

## NATIONAL PARLIAMENT OF SOLOMON ISLANDS

Wednesday, 18 July 2018

The Speaker, Mr Adjilon Nasiu, took the Chair at 09:42.

Prayers.

*Business of the House*

### ATTENDANCE

All were present with the exception of the Ministers for Education & Human Resources Development; Infrastructure Development and the Members for North West Guadalcanal; North Malaita; South Guadalcanal; South New Georgia/Rendova/Tetepare; Rannogga/Simbo and Marovo

### MESSAGES AND ANNOUNCEMENTS

**The SPEAKER:** Honorable Members, on behalf of the National Parliament of Solomon Islands I welcome you as the newly elected Member of Parliament for Gizo/Kolombangara Constituency. Having taken your oath, you are now permitted to participate in the proceedings of this Honorable House. I wish you well as you take up your duties to this House and your constituency.

Honorable Members, welcome to the continuation of the Seventh Meeting of the 10<sup>th</sup> Parliament. The 13 weeks recess, I am sure, have been put to good use by some Members who are able to either visit their constituencies or attend to other important responsibilities. I also note that others have been busy with committee hearings during the break.

As you can see, we have a lot of outstanding business which needs to be dealt with and as such I would like to encourage Members to take your parliamentary duties seriously and to attend to all Parliament sittings. This is so that all parliamentary businesses can be concluded on time before the end of this meeting, and most importantly to overcome the issue of quorum. Thank you.

### PRESENTATION OF PAPERS AND OF REPORTS

- The Telecommunications Commission Solomon Islands Annual Report 2017 (*National Parliament No. 11 of 2018*)

- The Solomon Islands Water authority Annual Report 2017 (*National Parliament No. 12 of 2018*)
- The Solomon Islands Electric Authority Annual Report 2017 (*National Parliament No. 14 of 2018*)
- The Independent Auditor's Report on Solomon Islands Broadcasting Corporation Financial Statements for the Year Ended 31<sup>st</sup> December 2017 (*National Parliament Paper No. 13 of 2018*)
- The Independent Auditor's Report on Commodities Export Marketing Authority Financial Statements for the Year Ended 31<sup>st</sup> December 2017 (*National Parliament Paper No. 15 of 2018*)
- The Audit Report on Rural Constituency Development Funds (2009 – 2012) (*National Parliament Paper No. 18 of 2018*)
- The Report on the Strata Titles Bill 2017 (*National Parliament Paper No. 16 of 2018*)
- The Report on the Anti-Corruption Bill 2017 (*National Parliament Paper No. 17 of 2018*)

## STATEMENT OF GOVERNMENT BUSINESS

### *Bills*

#### *First Reading*

The Constitution (Amendment) (Electoral Reform) Bill 2018

The Electoral Bill 2018

The Solomon Islands Maritime Authority Bill 2018

The Goods Tax (Amendment) Bill 2018

The Payment Systems Bill 2018

The Development Bank of Solomon Islands Bill 2018

### *Bills*

#### *Second Reading*

## THE ANTI-CORRUPTION BILL 2017

**Hon RICK HOUENIPWELA** (*Small Malaita—Prime Minister*) (09:53): I move that The Anti-Corruption Bill 2017 be now read a second time.

Honorable Members and to our friends and fellow Solomon Islands here in the chamber and in the provinces who are listening to us at this hour, good morning to you all. I am very privileged today as leader of the Solomon Islands Democratic Coalition for Change Government (SIDCCG) to now present to Parliament the Anti-Corruption Bill 2017 for its second reading. The time has come for me to bring this much talked about Bill for us to finally enact and fulfill our mandate to our people.

Before I formally ask you to do so, however, please allow me this opportunity to speak briefly on the Bill. Today is a historical day for our country, a day that we and the people of Solomon Islands should be joyful for at last the will of our people is now before Parliament for enactment. I speak with personal joy and gratitude for the hard work by our officials and the continuing support of you fellow Members of Parliament to make this possible.

In particular, I take this opportunity to acknowledge and register my gratitude and thanks to the Deputy Prime Minister, Member for East Choiseul and Former Prime Minister, Honorable Manasseh Sogavare for his leadership and commitment in progressing the Anti-corruption Bill to what it is today. I thank you and wish to assure you that your efforts will not be in vain.

I also wish to acknowledge the contribution by members of the former DCC Government into this Bill and I also want to take this opportunity to thank the Chairman and members of the Bills and Legislation Committee for their valuable inputs, which are now reflected in the Bill before us.

Allow me also to express my heartfelt gratitude to like-minded MPs for keeping the pressure on the government to bring this Bill into Parliament for enactment. I thank our civil society organizations and interest groups around the country for steering the government to do something tangible about corruption. I would also like to thank the media for continuously highlighting issues of corruption and how it is affecting our people, our economy and our country. You have played your role well. Last but not the least, allow me to thank all our fellow citizens of Solomon Islands. To our people around the country, whether or not you have joined in this call to address this problem of corruption in our country, I want to assure you that your collective voice transmitted through the media has been heard by your government. I want to acknowledge that the public demonstration in support of the bill, your feed back on consultations in our provinces on the draft bill itself, the decade long consultation on the federal constitution and the recent nation wide consultation on the political integrity and stability was unequivocal in your desire for the government to address the problem of corruption in our country.

When there is an overwhelming desire by the people, when there is a collective pressure by the people for government to do something about a particular matter, it is because the people are aggrieved by the existence of the problem. We as law makers of this country need to be responsive to the wishes of our people so we can bring relieve and entrench a belief in our people that the problem they face will go away or at least it is being address.

I am sure all of us in this Parliament know about the consequences of corruption and its effect on the economy and the effectiveness and efficiency of our public

services and what it does to public confidence on the government more generally. We all know what it does to our people, whether they are in the urban areas or in the rural villages through out this country. Corruption erodes all opportunities to better their wellbeing.

Indeed, corruption impedes the achievement of good governance. The latter being a fundamental prerequisite to achieving optimal and sustainable economic development. Where the problem of corruption persists and good governance does not exist, it will always be difficult to deliver public services effectively and the provisions of health and education services substandard. Opportunities for hardworking people under economy to grow will also be obstructed. The fact that corruption diverts scarce public monies from public investments in infrastructures, in education, health and the productive sector, it is no surprise therefore why the outcry of our people for the government to do something about corruption. It is an outcry reflecting the way corruption has and will continue to hurt our people. It is an outcry that no one else can do anything about it except us in this supreme law making body of our beloved country.

Many of our honorable members would agree with me that corruption, whether petty or grand, undermines human rights and the rule of law. Indeed its persistence can exacerbate violence and insecurity. It can also lead to dissatisfaction with public administrations, disappointments with government in general and can potentially spiral public anger and unrest.

I would like to take exception to the command definition of corruption as being the abuse of public office for private gain. I have a problem with this narrow definition. First, the abuse of public office can only occur if the public official occupying that office has abused the power given to that office. Second, it takes two, not one, for a corruption action to occur and surely the public official who has accepted, solicit or extort a bribe must be punished for being a party to the corrupt act.

What about the other person or the private company or the organization he or she works for who may have proactively pushed, pestered and paid a bribe for the private gain he or the organization or company he represents wants? I am making this point merely to point out that there is a strong indication that corrupt actions are also peddled by people and organizations and companies in the private sector.

Individuals, companies or organizations may have proactively bribe or attempt to bribe public officials for favor. If it is true that this culture is well entrenched in the private sector and civil society, then I believe that all of us should be very worried about this trend.

It should indeed be worrying because this culture is being practiced and profoundly so in some of the places you should least expected it to see. It is very sad to see that

this evil culture is widespread and prevalent even in the churches today. It is in all church run organizations including schools and other entities. I have to said that my only regret is that these practices are mostly covered up. The good news, however, is that through this Bill with an Amendment at clause 67, it should bring private sector organizations and civil society groups including churches being roped in as well. This Bill is in all of our interest, the public interest of this country. I am talking about civil society groups and the public at large. I would like to point out that I have not seen the so-called public out try except with a few civil society groups.

Earlier this year I was invited to participate in one of this public rallies against corruption. When I arrived at the museum grounds where the people were gathering after the march, I was very surprised to see so few people; probably not more than 50 young people and a few elderlies. The question that quickly came to me was: where are all this people that are supposed to be rallying against corruption in this country? I was very surprised that such a heavily advertised event of so much public interest had attracted so little interest from the public in Honiara. I am very surprised. There were only a few of us at the venue. It would appeared that the public is either not interested in this because they have gotten used to it or they do not care at all. Either way, it is cause for concern to me and should be for all of us.

There was another issue and I found out later that the issue was with the organizers and leaders of the rally. They were the problem. The public could not have confidence in them leading a rally that speaks to the heart and not the outward demonstrations that this leaders are concerned with corruption in this country. It simply means that only a few of us were present with some little children and everybody was looking at us, the leaders who were there. So you see that some of these people represent groups and organizations that are not accountable to anybody. Some of these groups and organizations are known for corrupt and illicit activities. So we have a situation where the supposed to be perpetrators of the fight against corruption are the perpetrators of corruption itself.

Is it surprising that corruption has taken roots in this country? Is it surprising that the public is mute about taking real action against corruption? We should not be surprised. So indeed we have a great cause for concern and worry. In deed we all should be worried because when corruption takes place in the private sector, it imposes a massive tax on private sector operators and consumers, ultimately holding back growth and impedes poverty reduction or our efforts to raise standards of living for our people.

My pointing to corruption in the non-government sectors is not an attempt to divert our intention from fact that public sector arguably has serious problems with corruption.

The point to be emphasized here is that if the corruption culture is well entrenched in both the public sector and non- government sector, then we must recognize that we have a huge problem on our hands. Ultimately, the public official will be held accountable for abusing public office he or she holds for private gains. If we really want to be effective in the fight against corruption, then the Private sector, civil society organizations including religious bodies and other interest groups must be held accountable as well when hocking primary to public officials who are favored, advantaged or have other benefits. It makes sense therefore, that when addressing corruption, we must start from the public sector but this fight must ultimately be inclusive of non-government sector.

The fight against corruption must be comprehensive and persistent. Unlike other criminal offences like assaults, corruption is secretive and normally operates and thrives in the dark, making it harder to prove a corrupt allegation. It is against this backdrop that I would like to highlight the three prompt approach that the Government considered to be significant in the fight against corruption. These three prompt three approach focusses on:

1. The need to skillfully investigate corruption allegation and successfully prosecute them.
2. The need to provide preventive measures through public education and training.
3. The need for Government to work in coalition with the private sector, civil society and the international community in the fight against corruption.

The establishment of a new body, that is the Solomon Islands Independent Commission Against Corruption (SIICAC) by way of this proposed law is crucial to the fight against corruption. We need to develop and build up the capacity of a specialized body to investigate and prosecute corruption. The nature and sophistication of the work of SIICAC does not necessarily fit into the mandates of the existing institution like the Leadership Code Commission, the Ombudsman or the Police. It is justifiable therefore to establish SIICAC to skillfully investigate and successfully prosecute corruption.

The second approach, which is to provide preventative measures to stop corruption, stems from our conviction that it is cheaper for the country to prevent corruption rather than just wait for complaints, investigate and prosecute corruption. The core functions of SIICAC has been constructed to ensure that it will pursue vigorously public education on the effect of corruption and likewise implement schemes

embedded in the Act that will ensure all public institutions, companies and organizations in government and the non-government sector do take steps to prevent corruption.

The third approach requires the government to work in coalition with other stakeholders. This approach is based on a lesson we have learned that the fight against corruption is not just a fight by the government. It is a fight by all of the Solomon Islanders. It is the whole of the country and whole of like minded countries fight against corruption. We can only be effective in our respective fights if we work in collaboratively together.

The need to go in coalition with the international community stems from the fact that we need to keep pace with the ever increasing sophistication of corrupt practices. We need as well to acknowledge the fact that corruption is a cross border problem to all the countries around the world. The proceeds of corruption siphoned of this country need to be recovered and return to Solomon Islands and those who have fled the country after committing an act of corruption needs to be extradited back into the country to stand trial here.

At the national level, the coalition approach will be underpinned by the implementation of the National Anti-Corruption Strategy (NACS) that we have already debated and adopted in our March 2017 Sitting. Government is now required under this proposed law to produce and regularly revise and publicize the NACS when this Bill becomes an Act of Parliament. The strategy's ultimate aim is to reduce opportunities for corruption as well as to increase the probability for detection, civic education and punishment. The content of the strategy is likely to be measures that should be taken by government and non-government sectors to prevent corruption. The strategy is a living document and it is required by this proposed law to be regularly updated.

The Government has also considered it necessary and significant to establish a steering committee to oversee the implementation of The National Anti-Corruption Strategy. The role of the Steering Committee is now recognized by this proposed law. The Steering Committee will comprised of representatives of Government, the private sector and civil society organizations.

For me personally, the advantage of the National Anti-Corruption Strategy's process in its development, revision and implementation stages was that, it will provide transparency particularly in Government's effort to fight corruption. It will also provide an avenue for private-public partnership in the fight against corruption. It will indeed be a process that will heighten the notion of transparency and partnership to all stakeholders in our coalition to fight corruption.

I have been talking at length with regard to the broad approach Government would like to pursue to comprehensively and effectively fight against corruption. I would like to turn now to highlight some key features of the Bill.

Let me at the outset inform you that I am personally much happier with the Anti-Corruption Bill in front of all of us here to the 2016 version of the same Bill. As officials would have mentioned to the Bills and Legislation Committee, there are several changes we have made to the 2016 version of the Anti-Corruption Bill. All the changes based on the Bills and Legislation Committee comments and from our own reviews were made to strengthen the Bill in terms of investigation, prosecution, reporting and going after proceeds of corruption to be returned.

The Bill before you, Honorable Members, compared to the 2016 version will also now address corruption in the private sector, particularly in the mining and logging sector where middlemen or trustees acting on behalf of landowning units are involved.

I would also like to acknowledge and make mention of the fact that the United Nations Convention Against Corruption (UNCAC) was used as guide in the development of the Bill in front of us. We used the UNCAC as a guide for two simple reasons, the first was that Solomon Islands has already acceded to the Convention in 2012, which binds us as a member of the United Nations to implement it. The second was that The Convention provides the benchmarks for national efforts to combat corruption and for which we will be periodically assessed by the UNCAC Secretariat in terms of our efforts to combat corruption.

Apart from the establishment of SIICAC, there are three features of the Bill that I want to highlight. The first of these is the placing in the Bill the role of the Government and the Minister responsible for corruption to ensure that SIICAC and the National Anti-Corruption Strategy are adequately resourced to carry out their functions. The resourcing of SIICAC and the implementation of the strategy is controlled by Government through its fiscal policy priorities and affordability consideration. It is good, therefore, to remind the Government and the Minister concerned of this obligation to ensure we stay effective in our fight against corruption.

The second feature to highlight is the establishment of the role of integrity officers in all public bodies at the national, provincials and local levels. An integrity officer is an established officer of that government agency, who shall nominate and SIICAC accepts that particular officer to be trained and designated as the integrity officer for that agency. At the Provincial level, the integrity officer of the Provincial Government will be the person with whom members of the public can also lodge a corruption complaint.

The third important feature to highlight is the fact that the corruption offences that are being suggested by the Bill are very much the same with the corruption offences currently in the Penal Code. There are, however, two important additions to take note of. The first is that, a private organization whose employee has been found to have bribed a public official for the benefit of the company or organization is now punishable as well under this new Act. Private companies or organizations are not explicitly captured in corruption offences currently provided by the Penal Code.

The second addition to these corruption offences is making available as a defense the giving or accepting of gifts, monetary or otherwise, which can be interpreted as a bribe under our established customary practices. This is an addition, which I must admit, is not found in the (UNCAC). It is our own invention which was deemed justifiable given Solomon Islands context.

Indeed some of our people have argued against that adding of this defense, pointing out that its existence will weaken this proposed law because it will provide for an escape route for corruption offenders.

While I acknowledged these good arguments, the current stance has been taken out of respect and in recognition of Section 75 of our National Constitution as well as that given the Solomon Islands local contexts as a post-conflict country. The Constitution is our supreme law and we have to respect our customs and traditional cultures and being a multi-ethnic post conflict country, we have to do exactly that. We have to continue to grow as a nation in peace building and nationhood building to respect, understanding, tolerance of our various customs, values and aspirations. To totally ignore our customs is definitely not acceptable.

I agree with our former Chief Justice, Sir John Muria in his ruling on the 14<sup>th</sup> February 1997 in the case of Remisio Pusi versus James Leni and others referenced 218/1995, when he said, and I quote:

*"It is a fallacy to view a constitutional principle or a statutory principle as better than those principles contained in customary law". In my view, one is know better than the other. It is the circumstances in which the principles are applied that vary and one cannot be readily substituted for the other"* end of quote.

I believe the views of our former Chief Justice exemplified the spirit of Section 75 of the Constitution.

We have a respectable judiciary in this country and because of this, I am inclined to give a chance to the judiciary to develop jurisprudence over the application of custom as a defense in corruption cases. We appreciate that many who commit

corruption offences will be attempting to use this defense, and they should if there is merit, in invoking this defense. We are confident, however, that the conditions to be satisfied to successfully use this defense are already watertight to ensure the action under question was an act conducted according to customs and traditions. Let me assure you that the government stands ready to further tighten these conditions in the future if need be.

To my mind, much more important is the decision of our Courts on the use of this defense in a specific case. As the framer of this proposed law, I am not interested in whether the Court upholds this defense or not. It is how the Court decision was derived that matters because it will be educational and significant to the continuing process of peace building and integration of our multi-ethnic society, a process that is underpinned by the principles of respect, understanding and tolerance for our customs and values. It is far more acceptable to society if the Court says that an act of exchange or considered to be bribery by the prosecutor is in fact an act not in accordance with customs than for an authority outside of the Court to say the same. To totally exclude custom practices as a defense, however, would undoubtedly be vindictive of our defiance of Section 75 of the constitution.

Before I conclude my remarks, allow me to say a few words on one particular matter of concern to our people that has come up quite often in the media. This matter concerns illicit wealth or unexplained wealth. It has been plain that the Bill does not address the problem of unexplained wealth. Let me make it very clear that I do agree that if it is proven that a leader or public official has amassed his or her wealth by way of corrupt acts, then that person must be prosecuted for corruption whether that is an act of abuse of office or acceptance of bribe in return for a benefit.

To that end I believe Clause 42(2)(b) of the Bill now before the House has provided sufficient powers for the SIICAC to commence an investigation to any allegations of illicit wealth. For SIICAC to exercise these powers, however, it is expected that they will work very closely with the Leadership Code Commission (LCC) because LCC is the depository of asset declarations that all of us leaders and public officials are required to provide. SIICAC may even have to exercise its own powers to require the leaders or officials concerned to provide a fresh asset declaration, and if there are indeed assets that are disproportionate to the persons level of known income, investigations should then commence into how those assets have been acquired.

There is nothing wrong with amassing assets or being wealthy. It is when these assets and wealth is acquired through unscrupulous acts, like using the power of your office to extort payment in return for a favor that it becomes a matter of concern and needs to be investigated. I acknowledge that the Bill does not have specific provisions on illicit wealth or unexplained wealth, but as I have explained, the bill

has provided sufficient powers for SIICAC to commence investigation into unexplained wealth on receipt of credible information from another source like the LCC.

As I now conclude my remarks, please allow me to reemphasize the importance of this Bill in the fight against corruption. I have made the case to you my honorable colleague members to join me in the fight against corruption to support this Bill. This is not just for you or me, but for the sake of our people and the future generations of this country Solomon Islands. So it cannot be over emphasized how corruption eats into our society and our government. The impact of corruption is far greater than just the diversion of resources. Corruption is corrosive of society and contributes to a justified lack of trust and confidence in government, public institutions and all systems of governance.

Corruption eats into all systems of good governance like cancer corrodes body organs. And suffice to add that the worse consequences of corruption are borne by low income earners and vulnerable groups, the very people we represent in this esteemed House. Bribes, for example, can make basic services available only to those able to pay, and it is the bulk of our population who are in low income brackets and more reliant on public services. They are more likely to be disproportionately harmed by what we may be in financial terms 'small time corruption.' We must not allow this to continue.

Our people at the grass roots level have the most to lose from rapid degradation of natural resources, stemming from corruption when laws and regulations are circumvented. Illegal logging, for example, to which corrupt officials and many community leaders turn a blind eye already threatens the ecosystems on which our people depend for their livelihood. It has already divided thousands of families and tribes, making our local communities more vulnerable to our lawlessness and instability. It is the destructive impact of corruption to our people and to our economy that I would like to appeal to you all my fellow Members of Parliament. Let us all join together and fight this fight against corruption together. This is a decisive time for you and me in the history of Solomon Islands. Let us be courageous and stand up to safeguard the interest of our people. Let us commit to fighting corruption out of our common commitment to wipe out poverty and transcend this country into prosperity.

Today we have to respond to our people and to entrench in their belief that the problems they face because of corruption will go away when we pass this Bill and begin our earnest work to fight against corruption. My honorable colleagues, let us elevate our standing in the eyes of our people and our country and in the eyes of the international community. This is our gift to our people, come and join me in passing this Bill.

I beg to move that the Anti-Corruption Bill 2017 be read the second time.

**The SPEAKER:** Honorable Members, it is proposed that the Anticorruption Bill 2017, be now read the second time. Normally under Standing Order 48(5) at this point in a bill, the debate is to be adjourned for three clear days. However, I note that the Bill has been on notice for the last seven months and since the Government wishes to proceed with the second reading debate today, I now call on the honorable Prime Minister to take the necessary steps.

**Hon RICK HOUENIPWELA:** Mr Speaker, I seek your consent to move a suspension of Standing Order 48(5) in accordance with Standing Order 81.

**The SPEAKER:** Leave is granted.

**Hon RICK HOUENIPWELA:** I move that Standing Order 48(5) be suspended in accordance with Standing Order 81, to permit the debate on the Second Reading of the Anticorruption Bill 2017 to resume today.

The reasons- and I think the Speaker already highlighted one of the major reasons- that I feel that this Bill has been with us for longer than necessary. We have all debated it at the corridors and between ourselves. I think the consultations too have had quite an extensive period. The Bill itself has gone through the Bills and Legislation Committee at least twice, and I think it is now time that we continue with it. The other point is that we have or Parliament has a very heavy agenda in front of it and so we need to finish off with our Bills. We need to finish off with this Bill at the latest, maybe early next week, so that Parliament can complete the heavy agenda that is before it.

I want to ask for the Members' understanding on this because it is very important that we get on with the business of Parliament.

**The SPEAKER:** Honorable Members, it is proposed that standing order 48(5) be suspended in accordance with Standing Order 81 to permit the debate on the Second Reading of the Anti Corruption Bill 2017 to resume today.

**Mr MATTHEW WALE** (*Aoke/Langalanga*) (10:33): Whilst I conquer with the reasoning of the Prime Minister, most of us have not been aware of government business until this morning and so we were not anticipating that this is the Bill that would come up. I do not know how other Members feel but it would be good for more Members to make contributions and to have a time to digest the report that we just tabled, I think yesterday or this morning, and then to make a more meaningful intervention on the debate. Whilst I would not be normally opposed to a suspension of Standing Orders in this matter, I think it would be significance of this Bill in such we want more rather than less Members to speak on it. That is the point that I would like to raise.

**Hon. MANASSEH MAELANGA** (*East Malaita—Leader of the Opposition*) (10:34): I would like to thank the Prime Minister for moving the Motion for us to start the debate on this Bill.

I am inline with what the chairman of the Bills and Legislation Committee said, that we just tabled the report yesterday. What I would like to say here is that it is good for all Members of Parliament to debate on this Bill. There might be only a few of us contributing to the debate in situations like this. It would be good for all 50 Members of Parliament to take part in the debate.

This is a very important Bill as the Prime Minister said. All of us want to see that this Anti-Corruption Bill goes through and we want to hear from all of us leaders to share our views on this important Bill. I think we need to given a day so that some of the MPs can prepare their debates. Some MPs might have just seen the report today. I think it is good to give them time to look through the report and prepare their debates. We still have time to go through all these Bills and pass them. So I oppose the amendment to the Standing Order moved by the Prime Minister.

**Hon RICK HOUENIPWELA:** I will put it to the vote so we vote on it to see whether we will postponed the debate as per the Standing Orders or the House have grants my request. I will leave it to you, Mr. Speaker.

*Question agreed to*

*Motion is passed*

**Mr MATTHEW WALE** (*Aoke/Langalanga*) (10:39): I want to start by reading from scripture in Jeremiah 17:9, which says:

*The heart is deceitful above all things and beyond all cure,  
who can understand it?*

We reflect on our own hearts and the things we ponder and the things we focus our minds on. We understand that this is true, that what Jeremiah said is very true. It is good for us to reflect on this as we ponder on the proposals contained in this Bill.

I would also like to congratulate the Prime Minister, Deputy Prime Minister, the Government and the officials who have worked tirelessly on this Bill, in making sure that this Anti-corruption Bill 2017 is now read the second time. I acknowledge that it has not been an easy piece of legislation to navigate through Caucus, Cabinet and Parliament. The source of this unease or this dis-ease maybe varied but today is testament to the government having worked through the contentious issues within its own ranks to help its members understand the need for and the importance of this Bill to our country.

I said much on the debate on this Bill's forerunner, the withdrawn Anti-Corruption Bill 2016. Much of what I said then is still pertinent to the debate on this Bill. However, I shall not bore parliament by repeating what I said in that earlier debate.

There is no doubt in anybody's mind that the public life of this country is mired, distorted, retarded, degraded, and decomposed or decomposing by corruption. It has spread like a terrible viral disease across different levels of public life in our country and society. It has so permeated all levels of our society that one can be forgiven for holding the pessimistic view that nothing can be done to minimize or eliminate corruption from our midst. Some may argue that we can pass any legislation to address corruption but even those charged with the responsibilities under such laws may fall victim to corruption, and thereby undermine the effectiveness of such laws against corruption.

We have had recent experience of Commissioners of Lands, Commissioners of Forests, Permanent Secretaries, Accounting staff in Public Service facing charges of corruption. And this, it is said, is the tip of an ice-berg. The amount of public funds and resources that are lost to corruption are simply too large to ignore this problem in our public life. It is therefore in our interests that public officers are protected from corruption, as it is in our interest that public services are protected from loss of government revenues and resources.

How much better funded could our healthcare system be if the resources lost to corruption were to be allocated to health? We run out of essential medicines for extended periods at a time. And yes, no doubt some of that is due to incompetence and mismanagement. But how much better would it be if there was adequate funding every year for medicines so that the National Medical Store does not exist on a day to day crisis management mode? The state of our hospitals and clinics is generally very poor, not to speak of the remuneration of health care professions.

Much the same can be said about the quality of our education system, its under-resourcing, the poor quality of the facilities, and the infrastructure and the remuneration of teachers.

Corruption does have an impact on these public services. It adversely affects both the quality and the reach of those services to all our communities throughout these lovely islands. Some parts of the country, as you know, never get to feel, never get to see government because they do not access government services in an entire year. The extent to which corruption deprives government of providing public services to these very remote communities is deplorable.

It is not right that there are no medicines at our hospitals and clinics. It is not right that avoidable deaths occur at our hospitals for lack of basic medicines and basic

equipment. It is not right that some children do not attend school because there is simply not enough classrooms.

I have said on many occasions, as I repeat today, our democracy is founded on the basic principle of trust.

All those occupying, possessing and exercising government are doing so in trust on behalf of the beloved citizens of these beautiful islands. The citizens expect elected officials and the appointed civil servants to know, to understand, to respect and to honestly exercise that trust on their behalf. The basic characteristic of trust is that the person on whom the trust is placed either does not own personally or is part of a larger group that owns the offices with their commensurate powers and responsibilities.

No civil servants, no Member of Parliament, no Member of the City Council, no Member of a Provincial Assembly exercises powers, privileges, access, resources that charged to their responsibility by the offices they possess in their personal capacity for their personal interest and benefit. Officers both elected and appointed, and powers conferred by law are public and must be exercised in the best interests of the public only. The elected official and the public servant, when exercising powers and responsibilities under their charge, must always ask the question, "am I serving the greater public?".

Our laws are the embodiment of the trust place on those occupying and exercising government, both elected and appointed. These laws translate the trust expectations into boundaries for acceptable exercise of public powers and responsibilities. Trust requires that these boundaries are respected and proactively protected. In our context, boundaries have been deliberately blurred or crossed. When this happens, it is more likely that a corrupt practice is being or will be perpetrated, or at the very least, its lends government vulnerable to corruption.

The boundary between Ministers and Permanent Secretaries is an example. There is a clear boundary here that must be respected by Ministers, and proactively guarded by Permanent Secretaries. Ministers cannot and must not issue directives that breach this boundary. And Permanent Secretary, when a Minister issues one of these directives crossing that boundary, you must not be scared because of your contract. You must stand up and say to the minister that he or she does not have the power to give such directive. We know of cases when this boundary has been breached, and the result is a breach of public trust. Much the same can be said of the boundaries between Directors or Commissioners exercising statutory powers and their Ministers or Permanent Secretaries.

The Director of Fisheries, the Director of Environment, Director of Mines, Director of Immigration, Commissioner of Forests, Commissioner of Lands, Commissioner

of Labor, Commissioner of Police are a few examples of the positions charged with statutory powers that must be exercised in the interests of the greater public good. Those occupying such positions must exercise these powers and responsibilities without fear or favor. If decisions are made under the influence of fear or favor, it is more likely that corrupt practice will result.

Trust dictates that where the law is silent or is unclear on a particular matter, those charged with exercising the powers under that law must err on the side of caution. They should not just exploit the silence in the law or the lack of clarity and do a thing that is marginal. Such caution will require that there is wider consultation to gain the widest possible range of views and advice before a decision is taken to ensure public trust is not broken and the greater public good is advanced and protected.

Of course, trust is cultivated in a sense of identity and belonging. We are all citizens of this country and belong to its national community and therefore ought to be dedicated to the greater good of that national community beyond our own personal good. This is a continuing challenge in our country. We continue to struggle with a sense of national identity. There is a low sense of ownership or membership of this country and thus its public life and government. Because of this basic lack of ownership and membership, our government is vulnerable to the syndrome of "everybody owns it, therefore, nobody owns it". In this situation, those possessing public offices and powers are more likely to see these as opportunities to maximize benefit to themselves and those closest to them.

As Members of Parliament, we are well aware of the lack of demand for good governance at the grassroots level. As long as the individual receives a personal benefit, he or she does not care about the greater public or community good. If faced with the choice of either receiving a benefit personally or as part of a community, most individuals are more likely to choose to receive the benefits as an individual. This translates to the higher levels of our government system. I am afraid to say that this is also prevalent in the government and Parliament. This is because its root is at the grassroots level, where the electorate is. Much work needs to be done at that level and this anti-corruption strategy commission must continue when it is set up, proactively and aggressively.

Please do not be offended when I say that often in the government, it is obvious members are far more interested in their personal and political benefit than in the greater national good. If we look at the budgets we can see what the favorite funding lines are, and why. Some of these make a very weak case on whether they are in the greater national good. The national economy teeters on the brink of more hardship because of this self-service mentality entrenched in the government's budgets. This problem has gotten worse in the last eight years, as it has become

acceptable to demand personal, political benefit in the budgets and the restraints that come with seeking the greater public good are worn out and deliberately ignored under pressure of the numbers game. We have foregone opportunities to place our economy on a sustainable footing and trajectory because we have placed so many unsustainable demands, most of which are of political benefit to members on the annual budgets. These demands crowd out the strategic.

We can go a step further and look at the public expenditure. A review of public expenditure will very quickly reveal the level of personal and political benefit and the interest of individuals, whether directly or indirectly.

Worst still, there is a class of individuals who parasite on government. They are very smart in identifying funding lines in the budget and they are very smart in producing creative proposals to secure funding. They also make it their everyday business to cultivate relationships in critical positions in the government machinery; positions that are critical to securing approval of their proposals. They are also good at relationships that will ensure that payments will be released very quickly from treasury.

You will find their payments tend to be released very quickly, much more quickly compared to payments for normal legitimate government expenditure public services. These individuals share a common characteristic, for all the money they steal from government, none of their projects seem to work. We know these people if you go down to the treasury you will see them having access to go in the office. Their names are on the list of payments on the various budget funding lines, that is why the bleeding is happening in the budget. That is why there is shortage of medicines and children are dying.

Corruption has an immediate impact in our context. The same trust principal applies to any organization that plays it trust on a few to occupy and exercise responsibilities on behalf of its members. As was mentioned by the honorable Prime Minister, churches, business, trade unions, saving schemes, associations, supporting bodies, tribes, land trustees and so fort, all operate on the basis of trust, trust that is based on common values and principals whether written or not.

There is a difference between poor decision making and corrupt decision making. The former is born of poor judgement whilst the latter is motivated by personal benefit of some sort. Unfortunately, and contrary to what the Prime Minister said earlier, this Bill does not deal in any substantive way with corruption outside of the public sector. What the amendment says in Clause 67 is only a scratch on the surface.

It is precisely because of the need to protect the public trust in government that there is need for legislation of this kind. This need is made more pressing, desperate and

urgent because of the debt and perceive invasion of our government by corruption. Ours is a country that boost over 90percent of its population as Christians. It would be wonderful if this statistic bore out in a radical Christianity that does not merely express itself in church attendance and ritual, important as those are.

Would it be fair to say that almost all of the individuals occupying and exercising government offices and powers are Christians? If this is the case, why is corruption in the public sector so pervasive?

We owe the leadership of this country not just in Parliament and in government but throughout society would do well to reflect on this. The churches must also reflect on the quality of their discipleship that produces members that divorce their Christianity from their public lives. This is a challenge for all of us.

Permit me to read a few more verses from scripture that ought to affect our Christian discipleship in the public life and inspire us to good leadership in the civil service and in political office:

Job 28:28: The fear of the Lord – that is wisdom, and to shun evil is understanding.

Proverbs 15:16: Better a little with the fear of the Lord than great wealth with turmoil.

Proverbs 19:23: The fear of the Lord leads to life; then one rests content, untouched by trouble.

2 Chronicle 19:9: You must serve faithfully and wholeheartedly in the fear of the Lord. This on 2 Chronicle 19:9. I think we must add it to this oath which our new member just received because this oath to fear of the Queen and her successors is nothing in our context.

Let me now turn to the bill. The Anti-corruption Bill 2017 ought to be an improvement on the 2016 version that was withdrawn by the then Prime Minister. His reason for the withdrawal was so that the government could consider the matters raised by the Bills and Legislation Committee in its report on that 2016 Bill. In the Bills and Legislation Committee was the honorable Prime Minister, he was a member of the committee and the chairman was the Minister of the Public Service. When the Prime Minister was talking, I am not sure if he was reading the report that we published and tabled in the past. As it is important that the House understands the choices that have been subsequently made by the government, I will endeavor to outline the matters raised in that Bills and Legislation Committee report and see how the government has dealt with them in this 2017 Bill.

At that time the Bills and Legislation Committee made a total of 16 recommendations in its report on the 2016 Bill. We can exclude recommendations 4

& 16 as generic matters that are applicable to all legislation coming before the House.

Recommendations 1 & 2 concern the National Anti-Corruption Strategy. The Secretary to the Prime Minister informed the Committee that further consultations were carried out on this strategy and that provincial governments were consulted. The strategy document has been launched and the government must be congratulated for this achievement. It is important for the government to remain focused on pursuing the outstanding tasks in that strategy and especially awareness for educating our people of the requirements for this Bill.

Recommendations 3, 5, 7, 8, 9, 10, 11, 12, 13 & 14 were rejected by the government. A total of 10 out of the 12 recommendations that were specific to the 2016 Bill. This effectively leaves only two recommendations that form part of the amendments in this 2017 Bill. It is important that the House sees clearly what choices the government made on those two recommendations.

Recommendation 5 on unjust enrichment or illicit wealth was not accepted by the Government. It has contended that Clause 45 adequately deals with this concern. However, Clause 45 is inadequate to capture this very important and significant avenue of corrupt enrichment. Clause 45 merely deals with reporting. Granted that the reporting could uncover and point to unjust enrichment; that I grant, but on its own it is inadequate.

An adequate provision for capturing unjust enrichment, as seen in other jurisdictions, would permit the freezing of assets suspected of being unexplained wealth or tainted property. It would also place the burden of proof on the defendant and impose very high penalties for the offences associated with it. The offences and penalties in Clause 45 are to do with non-compliance with Clause 45 itself, with the reporting requirements and not with unjust enrichment. I supposed here reliance will be placed on the Money Laundering and Proceeds of Crimes Act to deal with the illicit wealth itself, but even there, there are weaknesses.

When the Prime Minister spoke earlier, he referred to clause 42 as that would give adequate power to the Commission. Clause 42 is empowering the Commission to deal with the corruption investigations. There is need for specific provision to deal with unjust enrichment or illicit wealth. This was a recommendation made by the Prime Minister, the Minister for Public service and the Minister for Planning who were on the Bills and Legislation Committee. They joined the Government and forgot all about their recommendations and did not include them. I am surprised to hear the Prime Minister trying to explain illicit wealth as if he was not aware of these concerns.

It was contended that placing the burden of proof on an accused person undermines the principle of presumption of innocence. I grant that this true to an extent, but only to a limited extent. Other common law jurisdictions have adopted such provisions in their anti-corruption laws that have been operational for many years, and its application has not had any detrimental effect on the principle of "innocent until proven guilty". It is highly regrettable that the government made the choice to omit this important provision. Such a provision would have been arguably the most effective tool in the Commission's arsenal to fight corruption.

Recommendation 6 was accepted by the government and the concern has been adequately covered. Except, in Clause 11(5)(b)(iii) it seems to have overreached in also excluding ordinary members of political parties. We want to encourage ordinary citizens to become members of political parties and participate in the political process. Ordinary membership of a political party should not be used against them in this manner. Of course, office bearers of political parties ought to be excluded.

Recommendation 15 was accepted by the Government and fully taken onboard in Clause 11(4) of the Bill now before us.

Let me briefly go to Clause 6 of this 2017 Bill. Clause 6 is not mentioned by The Prime Minister and I was listening to hear if he says anything on it but he did not. Clause 6 is a new addition by the Government not recommended by The Bills and Legislation Committee.

To understand the legal effect of Clause 6 of the Bill, it is important to first see what Section 10(4) of the Constitution says, as it is relevant to what Clause 6 purports to achieve. Section 10 (4) says "no person shall be held guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed."

In this section, the Constitution clearly prohibits retrospective application of any criminal law. The Constitution protects against a person being held guilty of a criminal offence which was not a criminal offence at the time it happened. The rights and liabilities of a person must not be affected by retrospective application of criminal law. Although Parliament may make laws that retrospective effect, Section 59(3) of the Constitution clearly subjects Parliament's law-making power to section 10(4). In other words, the Constitution prohibits Parliament from criminal law that has retrospective effect. This presumption against retrospectivity in criminal law is a basic protection afforded by the Constitution, and one that we must continue to uphold and respect. It is basic to having a just society.

So the question naturally arises, why is Clause 6 of the Bill necessary when the Constitution already provides adequate protection against retrospectivity? Further, a reading of the Interpretation and General Provisions Act Section 25 subsection 2 will clearly point out that Part 7 of this Bill will effectively repeal on the day of commencement.

Part 7 of this Bill deals with amendments to the Penal Code and so it will become part of the Penal Code on commencement when this Bill becomes Act. The only offences that will remain in the Bill itself will be those in Part 5 and relate to impeding the functions of the Commission under Part 4. Obviously these offences on Part 5 on the Bill can only apply to conduct that occurs after commencement of the Act and the establishment of the Commission itself. Functions of the Commission itself can only be impeded if the Commission itself exists and is pursuing those functions. So is there a risk that offences created under Part 5 of this Bill will have retrospective effect? None whatsoever, here again, there is no need for Clause 6 of the Bill.

Do the amendments under Part 7 of the Bill risk retrospectivity? Again, none whatsoever. The amendments only seek to give greater clarity and broader coverage to the current offences in the Penal Code. Again, the interpretation and General Provisions Act Section 20(2) is clear that a person can only be charged under laws that existed at the time the alleged conduct occurred. Here again Clause 6 is no necessary.

Will Clause 6 prohibit the investigation and prosecution of conduct under current existing offences in the Penal Code? Certainly! This Bill cannot and does not do this. The Police and the DPP can and must still investigate and prosecute offences under the current Penal Code. If members hope that Clause 6 will protect their past conduct from investigation and prosecution, such members are misled. The Bill accords no such protection.

So therefore, what does Clause 6 achieve? Clause 6(1) says this, "This Act does not apply in relation to conduct that occurred before this Act commences". And then sub clause (2) says, "Without limiting subsection (1), the Commission's powers under Part 4 do not apply in relation to conduct that occurred before this Act commences." Part 4 of the Bill contains the Commission's functions in receiving, investigating and prosecuting corruption offences.

Clause 6 of the Bill prohibits only the Commission from investigating and prosecuting conduct that occurred before commencement of this Anti-Corruption Bill when it becomes an Act. And such conduct is only restricted to those impeding the functions of the Commission. Such functions will not have existed, anyway, before the commencement of the Anti-corruption Act. To this extent, Clause 6 is

purely academic at best, but alas, unnecessary. Clause 6 does not prohibit the Police and or the DPP from investigating and prosecuting any prior corrupt conduct.

Is Clause 6 useful to the Bill? It does not appear so. The Bill does not offend section 10(4) of the Constitution, nor does it offend section 20(2) of the Interpretation and General Provisions Act. Clause 6 has very little value. In fact, Clause 6 precludes the Commission from establishing a history, perhaps, of corrupt conduct in its initial cases, as it is precluded from these and that cannot be a good policy outcome. Clause 6 should never have been included in this Bill. This is a highly regrettable addition and a terrible choice by the Prime Minister and the Government.

The defense of custom which the Prime Minister alluded to earlier. Incidentally when the Prime Minister was on the Bills and Legislation Committee, he fully backed and supported this recommendation and now he turns around and justifies it.

The provision for the defense of custom against the offences of bribery of public official and bribery of foreign public official in the amendments to the Penal Code in a considered view of the Bills and Legislation Committee is a serious setback in the fight against corruption. This will likely undermine custom, as it becomes vulnerable to being used as a pretext for what would otherwise be corrupt transactions.

It is important that laws recognize our customs. However, we must not allow our customs to be used or abused as grounds for transactions that may be marginally ethical. Our culture is based on reciprocity, and this is a strength in our value system. However, in today's world of monetized exploitation, it lends our communities and people vulnerable to unscrupulous dealings masquerading as custom.

There will be social consequences to this, as community and traditional leaders may be compromised and placed in some difficult situations. If such were to happen, community order and cohesion will be undermined. What, on the face of it, appears innocent policy may in fact be a threat to the basic fabric of our society. A clear prohibition of the defense of custom would be much more helpful in the fight against corruption if the government truly took a zero tolerance approach. Civic awareness could then be conducted nationwide to educate our people and communities on such a prohibition.

Further, this defense will inadvertently discourage prosecution of offences that may be marginal. Investigations and prosecutions are expensive and the Commission will have to exercise a duty of care to ensure that its resources are applied to cases that are likely to succeed. This may have the effect of leaving any conduct that is

deemed open to the defense of custom from being investigated and prosecuted. This would be an undesirable policy outcome.

It is the considered view of the Committee that this defense ought to be removed from the Bill. It ought to be clear to everyone that matters of custom remain within the realm of custom and that matters of public office and government be kept clear of custom.

I now move to the Financial Independence of ICAC. Clause 29 purports to give financial independence to the Commission. However, as is the experience of the Ombudsman since the passage of similar provisions for his office, there is no real meaningful financial independence. In his evidence, the Ombudsman was at pains to express his frustration at the lack of financial independence of his office. Is financial independence the policy objective here? If so, it is clear this Clause is inadequate to grant it.

What clause 29 does is placing the decisions on budget allocations away from the Commission and keep it in the hands of the Budget Unit, and in terms of cash flow management and payments, in the hands of the Treasury in the Ministry of Finance.

Further, staffing is under the control of the Ministry of Public Service in so far as the staff establishment and levels within the office are concerned. Again here, the experience of the Ombudsman is instructive, as he has similar provisions almost word for word as contained in Clause 27 of this Bill, but has not been able to secure the positions at levels required for his office. Can we expect different under this Bill?

Experience tells us that much the same is to be expected under this Bill. Experience tells us that much the same is to be expected, unfortunately. To mitigate these issues at the very least, there must be very close collaboration and cooperation between the Commission and the Ministry of Finance and the Ministry of Public Service and the Public Service Commission. Although, as in the case of the Ombudsman, this has so far not worked as well as was expected.

On the matter of staffing and the Scheme of Service, the Learned DPP pointed out that his constitutional office has struggled to recruit and retained professional staff. Much the same is the experience of the Public Solicitors Office. One could say that this is the case right across the entire civil service in so far as the professional cadre is concerned. This is a much bigger issue that must be urgently addressed by the government, and to cover all professions to avoid an ineffective ad hoc piecemeal that need for a professional cadre is now urgent and cannot continue to be postponed by the government. The DPP officer that is a bit closer to him is now working at the PMO because you have paid those at the PMO higher than the Deputy DPP.

A lot of workload at the DPP office to prosecute but the pay is not good enough and so we cannot get the experience lawyers to remain. Once they get their experience, they will leave and go elsewhere or go to practice and therefore we need to staff the offices with the resources that they need to implement such laws.

The DPP identified the challenge of attracting and retaining capable lawyers as a major threat to the effectiveness of the Commission. The work of the Commission depends on having capable staff without which commission itself will be ineffective. The Commission will become part of our judicial offices to the extent to which they are involved in prosecutions in collaboration with the DPP. And it would appear, that the judicial offices generally have been deliberately staffed of adequately qualified and experienced professional staff. This situation is desperate and urgent and ought to command priority. This situation must change.

The government is simply not taking this matter seriously enough and giving it the urgent and priority attention it requires. I remember asking questions on this issue for a few years now and it still does not changed.

I come to the matter of inadequate private sector coverage and again the honorable Prime Minister dwelled on this matter in quite some length this morning. It ought to be a requirement in the Bill imposed on all organizations dealing with the government to adopt minimum standards and rules against corruption. All organizations that received grants from the government, companies that bid to be preferred suppliers, companies bidding in government tenders, companies applying for resource extraction licenses, foreign companies applying for foreign investment approval, all of these should all be roped in by the Bill. Every trust and organization apply to registered under the Charitable Trust Act, should be roped in by the Bill but the bill does not do that. This, if it were to be done, will expand the coverage of the Bill in influencing private sector behavior and the behavior in the none-state sector.

This is an unfortunate but serious oversight. The current disposition in the Bill is a very passive one but needs to become proactive. What the Prime Minister said on the amendment to the Penal Code that there is punishment for someone from a private sector company bribing a public official is very good but not enough. It is passive, it is applied after the offence or conduct is being perpetrated. If we rope them up front, then they are on notice and the preventive approach will be much more effective so that we do not waste money and time on investigations, unless it is really serious but internally the organizations will able to identify the corrupt practice and have protocol processes of how to deal with it so that it saves the government resources and time.

Further work needs to be done on this matter so that sometime later some amendments could be made to further strengthen the anti-corruption fight and broaden the net to include the supply side of this problem. The Prime Minister was right that there is two sides to this problem. There is the demand side asking for bribe or a wink for a bribe and there is a supply side, there is the other person who is willing to give the bribe or to give treatment for it. Unfortunately, the Bill focuses on the demand side and it totally almost neglect the supply side of it contrary to what the Prime Minister said this morning.

I come to the matter of seconded police officers to the Commission. Section 43(5) of the Constitution gives total independence to the Commissioner of Police in the use and operational control of the force. The Police Act is clear that all police officers are subject to the authority and direction of the Commissioner of Police. Therefore, it would appear that Clause 26(3) is a direct breach of Section 6 of the Police Act. This ought to be better drafted to achieve the policy outcome of allowing police officers to be seconded to the Commission, without compromising section 6 of the Police Act and undermining the use and operational control of the RSIPF by the Commissioner of Police as required by section 43(5) of the constitution. The Commissioner of Police himself also raised this matter with the committee as requiring clarification.

On the matter of qualification for appointment as chairperson of the Commission, section 80(1) of the Constitution imposes the age limit of 70 years as the maximum for a judge of the high court. The Bill, in Clause 11(6), ties the age qualification of the chairperson of the Commission to that of a judge of the High Court, "at the time of the nomination". This means that a person may be nominated for the position of chairperson up to or on the day he or she turns 70 years of age, but such a person is precluded from reappointment after serving one term in that role. This is unfortunate. Solomon Islanders are living longer. We thank the Lord. The role of Chairperson suits a person such as a retired judge or a retired senior barrister or solicitor. Such people would bring a wealth of experience to the role. The Bill is unnecessarily limiting such persons from being considered.

Further, Solomon Islands does not yet have many persons with the qualification and experience that form the pool of eligible persons that could be nominated for such a role. The Bill ought to be amended in this clause to remove the restriction. Conversely, the Constitution could be amended to increase the age limit for judges to 75 or an appropriate age. This would have the double benefit of making experienced learned lawyers available longer for both the Court and the Commission.

Let me conclude. The Anti-corruption Bill 2017 is defective and could have been stronger in the key aspects that would demonstrate a zero tolerance in the fight

against corruption. As it is, the approach is not one of zero tolerance. It is clear there is weak political will to have the best possible legislation to confront this scourge in our midst. This is evidenced by weak provisions on unjust enrichment, the provision for the defense of custom, and the pretensions of an unnecessary Clause 6 in the bill. However, the Bill does contain enough provisions to place the country in a much better position in the fight against corruption. The amendments to the offences in the Penal Code are improvements on current provisions.

The Anti-Corruption bill 2017 is not giving Solomon Islands a clean slate, rather it is offering Solomon Islands a step towards, a new chapter in our journey toward a more open, responsible and just government and society. It is a step in the right direction; the direction of regaining, rebuilding trust in the people's government and the Government ought to be congratulated for sticking with it and bringing it to the House. It therefore deserves the support of the House. Thank you.

*Sitting suspended at 11.40am*

*Parliament resumed*

**Hon. MANASSEH MAELANGA** (*East Malaita—Leader of the Opposition*) (1 :30): I just want to raise that there is no quorum.

**The SPEAKER:** We will give 15 minutes and wait for the others to come back.

*The House waited for 15mins but there was no quorum gained*

*The House adjourned at 1.48pm*