sequence.³ For instance, publication in the gazette prior to the date on which assent begins, or prior to publication in the gazette. The development of this Bill was necessary because, while publishing legislation as a reprint is an administrative action requiring authorization by parliament, correcting the areas mentioned above requires an Act of parliament.⁴
- 2.3 This Bill addresses the many corrections required to the body of Solomon Islands Acts that were listed in the processes of compiling and complete updated set of Acts that have not been done since 1996, which is now 27 years.⁵

¹ Lenore Hamilton, Consultant, Written Submission, 29 October 2023

² Ibid.

³ Kyla S. Venokana, Chief Policy Officer, Hansard Transcript, 26 October 2023

⁴ Ibid.

⁵ Ibid.

3.0 GENERAL ISSUES

Lack of administrative tool

- 3.1 The Committee is very disappointed that the backend process of the lawmaking process from Clerk's certification, to Royal Assent, through Gazettal, and Commencement has been poorly managed and administered by the responsible actors in this whole process. It seems that there is no proper lack of administrative tool to track the progress of the backend of the law making process and ensure that each interphase of the process is done properly.
- 3.2 The Committee is of the view that there should be a master register to ensure that the backend process of lawmaking, beginning from the third reading of a bill to the gazettal and commencement is tracked and maintained by the Attorney General's Chamber through the Draftsperson.

4.0 CONTENT ISSUES

Corrigendum

- 4.1 Few errors have been identified that needs to be corrected, however, that will be done by way of corrigendum by the legislative drafting unit within the Attorney Generals Chamber.

END OF REPORT

5.0 APPENDICES

Appendix 1: Witnesses

Date	Name	Position & Organisation
Wednesday 25 th October, 2023 10:37am -11: 36 am	Ms. Dr. Lalotoa Mulitalo	Legal Drafter (Ag),
	Mrs. Kyla Venokana - Sie	CLPO, MJLA
	Ms. Ha'a Hauirae	CLC
	Ms. Florence Joel	DSPM
	Ms. Tiffany Tani	Gazatte Officer
	Ms. Tina Haro	Legal Type - Setter
Thursday 26 th October, 2023 10:37am – 11:37am	Ms. Dr. Lalotoa Mulitalo	Legal Drafter (Ag),
	Mrs. Kyla Venokana - Sie	CLPO, MJLA
	Ms. Ha'a Hauirae	CLC
	Ms. Florence Joel	DSPM
	Ms. Tiffany Tani	Gazatte Officer
	Ms. Tina Haro	Legal Type - Setter
Friday 27 th October, 2023 10:08am – 11:27am	Ms. Dr. Lalotoa Mulitalo	Legal Drafter (Ag), AG Chamber
	Mrs. Ellah Keru	Legal Publication Officer
	Mrs. Kyla Venokana - Sie	CLPO, MJLA
	Ms. Ha'a Hauirae	CLC
	Ms. Florence Joel	DSPM
	Ms. Tiffany Tani	Gazatte Officer
	Ms. Tina Haro	Legal Type - Setter
	Mr. Jefferson Hallu	Deputy Clerk, NPO
Monday 30 th October, 2023	Ms. Dr. Lalotoa Mulitalo	Legal Drafter (Ag),
	Mrs. Ellah Keru	Legal Publication Officer
	Ms. Ha'a Hauirae	CLC

Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS & LEGISLATION COMMITTEE

P.O. Box G19,
Honiara.

Tel: 28520/23424.

Fax: 24272

Committee Hearing into the Constitution (Amendment and Validation) Bill 2023.

Wednesday 25th 2023, Parliament Conference Room II.

Day 1 /2023

Wednesday, 25th 2023, CR II, Parliament House 10:37 a.m

1. Members Present

Hon. John Maneniaru, MP – Chairman

Hon Matthew Wale, MP

Hon. Rick Houenipwela, MP

Hon. John Deane Kuku, MP

Absent/Apology

Hon. Peter Kenilorea Jr, MP

Hon. Derrick Manuarii, MP

Hon. Lilly Maefai, MP

Hon. Silas Tausinga, MP

Secretariat

Ms. Ivory Iruha'a, Committee Secretary

Ms. Monica Sekonga, Senior Admin - Committees

Mr. Sherilyn Ragoso, Hansard Reporter

Mr. Philemon Loe, Principal Media Officer

Mr Sunjay Dhari, ICT Officer

Mr. Pamentha Golo, ICT Officer

2. Prayer

The Legal Drafter Lady said the opening prayer.

3. Welcome and Opening Remarks

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

4. Inquiry into the Constitution (Amendment and Validation) Bill 2023

The hearing proper commenced and the following witnesses from the Office of the Prime Minister and Cabinet, Ministry of Justice and Legal Affairs and Attorney General's Chamber were admitted:

Hearing 1 Witnesses

- i. Dr. Lalotoa Mulitalo, Legal Drafter (Ag), AG Chamber
- ii. Ms Lenore Hamilton, Consultant, AG C
- iii. Ms. Kerrie Faradatolo, SLDC, AG Chamber
- iv. Ms. Ha'a Hauirae SLDC, AG Chamber
- v. Mrs. Kyla Venokana – Sie, Legal Policy Unit, MJLA

The witness made their presentations before the committee.

The committee questioned the witness based on the evidences presented.

The examination concluded.

Closing prayer

No closing prayer

Adjournment:

The committee adjourned hearing at 11: 36 p.m

Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS & LEGISLATION COMMITTEE

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Minutes of Proceedings Committee Hearing into the Legislation Amendment, Repeal and Validation Bill 2023

(No. 16 of 2023)

Thursday 26th 2023, Parliament Conference Room II.

Day 1 /2023

Thursday, 26th 2023, CR II, Parliament House 10:37 a.m

1. Members Present

Hon. John Maneniaru, MP – Chairman
Hon Matthew Wale, MP
Hon. Rick Houenipwela, MP

Absent/Apology

Hon. John Deane Kuku, MP
Hon. Peter Kenilorea Jr, MP
Hon. Derrick Manuarii, MP
Hon. Lilly Maefai, MP
Hon. Silas Tausinga, MP

Secretariat

Ms. Ivory Iruha'a, Committee Secretary
Ms. Monica Sekonga, Senior Admin - Committees
Mr. Theresa Nori, Hansard Reporter
Mr. Duane Baiabe, Chief Media Officer
Mr. Philemon Loe, Principal Media Officer
Mr. Sunjay Dhari, ICT Officer
Mr. Pamentha Golo, ICT Officer

2. Prayer

The Chairman for the Parliamentary House Committee, Hon. Rick Houenipwela said the opening prayer.

3. Welcome and Opening Remarks

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

4. Inquiry into the Legislation Amendment, Repeal and Validation Bill 2023

The hearing proper commenced and the following witnesses from the Office of the Prime Minister and Cabinet, Ministry of Justice, Legal Affairs and Attorney General's Chamber and National Parliament Office were admitted:

Hearing 1 Witnesses

- i. Dr. Lalotoa Mulitalo, Legal Drafter (Ag), AG Chamber
- ii. Ms Lenore Hamilton, Consultant, AG Chamber
- iii. Ms. Ha'a Hauirae, CLC, AG Chamber
- iv. Mrs. Kyla Venokana – Sie, Legal Policy Unit, MJLA
- v. Ms. Florence Joel, DSTC, OPMC
- vi. Ms. Tina Haro, Type – Setter, OPMO
- vii. Ms. Tiffany Tani, Gazette Officer, OPMO

The witness made their presentations before the committee.

The committee questioned the witness based on the evidences presented.

The examination concluded.

Adjournment:

The committee adjourned hearing at 11.27 a.m

Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS & LEGISLATION COMMITTEE

P.O. Box G19,
Honiara.

Tel:
28520/23424.
Fax: 24272

Committee Hearing into the Constitution (Amendment and Validation) Bill 2023
And
Committee Hearing into the Legislation Amendment, Repeal and Validation Bill
2023
(No. 16 of 2023)

Day 1 /2023

Monday 30th 2023, Paul Tovua Conference Room 10:01 a.m

1. Members Present

Hon. John Maneniaru, MP – Chairman
Hon Matthew Wale, MP

2. Absent/Apology

Hon. John Deane Kuku, MP
Hon. Rick Houenipwela, MP
Hon. Peter Kenilorea Jr, MP
Hon. Derrick Manuarii, MP
Hon. Lilly Maefai, MP
Hon. Silas Tausinga, MP

3. Secretariat

Ms. Ivory Iruha'a, Committee Secretary
Ms. Monica Sekonga, Senior Admin - Committees
Mr. Theresa Nori, Hansard Reporter
Mr. Philemon Loe, Principal Media Officer
Mr. Sunjay Dhari, ICT Officer
Mr. Pamentha Golo, ICT Officer

4. Prayer

The Legal Drafts lady said the opening prayer.

5. Welcome and Opening Remarks

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

6. Inquiry into the Constitution (Amendment and Validation) Bill 2023 and Legislation, Amendment, Repeal and Validation Bill 2023, (No. 16 of 2023)

The hearing proper commenced and the following witnesses from the Office of the Prime Minister and Cabinet, Ministry of Justice, Legal Affairs and Attorney General's Chamber and National Parliament Office were admitted:

Hearing 1 Witnesses

- i. Dr. Lalotoa Mulitalo, Legal Drafter (Ag), AG Chamber
- ii. Ms. Ha'a Hauirae, CLC, AG Chamber
- iii. Mrs. Ellah Keru, Legal Publication Officer, AG Chambers

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

7. Adjournment:

The committee adjourned hearing at 10:03 a.m.

Appendix 2: Submissions

Other Submissions

No	Author
1.	Generic Template from Ministry of Justice and Legal Affairs.