

WEDNESDAY 12TH AUGUST 2009

The Speaker, Rt. Hon. Sir Peter Kenilorea took the Chair at 9.53 a.m.

Prayers.

ATTENDANCE

At prayers, all were present with the exception of the Ministers for Planning & Aid Coordination; Justice & Legal Affairs; Foreign Affairs & External Trade; National Unity, Reconciliation & Peace; Fisheries & Marine Resources; Environment, Conservation & Meteorology; Lands, Housing and Survey; Provincial Government & Institutional Strengthening; Public Service; Education & Human Resources, and the Members for West New Georgia/Vona Vona, East Are Are, Temotu Pele, Central Honiara, West Are Are, East Makira, North Guadalcanal and North West Guadalcanal.

QUESTIONS AND ANSWERS

Auki market & jetty

63. Mr **OTI** to the Minister for Infrastructure Development: What progress is made in the construction of the Auki market and jetty project funded under Japanese aid?

Hon. SOFU: Mr Speaker, I thank the Member of Parliament for Temotu/Nende for asking this very important question on the progress of these very important projects in Auki, Malaita Province.

Sir, this project has been rescheduled by the government of Japan for the financial year 2009/2010. This is because the initial bidder for 2008/2009 financial year was not successful because of not being awarded the contract. The global financial crisis is also affecting prices which resulted in the bid to be very high.

Mr Speaker, the tendering and evaluation process of this very important project was done in November 2008, unfortunately the contract was not awarded because at the closing date only one contractor applied, which is Kitano Construction.

Mr Speaker, the obligation of Solomon Islands Government is the removal of the ship wreck and acquiring of land for the jetty. That is the status of this very important project, the Auki market and jetty project. I want to say that land

is also a contributing factor to the delay of this project. A land case was heard at the Magistrates Court a few weeks ago and the decision was made on the parties involved with the land and there was agreement made between them. The government is aware of that understanding, and so land is not a problem anymore.

Mr Oti: Can the Minister confirm that with the rescheduling of this project to perhaps 2010/2011, what is the Ministry's plan in its discussions with the Japanese Embassy regarding any other projects that can immediately be put to the Japanese Government to consider it if this particular project is going to be delayed. Are there any other infrastructure projects for that matter?

Hon. Sofu: As far as we understand, this project is very important for Malaita Province as announced way back in 2007 and 2008 and so the Malaita Provincial Government and people of Malaita are certainly looking forward to this very important project as that would be the only port for loading and unloading of important activities that are taking place in the urban centre of Malaita. Because of that the government still insists that this project must be done. There were talks held between the Japanese Government and the Ministry responsible for this project. Understanding was already made that despite of whatever situation, the Government of Solomon Islands, the Malaita Provincial Government and its people would certainly like to see this project take off the ground.

Hon. FONONO: Mr Speaker, I need to shed some light on the project. There was an engineering team from JICA that visited the country last week to review the study on the costing of the design that was undertaken in 2007. One of the reasons why the bidder was not awarded the contract was that the cost is quite high and so it was not awarded. The bidder's quote was much higher than the original design and study that was done in 2007. Therefore, it was delayed in order to do re-costing.

A study team was here in the country two weeks ago, and it traveled across to Auki to review the design and study costing so that it can be resubmitted to the Japanese Government or its Cabinet for approval.

In relation to the question by the MP for Temotu Nende, I think under the government's program we may have heard that one of the projects under consideration by the Japanese Government is the SIWA upgrade here in Honiara and also other provincial centres.

Mr Oti: I thank the Deputy Prime Minister for that explanation. My supplementary question was going to be asked in that regard when I stood up, but that being answered I have no further supplementary questions and therefore I would like to thank the Minister and the Deputy Prime Minister for their responses.

Question No.80 deferred

STATEMENT OF GOVERNMENT BUSINESS

BILLS

Bills – Second Reading

The Criminal Procedure Code (Amendment) Bill 2009

Hon TORA: Sir, I rise to move that the Criminal Procedure Code (Amendment) Bill 2009 be now read a second time.

Mr Speaker, these amendments to the Criminal Procedure Code and the Magistrates Court Act appear small but in fact are very significant in continuing this Government's plan of improving the efficiency and effectiveness of the justice system in Solomon Islands.

The first proposed amendment to section 4 of the Criminal Procedure Code increases the monetary jurisdiction of the Magistrates Court from \$200 to \$10,000 penalty points. This jurisdictional limit determines the type of cases that can be tried by Magistrates. The increase in jurisdiction is necessary to complement the provisions of the recently passed Penalties Miscellaneous Amendment Act 2009.

Mr Speaker, Members will recall that the Penalties Miscellaneous Amendments Act 2009 brought the criminal penalties up to date and introduced a penalty points system so that they can be more easily kept up to date in the future. Sir, the proposed jurisdictional increase will allow the Magistrates' Courts to continue to deal with the same offences that they have in the past. The increase in the size of the penalties has made it necessary to enact a corresponding and complementary increase to the jurisdiction of the courts.

Mr Speaker, the second proposed amendment is to section 7 of the Criminal Procedure Code. This section stipulates the maximum penalty that Principal Magistrates, First Class Magistrates and Second Class Magistrates can impose on persons convicted of a crime. Sir, this proposed amendment is closely

related to the first and ensures that Magistrates are able to impose sufficient and suitable penalties for the cases that section 4 permits them to try.

Mr Speaker, the third amendment proposed in this Bill is an amendment to section 27 of the Magistrates' Courts Act. This section repeats the jurisdictional limits set out in section 7 of the Criminal Procedure Code. It needs to be amended in precisely the same way. Sir, this will allow the different classes of magistrates to hear and determine the same range of cases as they do now, prior to the commencement of the new penalty regime.

Mr Speaker, the proposed jurisdictional limit has been expressed in penalty points to replace the previous practice of expressing it in terms of dollars because the Penalties Miscellaneous Amendments Act 2009 has replaced dollars penalties with penalty points across the whole range of criminal legislation.

Mr Speaker, the Ministry for Justice and Legal Affairs has arrived at these new jurisdictional limits through close consultation with the Chief Justice. The Ministry and the Chief Justice are confident that the proposed amendments will allow our magistrates to impose fair and just penalties that will act as both a proper punishment and deterrent. Sir, the increase in penalty range available means that Magistrates can properly assess and weigh individual factors in each case and impose a penalty that fits a particular circumstance and a particular person who has been convicted.

Sir, with these few remarks, I beg to move.

Mr Speaker: Honorable Members the Minister has moved that the Bill be now read a second time. Normally the second reading debate shall continue but I understand that the Honorable Minister wishes to instead adjourn this debate and I call on him to take the necessary steps for the understanding and approval of the House.

Hon Tora: Mr Speaker, as Members maybe aware the Bills and Legislation Committee has resolved to hold its hearing of this Bill tomorrow and its report I am advised is expected to be tabled on Monday 17 August 2009. And to give Members' time to read the report in order to contribute meaningfully to the debate, I move that debate on the Criminal Procedure Code Amendment Bill 2009 be adjourn until next week. Thank you.

Motion for the Bill to be adjourned to next week agreed to

Hon SIKUA: Mr Speaker, I move that Parliament do now adjourn.

The House adjourned at 10.13 am.