

TUESDAY 17TH NOVEMBER 2009

The Deputy Speaker, Hon. Kengava took the Chair at 10.27 am.

Prayers.

ATTENDANCE

At prayers, all were present with the exception of the Ministers for Justice & Legal Affairs; Agriculture & Livestock Development and the Members for Mbaegu/Asifola, Temotu Pele, Central Honiara, South Vella La Vella and North Guadalcanal.

SPEAKER'S ANNOUNCEMENT

Mr Speaker: Honorable Members before we commence with today's business, I wish to clarify a matter concerning an item on the Order Paper for today. This concerns the motion to be moved by the Chairman of the Parliamentary House Committee, which is the last motion to be moved in today's business. Members would recall that on 17 July 2009, Parliament resolved that the Parliamentary House Committee inquires into and reports on matters raised by the Member of North West Choiseul under Standing Order 25 relating to the Parliamentary Entitlements Commissions Regulation (Legal Notice 45), which provided for \$50,000 terminal grant to spouses of Members of Parliament.

The Committee tabled its report on Thursday 12 November 2009. On Monday 9th November the Chairman gave notice of a motion that Parliament resolves itself into a committee of the Whole House are to consider the Paper. The motion was put on the Order Paper for Friday, the 13th of November 2009 but was withdrawn for reasons made known to Parliament by the mover on that day. The mover subsequently resubmitted the motion to the Clerk on the same day it was withdrawn and the motion was again put on Notice Paper as required under Standing Order 31(1).

Members will undoubtedly be wondering why this motion should be allowed on the floor of Parliament, especially after the High Court has made its ruling on the matter. The matter that went to the High Court was a constitutional challenge partly on a matter that had earlier been referred by this House to one of the Standing Committees. Thus, although the High Court has given its ruling on the constitutionality of the matter, Parliament still reserves the right to hear back from the House Committee, as well as the rest of the Members, on that matter which was earlier referred to the Committee.

Today Parliament and Members are provided the opportunity to discuss that matter. This does not in any way reflect on or undermines the ruling of the High Court and I urge Members to refrain from reflecting adversely on that ruling during the debate. We are simply concluding our own business before we put the matter to rest.

I also wish to advise that this is not a private member's motion. Any business of one of the Standing Committees is business of the House. This is particularly so where that business stemmed from a referral by the House. In accordance with our precedents, parliamentary business may be moved on a government business day. For this reason, and having consulted the Prime Minister I have granted permission for the motion to be moved today.

I will call on the Honorable Chairman of the Parliamentary House Committee to move his motion at the appropriate time. Thank you and we will now proceed to the next item of business.

PRESENTATION OF PAPERS AND OF REPORTS

- The Partnership Framework between the Solomon Islands Government and Regional Assistance Mission to Solomon Islands.

STATEMENT BY THE Minister for Police, National Security and Correctional Services on the incident at Lawson Tama on Saturday 14th November 2009

HON TORA: Thank you, Mr Speaker, for permitting me under Standing Order 24(1) to move this statement on the floor of Parliament this morning.

I wish to thank you for allowing me to briefly make a statement on the floor of Parliament concerning the incident that happened at Lawson Tama on Saturday 14th November, 2009. Sir, the Solomon Islands Cup Tournament is scheduled initially to commence on the 16th November, 2009 in Honiara and is expected to run for the next two weeks with a closing on 30th November, 2009.

Official correspondences indicated that the opening ceremony will be on Monday 16th November, 2009 and to be followed with the matches proper. An operation order was drawn for that purpose, operation order code named, "Operation Our Telecom Solomon Cup 2009". A briefing was conducted by the Operation Commander, Superintendent Phillip Kaukui and Forward Commander Inspector Fataolisia on Thursday 12th November 2009, followed with a slight change as an amendment on Friday 13th November to accommodate the opening, which has been brought forward to Saturday, the 14th without any knowledge of fixtures to begin on the same day.

Sir, on Saturday, the Police Band attended the opening and officers performing static duties were on the ground for the official opening. It was then announced that two games will be played, and the static duty officers continued at the games ground, on the initiative as the role of the forward commander.

Towards the end of the second game between the Malaita Eagles and the Honiara Warriors, around 20 minutes remaining, disagreement by spectators arose and spectators standing around the field ran onto the field and disrupted the entire game and did set fire to the SIFF office at Lawson Tama, which was completely burnt down and formed a mob consisting of all youths ran through Chinatown and got into one of the stores and ransacked items in the shop. That was the only shop affected and none others.

The first call made to the Honiara Radio Communication Unit advising the riot behaviour and the burning of SIFF office was at 18.11hrs. The Provincial Police Commander/Honiara and a team of 12 officers reinforced and did manage to put the situation under control otherwise it would have been another scene like in April 2006.

An urgent meeting was called for the SIFF executive at 12.30hrs on Sunday 15th November 2009 to solicit their views on the issue at hand to decide on certain actions to be put in place should the games continue or otherwise. For the information of Parliament and the people of Solomon Islands, the outline of damages caused are as follows:-

1. The SIFF Office at Lawson Tama was completely burnt down. The Police (CID) was immediately tasked to conduct investigations into this.
2. Kevin Cheng Shop, China Town was looted.
3. A Fire Engine truck was damaged.
4. The Deputy Commissioner's (operations) vehicle was damaged.
5. The ACP/(Crime & Intel) vehicle was damaged.
6. A few vehicles owned by SIFF personnel were also stoned with rocks and details of suspects involved are yet to be established after investigations are completed.

I wish to also inform Parliament that as a result of the incident one sergeant from the Fire Brigade, a sergeant and a police constable from the Police Rapid Team sustained injuries as a result of the incident.

After the incident on Saturday night, Police responded by deploying 16 police personnel from the Central Police Stations, 12 from the PRT, 4 officers from the X-ray patrol, and 13 from the Police Headquarters. The Director of Logistics was supportive by supplying rations which kept the morale of police officers high.

As of yesterday there were reports of arrests made from the Office of the Commissioner of Police. Two witnesses have been spoken to and provided information to Police for further investigations. A few other witnesses have been identified as investigation progresses.

In regards to looting of the Cheng's Shop at China Town, 14 suspects have been arrested. Charges have been laid against suspects ranging from simple larceny to unlawful breaking into private premises. Eleven suspects have been charged for theft of properties outside Cheng's Shop. Two (2) other suspects have also been charged with store break-ins upon admitting that they entered the shop during the incident.

With the forgone, the Deputy Commissioner of Police confirmed to my office yesterday that 17 suspects have been arrested, and for that I wish to acknowledge and commend the Commissioner of Police and his officers for the wonderful job they have done by responding to the situation promptly.

Consultations have been made with the SIFF and the RSIPF. Following this, the SIFF Executive was allowed to do its own deliberations and decisions. Its resolutions are as follows:

- The games to continue
- Match fixtures for Monday 16th are cancelled for Lawson Tama to be cleaned up
- SIFF requested the Police to step up security throughout the duration of the tournament.

The SIFF Secretary conceded the lack of appropriate linkage between the RSIPF and SIFF at the initial stage of the Tournament's planning. The RSIPF acknowledged the same fact and urged that this same serious mistake must not happen again.

On that note, I wish to take this opportunity on behalf of the Government and the people of Solomon Islands to appeal to soccer fans and supporters in Honiara to assist SIFF in ensuring that the Solomon Cup Tournament 2009 be allowed to continue peacefully without any further disturbances. If we want the standard of soccer to improve, it is now time to utilize this opportunity to allow our potential young stars to showcase their talents. Let our young stars show us that they can take Solomon Soccer to new heights, be a giant in soccer in the Pacific, as has been the belief in our hearts. Let us see soccer played fairly with style in our beautiful isles. I also would like to remind our soccer fans and supporters that in any game there will always be a winner and a loser. So let us learn to be good winners and responsible losers.

With this and despite the short notice, I wish to thank you once again for your understanding in allowing me to deliver this important statement before Parliament this morning. Without further ado, I beg to move.

Mr Speaker: The honorable Minister has made the statement and according to Standing Order 24(2) no debate may arise on such statement, but I will allow short questions to be put to the Minister for purposes of elucidating his statement. Honorable Member for East Are Are, I recognize you.

Mr Huniehu: I just wish to ask a very short question to the honorable Minister for Police and National Security, and the question is: it would appear to me that the level of preparedness by the Police and RAMSI before the soccer match took place was not good enough. Since riots of this nature normally occurred during soccer matches in Lawson Tama, I would like to know why is it that even RAMSI were not asked to provide the required level of security that is normally needed before that match even took place.

Hon. Tora: I would like to thank the colleague Member for East Are Are for asking this very important question. Sir, as I have alluded to in the statement I read on the floor of Parliament this morning that there is no official correspondence back to the Police. What the Police know is that the official opening will take place on Saturday 14th and the match proper will start on Monday. But straight after the official opening, one of the organizers announced that two games will be played at that time, and so only the police officers who attended that official opening were there at that time.

Mr Agovaka: My question is related to arming of police in terms of riot gears and equipments. May I ask the good Minister how far are we into equipping our police officers to be able to curb riots by arming them with shields, batons and possibly tear gas?

Hon. Tora: I want to thank my colleague, the honorable Member for Central Guadalcanal for asking that very important question.

I think the honorable Member would remember that our own people do not allow the Police to be armed. But yes, it is up to the government to see that this very important unit within the Police Force, the Rapid Response Unit is equipped with teargas, trina guns and so forth because we think that batons and shields if used during riots, sometimes do not work as experienced in the past. My Ministry will be working to ensure the Rapid Response Unit is well equipped. Thank you.

Mr. Boyers: Of course, this is not the first time that rioting broke out from soccer matches. The result of last Saturday's event was the burning down of the Lawson Tama SIFF office and the looting of shops. One of the issues I am concerned about is that in light of security not being made available at that time which resulted in public damage, is there any recommendation for any sort of recompense whether to Town Council, SIFF or Chengs for the properties damaged, especially in the light of the fact that people or business owners or property owners no longer get insurance from this sort of activity. The previous rioting was based on corruption and this one now is based on social unrest or criminal behavior. I mean is there any recommendation beyond making the comment that people were arrested? Is there any initiative that you are going to make to the government in relation to property damage recompense?

Hon. Tora: I would like to thank the honorable Member for asking this very important question. As I stated in my statement the incident is still being investigated. In regards, to damages caused to properties, the question of whether those properties are insured or not is a matter for the SIFF to inform responsible authorities of the government about. If the properties are insured, I believe that after investigations, insurance will be considered. But the damages caused will be treated as criminal responsibility.

Mr. Huniehu: Incidences during the past revealed that normally when the Malaitan team was on the field, something is likely to happen, riots normally take place. There are historical records to confirm this.

Can the Minister explain to Parliament whether they have any plans to curb this sort of thing happening or what are the reasons as to why this normally happens? Did it arose out of frustration by Malaitans or is it something else?

Hon. Sikua: I think if we look at this particular incident alone, the Minister has clearly explained in his statement the reasons why there was confusion about what was happening at Lawson Tama. The Minister did mention that initially the scheduled commencement of the Solomon Cup Tournament was supposed to start yesterday on Monday 16th and therefore the Police put on an operation order for the opening on Monday code named "Operation Our Telekom Solomon Cup 2009", and therefore the necessary briefings were done for the opening on Monday. Somehow SIFF brought back the opening on Saturday 14th and as far as the Police is concerned they only knew about the opening to take place on Saturday but the games proper will still take place on Monday, yesterday. Therefore, the Police Band and only few officers who were on static

duty went for the opening but after the opening the responsible authorities announced that two games will be played at that time, and that is the game between Guadalcanal and Temotu and the game between Honiara and Malaita Eagles. The SIFF Secretary admitted that communications between the Police and SIFF has broken down in that the Police was not properly informed as to what is going to happen on Saturday. If right information had been fed to the Police, necessary preparations would have been put in place. The Police knew it is only an opening and that is why only the Police Band and a few static officers were there. It was after the opening that the announcement was made that those two games would be played. The Police was not given the necessary time to prepare appropriate. The question that the Member for East Are Are is leading to is getting into the hypothetical arena, and I do not think we should go into that at this stage.

Just to contribute to an answer given by the Minister on the question raised by the Member for Central Guadalcanal, our Police is fully equipped with riot gears like batons, shields and everything, except for firearms, but all the other necessary riot gears, our Police are fully equipped with those at this stage.

Hon. Sogavare: With the explanation given by the Prime Minister, it looks like there is breakdown in communication. Now, if the game were to start as scheduled on the 16th, what would have been the preparation of the Police? What would be the level of preparation by the Police to attend to the game if it had started on the 16th?

Hon. Tora: I would like to thank the Leader of Opposition for asking this very important question.

Sir, as I mentioned an operation was planned code named "Operation Our Telekom Solomon Cup 2009". If the game had started on 16th, which is yesterday the stadium would have been fully covered by officers in terms of security that I do not think anything could have happened. The number of officers present on Saturday was well below the required number. Just imagine thousands of people coming down outnumbering the Police. If the game had been played on Monday, I believe the Police would have stepped up security at Lawson Tama.

Hon. Sogavare: I just want to follow up on the question I asked earlier on. The HFA Office was burning and I understand that the fire truck came and from what was relayed to us the people stoned the fire truck as well. I do not know but whether the Minister can tell us how long after the burning or the riot started before the fire truck came and whether there is already police and military backup to support the fire truck to do its work of putting out the fire. Because I

would like to think that law and order is the responsibility of the police and that is all they think about day and night and every minute of the day. I want the Minister to clear to us as to the timing and why there is no police and military backup when fire truck went over to put off the fire on the HFA building.

Hon. Sikua: I could probably help to answer the question by the Leader of Opposition. From the time the riot started to the time it finished and the time the fire truck took off to Lawson Tama, I was informed of the incident all along and in fact I stood outside looking towards Lawson Tama and at that time my close protection are with me and so I was able to listen in to their radio when everything was going on because I was ready to go somewhere when the riot happened and so I was not able to go where I had wanted to go.

When the incident happened, the number of people deployed to Lawson Tama was already mentioned by the Minister. There is also backup from the RAMSI military. I think from the time the fire was kindled to the time I saw the fire truck going on the road past the market it would have been something like half a hour from the time the burning started when I saw the fire truck going past and then it came back after about 15 minutes later when it was stoned. So it would have taken about 45minutes.

In my own judgment the reason why the actual police response was slow is because of them not being aware of the games. But my judgment of what time the fire truck went after the fire started would have been something like half an hour, and by the time it got there and it was stoned and so it came back would have been about 45 minutes.

What I am saying is back up from the military and the police have arrived but because of them not being aware of the games, it did take them quite some time to response. I think that was why it took that long.

Sir. Kemakeza: I want to ask a question on behalf of the provinces to the Minister. Coming to play in the Solomon Cup are our young players of the provinces, all the nine provinces throughout the country. The incident between the Malaita Eagles and Honiara has psychologically reduced and affected the morale of young players of the other provinces because of the security issue, let alone we have been caught unaware by the situation.

The Minister assured supporters earlier on today but can he assure the players in the provinces to do their best as of today and onwards or tomorrow because psychologically they were already afraid and so cannot do their best. What is the assurance here, let the alone the answer given by the Prime Minister in view of the question by the Leader of Opposition. This is a security issue, let alone what happens in the world which the police sometimes cannot contain it.

This time is double assurance for players in the provinces. What would the Minister say through his Police Force?

Before I sit down I would like to give my greatest apologies to police officers who have been injured in this incident. What is the assurance to players in the provinces?

Hon. Tora: There was a meeting held on Sunday at 12.30 pm, which officials of the other provincial teams were invited to attend to give their opinion on whether the Solomon Games will continue or be suspended. The outcome of the meeting was that almost all the teams from the provinces insisted that the games must continue. Because of that the organizing committee allowed the games to continue starting from today.

I can guarantee 100% the safety of provincial teams with their officials in terms of security. And I would like to invite all those who said liars to come to Lawson Tama and watch the games. You cannot just sit back doing nothing; we are leaders and so we must support our teams.

In addition to what the Honorable Prime Minister said in response to the supplementary question by the Honorable Leader of the Opposition, as I said in my statement the first call made to the Honiara Radio Communications Unit was at 6.11pm and in response to that call the PPC Honiara with 12 officers responded to provide additional reinforcement and managed to put the situation under control, especially at China Town.

You may ask why RAMSI did not assist at that time. I received about five phone calls from the Commissioner of Police that night updating me regularly because in turn I have to update the Honorable Prime Minister about the situation. The situation at that time was that our local senior police officers, the commandants informed me that they do not want to involve RAMSI in quelling the riot learning from the incident that happened in April 2006.

I am happy to inform this Honorable House that on Saturday evening only the Royal Solomon Islands Police officers with their senior officers were manning the two entrances into China Town and the situation was put under control and the crowd quickly dispersed.

Mr Folotalu: From past riots anywhere in town the problem escalated and then ended at China Town. My first question is, will the Police Operations cover China Town as well as the nearest threat? What is the threat assessment?

Hon Tora: I would like to thank my good Honorable colleague who is also a former police officer for that question. On that Saturday night I advised the Commissioner of Police to ensure patrols by police is extended from China Town

to other shopping centers in the city. Because it is not only China Town that people will take advantage of such a situation to target. I think we have learned from past experiences that the target was all the shops along the streets of Honiara and Kukum. Therefore, I advised the Commissioner to extend the patrol to other shopping centers as well.

Mr Boyers: Just one last question. The Minister mentioned communication breakdown between SIFF and Police as the cause of unpreparedness by the Police; that we do understand. But we are a bit worried and may be this is good for the general public to hear that during the last tsunami warning many of us panicked and when we tried using the mobile phones, the mobile was not working, and so we were left without any mobile network communications at that time.

When the problem happened at Lawson Tama, the news was that people must stay put and not to move around because there is a problem down there. We also tried using the mobile phone at that time but the mobile was not working. Can you explain to the House and the general public whether essential services like the Police, its communication system relied on Telekom or does it rely on its own communication systems so that they are not disadvantaged like the general public.

Hon Tora: I would like to thank the Honorable Member for his last supplementary question.

As I have said the Police have its own radio communications. At such a time like that they can use walky-talkies to communicate with each other should any situation happened at Lawson Tama last Saturday. All of us have had the experience sometimes when mobile phones cannot work. But I can assure my good Honorable and this Honorable House that our Police have its own communication, and that is why the first call was made to the Police at 6.11pm on Saturday. Thank you.

Sir Kemakeza: Thank you for giving me this last chance. The Prime Minister and the Minister both blame communication, a communication breakdown between the SIFF and the Police and therefore the problem happened. My question is this; this is the Solomon Cup and therefore it should have been assessed by the Police. What is the threat assessment of the Police before the problem happened so that they put measures in place to counter the incident that has happened?

Hon Tora: I would like to thank the Honourable Member of Parliament for Savo/Russells for his supplementary question. Sorry, Mr Speaker, can the MP repeat his question?

Sir Kemakeza: My question is just like this to put my brother in the light. In every situation, like big events in the country there will always be an advance police assessment on the level of threat. The Prime Minister and the Minister were saying that there was miscommunication which made the situation to worsen at that time. The Police always assess situations before any major events take place in the country, like the Solomon Cup games. What is the level of threat before the games was opened on Saturday so as to determine the preparedness of the Police in order to counter anything that is likely to happen. It looks like the Police is also caught unaware. My question is whether there was any threat assessment made, and whether the threat is high or low.

Hon Tora: Assessing threat level is a normal undertaking by the Police. We have the Intelligence Unit in the Force whose work is to make assessments well in advance of any security threats that are likely to occur against the general public or in this case the teams that played at Lawson Tama.

Assessment was made according to information I received by the Intelligence Unit that there was no security threat and it was not a planned thing. The riot that happened at Lawson Tama on Saturday is not a planned riot. It is just something that happened when a decision made by the referee was not agreeable to the supporters. I do not blame the team, the Malaita Eagles but the referee and it is up to the organizing committee to ensure that decisions made by referees officiating the games are fair to the other teams. I can assure this House that there is no security threat during that time. Thank you.

Mr. Huniehu: I think this issue has been mishandled by someone and something ought to be done. I believe soccer is a most important sport in this country and the problem that happened on that day is affecting a lot of people; investors, our youths, our provinces, and people here in Honiara. Is the Minister considering an inquiry into this so that Parliament can consider looking into this in more detail?

Hon. Tora: As I mentioned this is a criminal responsibility and is not a question of appointing a commission of inquiry to look into it. It is something where people have taken the law into their own hands and the Police is now investigating the incident.

Mr Speaker: This seems to gain a lot of interest and we will have West Makira and West Honiara.

Mr. Waipora: Let me put it this way. I have been listening to the honorable Minister for Police saying that the incident was not planned, and so was the riot up here, it was not planned too. I always assume that we have two national security bodies here in this country; RAMSI and Police. I know that when RAMSI is here we think that they will provide the highest security. If our national police security is not up to standard then RAMSI should be. Mr Minister, why is RAMSI not prepared, not even having any communications with the Police? I thought every 24 hour and every minute of the day security bodies should have a plan to say that 16th November will be the formal games when the contingent will go to Lawson Tama to provide security, but what about before that? Do not expect to provide security only during formal arrangements. Why are they not prepared? They should be prepared for the 16th or on any other day? Why are they not prepared? They are all very strong bodies in this country? The Police and RAMSI are strong security bodies. RAMSI is going around and up and down the city in vehicles, filled with armies up and down but why did they not catch up with the situation at that time?

Hon. Sikua: The security threat assessment made on the official opening on Saturday is low. That is why questions by colleagues on the preparedness of the Police is low too because the understanding of Police is that the security measures taken on Saturday is to only accommodate the official opening. The security assessment at that time, I guess, would have been assessed as low. It could have been different had they known there would be two games on that particular date.

As I have mentioned and the Minister has also mentioned those games were initially scheduled to commence on the 16th, the games proper. Only the official opening was supposed to take place on Saturday, and so at the official opening the security threat assessed is low and therefore the security provided by the Police would have commensurate with their security assessment on that occasion. If they had known there would be two games at that time then, of course, the operation they were launching on the number of police personnel from what division and that sort of thing will be different altogether because it will be assessed high or very high, whatever ranking the Police are using on this kind of happening.

I think we will need to take it from where there is a lack of communication between the SIFF and the Police and therefore we have a situation where their assessment for the official opening itself is not posing too much threat because

they were just going to go and hear some speeches and that kind of thing and then disperse.

There is a question about investigations, as the Minister has said this is a Police investigation, a Police matter at this stage and therefore we will leave it at that. But if there is any thinking of mounting an investigation into the whole issue then we will certainly consider mounting an investigation into this whole issue. But what is before us is this issue of miscommunication between those who are responsible for organizing the game and the RSIP.

Mr Tosika: I would like to ask a simple question. I understand that there is an operational plan for the 16th, is RAMSI included in this plan? That is the first question. The second question is, you understand that there are 90 minutes to a game and the first game was on already at that time and I understand that there were quite a number of police officers inside the field during that time and also a RAMSI component was also inside. I was told by one of my sons who was also inside the sports field at that time and came back and told me that the SIFF building has been burnt down. I heard from his mouth that the RAMSI component did not receive any operational order from RAMSI and that is why they did not actively participate at that time leaving the poor RSIP police officers to try their best in quelling the riot at that time.

Why do you not pull in your operational plan for 16th forward to that day because as you can see it would be during such a time that a lot of people would come to witness the ceremony, and then after that it was announced that two games would go ahead at that time. There are 90 minutes that Temotu Arrows and Guadalcanal Hornets played the first match. You should have pooled your resources already inside the field at that time because as you know very tough teams and teams that normally cause problem would be playing at that time. If you have advised your component you should have already built in a barricade to counteract the problem. I therefore think communication is not a problem, but it is how you deal with your team. Please explain this to us.

Hon. Tora: I would like to thank the Leader of Independent for asking this very important question.

In regards to the plan whether to include RAMSI at that time and why security was not stepped up knowing that two games will be played after the official opening, I think the questioner has received wrong information. This is because RAMSI was not instructed to come to Lawson Tama. We must understand that there are two components to RAMSI, which are the military and the PPF. The PPF component is working alongside the Royal Solomon Islands Police personnel and the military is always on standby in case the rioting

escalated and continues on throughout the night. If such is the situation, RAMSI can be called upon for assistance.

As I have alluded to in my statement the commandant responded to the situation at that time and their response was very good and that is why the situation was put under control at that time. If it was not for their response, we would have seen the same place going down again. We cannot say, like the Member for West Makira has said why RAMSI did not come in. The PPF was there and they normally work alongside our police officers now.

The military component of RAMSI, for the information of this honorable House, once they came to Lawson Tama with arms and people complained about that, which made SIFF to write to RAMSI telling them not to bring any arms to Lawson Tama because Lawson Tama is a venue for games and sports.

Mr. Usa: First of all I would like to thank the Minister for Police for your explanations. Before I ask my short question, I also thank you and your police officers for making the right decision at that time in having our local officers to calm down our youths at that time.

My question is like this: Does our police force have a special unit that is on standby 24 hours at the headquarters to respond to that sort of situation anytime during the 24 hours period? And if there is such a unit, how effective is the communication system of the police? Taking into account the communication that happened on that day, I see that communication has not been effective. But my question is, do we have any response unit that is on standby for 24 hours to attend to such situations and how effective is the communication system of the RSIP to respond to any call in such a situation?

Hon. Tora: I would like to thank the Honourable Member for North West Guadalcanal for asking this very important question.

Yes, we have such a unit and even police personnel deployed at various stations within the Honiara City are on alert 24 hours. And as I said one unit cannot work on its own, it is difficult and that is why we have the intelligence unit in the force that collects information, assesses security situations and draws up plans based upon whatever information it receives, security threats.

Mr Speaker: Honorable Members, I think the questions asked have been clarified and so we will now proceed to the next item of business before the House.

STATEMENT BY CHAIRMAN OF THE PARLIAMENTARY HOUSE COMMITTEE

Mr. OTI: I wish to inform the House that since there are no private motions set down for Friday 20th November, and so on the request of the Honourable Prime Minister, the House Committee has directed in accordance with Standing Order 15(c) that Friday be set down, be designated as a government sitting day and that the debate on the second reading of the Constitution (Political Parties Amendment) Bill 2009 be set down for Friday's business. Thank you, Mr. Speaker.

STATEMENT OF GOVERNMENT BUSINESS

MOTIONS

Motion No.9

Mr Speaker: Honourable Members, this is the item of business I had earlier made reference to. I now call on the Honourable Chairman of the Parliamentary House Committee and Member for Temotu-Nende to move Motion Number 9.

Mr. OTI: Sir, I move that Parliament resolves itself into the Committee of the Whole House to consider National Parliament Paper No. 35 of 2009, Report of the Parliamentary House Committee on the inquiry into the \$50,000 terminal grant to a spouse of Members of Parliament as presented earlier in the motion that was withdrawn on Friday.

Mr. Speaker and Members of the House, on behalf of the members of the Parliamentary House Committee, I am pleased to present to the House the report of the inquiry into the award of \$50,000 terminal grant to a spouse of a Member of Parliament.

This inquiry was referred by Parliament to the House Committee on the 17th July 2009 when the Honourable Member for North West Choiseul raised in Parliament as a matter of privilege the issue of the award of the \$50,000 terminal grant to spouses of Members of Parliament as one of the new entitlements prescribed in the 2009 Parliamentary Entitlements Regulations 2009. Under Standing Order 25(4), I made a motion without notice for Parliament to resolve on the matter and refer it to the Parliamentary House Committee for an inquiry. As a result, Parliament passed a resolution for this Committee to inquire and report to Parliament matters relating to these issues as per the Parliament

Entitlements Commissions Regulation, Legal Notice No. 45, which provides for this \$50,000 terminal grant.

On 6th October 2009, the Committee deferred the inquiry just before it commenced public hearing following the initiation of proceedings by the Attorney General in the High Court against Members of Parliament Entitlements Commission (PEC), challenging the validity of the Members of Parliament Entitlements Amendment Regulations 2009, which included amongst other things, the said \$50,000 terminal grant.

Subsequently, on 20th October 2009, the High Court found that the Members of Parliament Entitlements Commission had acted ultra vires in awarding this \$50,000 terminal grant to spouse of Members of Parliament in making that regulation retrospective from 1st April 2009. The Court also made further orders quashing the Parliamentary Entitlements Regulations 2009 forthwith.

The Committee, having considered the sub judice convention and the High Court's determination, concluded that the inquiry is no longer necessary and thus deferred the inquiry. The Committee, however, further recommends that the House refer the new terms of reference to the Parliamentary House Committee for a broader inquiry into the operation, membership and performance of the Members of Parliament Entitlements Commission, for which I intend to move a separate motion for this purpose during this current meeting of parliament, and this is the only recommendation that is in the report.

The Committee believes that there are broader issues concerning the processes and proceedings of the Commission that were outside the scope of the High Court process but which should now be examined. The new terms of reference for a broader inquiry as outlined in this report are still within the jurisdiction of the Committee as provided for under Standing Order 70A. The Committee anticipates the commencement of this broader inquiry before the end of the year and will aim to complete this inquiry and put forward recommendations to the Government and the House before the House is dissolved for the next general election in 2010.

Finally, I wish to thank my fellow members of the House Committee for their contribution during this short, of what is now aborted inquiry. I would also like to thank the Clerk and the technical advice provided by the UNDP Parliamentary Strengthening Project and all officers including the secretariat to this committee for their advice and guidance in drafting this report.

I beg to move.

Mr Speaker: The motion is open for debate. I kindly remind Members to avoid any adverse reference to the High Court on its ruling and to adhere to the

general rules of debate. I also ask Members to confine their contribution to the general principles of the motion.

Sir KEMAKEZA: I also want to briefly contribute to this very important motion. I will abide by your ruling, Mr Speaker, not to touch on the proceedings of the High Court.

I will only concentrate my debate on two areas of the motion. First is the action before the House Committee and the suspension of the first terms of reference by the House Committee. I would have thought that what the House Committee did in relation to this issue is a right move because there is public outcry on the decision made by the Entitlements Commission. That is the right body that should be considered to put in its recommendations and then suspend it because some ill decisions might have been put into this. So I would like to thank the Chairman and members of the House Committee for the wise decision taken in considering this issue with the view of addressing anomalies in relation to this issue before the House or the public. That is the first point.

The second point I want to make is the failure of the Attorney General's Office, a total failure. I say this because this issue, I believe, would have gone through the AG's Office for vetting and then its gazette. Why did the Attorney General not spot the anomaly thereby avoiding government embarrassment of ending up at the High Court? Because of the Attorney General's failures I would have thought that the Prime Minister should have sacked the Attorney General immediately on the spot for the failure on his part as the principal legal advisor to the government. That is the point I want to strike home. Where were you that you did not see the gazette that has been vetted?

Two reasons may be the cause here. First, somebody there is not doing his job. Second, maybe somebody did his job but the job went unchecked by relevant people and so it ended up at the High Court. I do not want to discuss the High Court's decision but the issue here is the failure of the Attorney General's Office to give principal legal advice to the right authority. And so the Attorney General should be sacked, with due respect to him.

The second point here is that if that is the failure then that is the bad policy of recruiting political appointees to these important offices. People who come out from the same system should be recruited to these offices, because when new people are recruited they may not be familiar with the system. To prove that, there is now a big liability the government is going to face because of the advice by the Attorney General's Office. I may be referring to the person and not the office.

Just look at the Permanent Secretary's case, how much is the Government going to spend. In fact, it also included my case. When I was ready to take the

oath the Attorney General advised you and so thank you, and God bless you, Mr. Speaker, for your decision. What I am referring to here are ill decisions made by the Attorney General's Office, and many others that I am going to outline during the sine die motion because I do not want to waste Parliament's time going through the many ill-informed decisions the Attorney Office has made making a shame of the government.

Why is the Prime Minister and the Government still keeping a person who continues to cause embarrassment to the Government? That is the point I want to stress here in relation to this motion, and here you are, the Prime Minister and the Attorney General are jumping up and down to move all these things. What a shame! What a shame that some people are not doing their job as expected causing embarrassment to the government, especially the Prime Minister, who is my uncle and so I do not want people to make him ashamed. I want him to do the right thing and make the right decision and not allow others to make decisions on his behalf. That is a problem and we are going to continue face the problem. In the latter part of this Parliament Meeting, there are some areas I am going to point out to you, which I have already sensed its smell. There is a fire going up in the bush. That is why I would like to thank the Chairman of the House Committee and urge them not to stop doing the right thing but to move this motion so that we can detect the failures that others failed to detect and to do their job as expected by the people of this nation. That is a total failure. And if I were on the Chair I would have canned and booted those people.

Another point is that I believe the Chairman should not only deal with the \$50,000 as that is already a high court decision. But you should also recommend that it is removed. If this issue was debated I would not have supported this \$50,000 to be given to our wives. I want the House Committee to delve further into this issue to look at some of the 2009 entitlements. I think you should also bring in some of the 2009 entitlements because some of them are good entitlements. I do not want to explain further on this but they are good ones. I would like to support the Chairman of the Housing Committee to look into the \$50,000 but the other entitlements that the High Court has made a decision on. And I am happy that the High Court has left a room for us to maneuver. That is how I read the decision of the High Court from the report. There is still room for the Chairman of the House Committee to further look into the other entitlements that have been quashed in this report. But I thank him and his members of the Committee whom I have all respect for them for the right move they have done, except the Attorney General has put them off. But as the mover said he is back again bringing this report before the House so that we look into this issue where an ill decision was made on it.

Sir, I am bringing my debate to an end, but I cannot leave the second point to rest that failure is in the Attorney General's Office for not doing its job properly which ended us in those situations. With these few remarks, I support the motion.

Hon SOGAVARE: I am going to talk very briefly on this motion. This motion is asking Parliament to resolve itself into the Committee of the Whole House to look at Paper No. 35 of 2009 and report on the Parliamentary House Committee on the inquiry into the \$50,000 terminal grant to a spouse of a Member of Parliament, which is what is inside this blue report that is now before us. I take it also from what the Chairman has said that depending on how the Committee of the Whole House looks at this issue, you will come up with another motion to ask Parliament to endorse a further improvement of the terms of reference so that other areas of this issue can be looked into.

Before I start, I share the sentiments raised by the Member for Savo/Russells, but that is a matter best left to the government to look at.

I think the court, without adversely making reference to the court's decision, makes the position very, very clear on the question of the \$50,000 terminal grant to our wives that was ruled out, and in fact that ruling is ultra vires. I think that is quite clear in the decision of the court.

The second order that is relevant to us is the issue of retrospectivity that the court made a decision on. It made it very clear that decisions should not come into force retrospectively and following that it quashed the 2009 Entitlements Amendment and Regulation 2009. I think that is where we should start from, and I think in our discussions during the committee of the whole house we will look further as to how we approach it.

The court has actually left an opening as rightly pointed out by the Member for Savo/Russells if we read the narration of the decisions on the last part of 30. That does not stop the Commission from reconvening in some later stage to reconsider any or all of the entitlements as prescribed by law. I think that phrase is very important. I think it is not just the question of the PEC reconvening addressing the retrospective question in saying that these whole thing will start in 2010. It is not as simple as that. I think this issue as prescribed by law needs to be taken very seriously, and what does that mean if the PEC would like to sit and reconvene and look at the issue.

I think the question really bogs down to the procedures as to how the recommendations and submissions are made to the PEC and the kind of information that should be available to the PEC and whether there are set procedures and how that information is to be put before the Parliamentary Entitlements Commission. In fact, the Court made reference to that as well as

Section 69(b) that “in the exercise of their powers, the members of the Parliamentary Entitlements Commission shall consider such representation as they may receive from persons or body of persons within which time as may be notified by them”, and the question is whether that submission is made direct to the Commission or because of what is happening, should there be an intermediary body that actually looks at those submissions before it reaches the Commission. I think that is a very important consideration. Subsection (b), and there is a very important information that should be placed before the PEC when it makes its decision to have regard to such information as may be supplied to it. And that information should come from the Government, should come from the Parliament or any other organizations in relation to the following matters. Whether that procedure is strictly complied with in relation to information coming from the Government, from Parliament and any other organization in relation to matters outlined there, which are the state of the national economy and the financial position of the government. That appropriately should come from the government and the appropriate unit in government, which I think the Central Bank and the Economic Unit of the Ministry of Finance making projections or looking at appropriate information that looks at the national economy and the financial position of the government, and that is the question of affordability whether government can afford those awards.

The second one is movement in the levels of pay and other entitlements admissible to other persons in employment. That is another information, and I think that is where other organizations relating to the following comes in, like the Chamber of Commerce and other bodies that may be are directly responsible in collecting revenue for the government to use to finance those things. May be that is where the other organization comes in.

Thirdly is, changes in the retail price index and other relevant indicators showing the cost of maintaining the standard of living that parliamentarians might reasonably be expected to enjoy. That comes from statistics, the Central Bank and the Ministry of Finance. The question now is how those information should be probably couched, how they should be framed, in what form should it be laid before the Parliamentary Entitlements Commission to look at and whether the things lined up from 1, 2, 3 in Section 69 (b) is taken account of it at all to make those decisions.

I just want to highlight that bit because the court does gives room to the PEC to reconsider the entitlements but it must be as prescribed by law. I do not want to say anything more than that because when we discuss in the committee of the whole house when questions will probably be raised amongst ourselves in dealing with this because this matter affects all of us. It is not a question of

government, opposition and so on; it is 50 Members of this House, all of us and so we must look at it in that light.

I have no problem supporting the intention of this motion, and that is to refer it to the committee of the whole house so that we sit down and discuss man to man with open heart and in a transparent way because people are listening to us on how we will address this matter. In saying that, I fully support the intention of this motion.

Mr Boyers: I will be brief in my contribution to also join the others in congratulating the Member for Temotu Nende for moving the motion today. This motion is a result of a previous motion moved by the Member for Temotu Nende in response to the statement by the MP for North West Choiseul.

Of course, it is now before Parliament again for the Committee to look at further recommendations for the House Committee to further consider issues relating to entitlements of Members and the Parliamentary Entitlements Commission.

Looking back at the instantaneous and spontaneous reactions that resulted in the moving of the first motion, which led to this one, shows the concern of Parliament, especially the Chairman of the House Committee in moving forward to preserve the integrity of Parliament. I remember finding it personally difficult to accept the entitlements because some of us were unaware of these entitlements that went before the Entitlements Commission. For me, personally in going through the process again, I thought the integrity of Parliament is passing a motion in the past. Parliament passed a motion for the House Committee to deal with this issue, especially in regards to the \$50,000 terminal grant award for spouses of MPs. I think it should have been handled by the House Committee before any court action is taken. To me, this seems like a challenge to Parliament that the Attorney General's Office actually considered it in response to his position reflecting the government against the PEC in overriding a motion moved by Parliament that it should have been dealt with by the House Committee before further action should have been taken. Again, we are now involved in further processes irrespective of the High Court ruling. The Leader of Opposition has just mentioned the allowance within the ruling for the PEC to make an appeal in relation to certain provisions of the law.

For me, it is just an issue in respect of Parliament by moving a motion to put it to the House Committee, which represents Members of Parliament, in particular the processes of entitlements that affects our integrity as Members of Parliament on how we are subject to outcomes that may be not to our knowledge and that the House Committee is a venue that protects our integrity and creates

an inclusive process through Parliament that can represent all of us on these issues prior to any outcomes.

I feel very strongly that although the House Committee did a very honorable thing by putting aside the inquiry so that the court process follows through, personally I think it was not respectful of the processes of Parliament that this had already been moved in a motion for the House Committee to deal with. So I am very happy that this motion has been moved to go into the committee of the whole House so that we go through the report and consider further recommendations for the House Committee in regards to this entitlement. Those were my reactions personally and with those few words I also join others in supporting this motion.

Hon. SIKUA: Thank you very much for giving me this opportunity to contribute to this motion. First of all, I want to clarify the consultations that went ahead on Friday between me and the Chair of the House Committee, which resulted in his withdrawal of the motion on Friday.

The reason I consulted with the Chair of the House Committee last Friday for withdrawal of the motion was because at that time it did appear to us that there will be two motions moved, which are Motion No. 7 and Motion No. 8. Whilst Motion No. 8, which is the current motion we are debating is simply a motion that will require Parliament to resolve into a committee of the whole House, it is the other motion which the mover has clearly stated to us that he will be moving at a later time that is of concern to us because that particular motion will require Parliament to agree to proposals in the report because at that time, the Government Caucus and Cabinet had not had the opportunity to discuss the proposals in the report because we had only received the report on Thursday and so I asked the mover to withdraw it. And so it is not a question of government trying to hide anything or trying to suppress anything but rather so because of the importance of the motions that it demands adequate time to be granted to the government, especially the Government Caucus and Cabinet to decide on whether or not to support the motions. With this one now coming in the form it has come, the government has no problem accepting this motion because it simply requires parliament to resolve itself into a committee of the whole to consider the report of the Parliamentary House Committee on the inquiry into the \$50,000 terminal grant to a spouse of a Member of Parliament.

And so it is like reporting back to Parliament on a resolution that is also made by parliament, and the other motion which will require us to agree to the proposals in the report, will probably be moved at a later time, and that is the one we will need sometimes to look at.

I just want to make some clarifications that have been made by Members that have contributed so far, especially the Member for Savo/Russells, I want to make it clear that in this particular case the honorable Attorney General did not himself sight the submissions that went through the chambers before they were sent for gazettal. So the honorable Attorney General himself is not at fault. What is required is that he should be given the opportunity to sight the submissions in which case, at this particular occasion he did not when submissions passed his office. It is not the honorable Attorney General that is at fault but the processes in the Office have not been adhered to. However, those have now been addressed and so matters going through the AG's Office must go through the AG himself, especially matters of importance and matters that cost money to government and things like that.

Yes, of course, there have been decisions made in the past that is costing government money. Most of what we are grappling with at the moment are bad decisions made by governments in the past that is costing us money and not necessarily governments that have come in this parliament. What I have observe that is costing us a lot of money and we are grappling with are bad decisions that have been made in the past, and not necessarily governments that have come in at this Eight Parliament.

Any calls by anybody for me to sack the Attorney General will not be adhered to. I will not sack my Attorney General but defend him because this thing, in particular has not gone before his personal attention. I want to clarify that the government's move to take the PEC to court is not a decision of the Attorney General but it is a decision of Cabinet. The honorable Attorney General is simply executing or implementing a decision made by Cabinet, and so it should not be seen as a move made by the Attorney General to save face. No, it is a decision made by the Cabinet and the Attorney General is merely executing and implementing Cabinet decision.

I would like to thank the chair of the Parliamentary House Committee for the work it has done by producing a report and has done its job, and so this side of the House has no problem supporting this motion. Thank you, Mr. Speaker.

Mr. HUNIEHU: I just want to add my voice to this very important motion. This is an issue that causes so much disrepute to Members of Parliament when it erupted sometime ago. I believe that the Parliamentary House Committee has made the right thing in calling itself together to look at this issue by way of a motion, for which the outcome is the report that is now before us in this House. At the same time as the matter has already been a high court decision, I do not want to talk too much about it and if I have gone overboard in my contribution, Sir, you have to give me direction as to where I should to go.

As I have said, this issue has caused disrepute to Members of Parliament. People swore at us in the newspapers and people thought we were not doing our work properly. I was ashamed by the public outcry but it is not my problem, but it is the problem of recommendations that went to a constitutionally appointed committee. The Committee that was established under Section 69(b) of our Constitution, and Members of Parliament and anyone in the public has been asked to make contributions to this commission, and this commission was appointed by the Prime Minister.

What I do not understand is that whilst the Prime Minister appointed the Commission, we ourselves too have taken ourselves to court. I hope this kind of practice is not repeated next time. We have to trust people we appointed to do the work. I would have thought that the Commission may have erred or may have made some bad judgments in its decisions so that we go back to the Attorney General's advice on where they have gone wrong.

Section 69(b) of the Constitution does not provide for spouses, no. It is not very specific and so it appears to everyone that the awards are unconditional so why not phase it out from the 2009 Parliamentary Entitlements regulations and just keep the constitutionally viable ones. And since this is a high court decision, I am here to say that I still believe that other awards are constitutionally correct, or legally correct. And I am thinking of contesting this in the Supreme Court. I am thinking of having a second opinion to this. Whether it is unconstitutional that those awards are retrospective or not but as far as I am concerned all those decisions are done retrospectively. Why these ones in particular? I tend to believe there are some play ups somewhere. I am not saying that our spouses must get \$50,000, but what I am saying is that what is rightfully given by a commission should be rightfully honored at the same time.

This report that is now before Parliament is a good one as we go into the committee of supply when I will ask many more questions about a lot of very interesting views contained in this report. Needless to say, this has become lawyers' argument already and this is something we must not do in governance. Simple issues should be the work of the Attorney General to clear and that is done. There is no need to go to court over this. But it is when decisions down there do not please someone that unfortunate situations arise. I believe that the statements made by the Chairman of the House Committee this morning were very fair. Reading through this report, the contents of it fully cover the issue affecting us, and so I just stand here to render my complete support to this Committees' report. Thank you.

Hon. MANETOALI: Thank you for this opportunity for me to briefly contribute to this motion. From the outset, I would like to thank the Chairman of the

Parliamentary House Committee, the Member of Parliament of Temotu Nende for this motion.

A few points I have on this motion. First of all, we know that there are three arms of government. We have the legislature, the executive and the judiciary. Today some speakers are not happy with the Attorney General because this matter ended up in the court.

We have bodies or commissions set up by the Constitution of Solomon Islands. We have the Public Service Commission, we have the Judicial and Legal Services Commission, we have the Police and Correctional Services Commission and we have the Parliamentary Entitlements Commission. All these commissions are performing quasi judicial functions. What they do is listen to submissions and then make decisions. For example, the Parliamentary Entitlements Commission is very clearly set up by section 69(b)(2) of the Constitution in exercising its powers. It has to look at the state of the national economy and the financial position of the government, movements of the level of pay and entitlements of persons in employment and changes in the retail price index and other relevant indicators.

The Parliamentary Entitlements Commission has to look at certain factors from submissions put in by Members of Parliament or members of the public before arriving at a decision. If it makes a wrong decision the matter has to end up in court for interpretation. It has to go to the judiciary as we have these arms of government. In this case, the Hon. Attorney General's position is that he has to take the matter to court because the Attorney General protects public interest and is the custodian of our laws. He has to defend the government in court or takes up case on behalf of the government. In this particular case, the Attorney General has to take up this case because he is the custodian of our laws and he has to protect public interest. Whether the decision is made by the government or whoever, the Attorney General has to take up the matter because of public interest on the \$50,000 award made by the Parliamentary Entitlements Commission.

As we know from this Committee report, there is the decision from the High Court that all the 2009 regulations have been quashed as well as the \$50,000 award to spouses. Those have been quashed because they are not in accordance with the provisions of the Parliamentary Entitlements Commission. In fact, I agree with the decision made by the High Court on this matter. Because of the fact that the 2009 regulation has been quashed, we have reverted back to the previous regulation, this report should assist us on where we will move on to next whether the Commission should sit again to decide on the entitlements or whatever measure to take.

With that short contribution, I support the motion and I beg to take my seat.

Mr. TOSIKA: Thank you for giving me this time to briefly contribute some of my views on this motion. I thank the mover of the motion. I am going to briefly touch on the retrospective application because that is the question the court ruled on because 7th July cannot be applied back to April. That is the term in the Constitution that March and April is annual consideration of the Commission.

We have seen the application of that on several occasions, and so I do not want to touch on the \$50,000 award, but I would like to suggest that maybe the Commission should look at making recommendations to Parliament to make those entitlements apply during parliament terms, like now we are on the Eight Parliament. Like say when the Commission considers the entitlements this year, it would apply in the Ninth Parliament lasting four years so that at the end of the four years, the Commission would decide on other entitlements making the entitlements to cover almost a period of four years. Because as I can see it in the Constitution it is a yearly review so maybe we should put it to two years term so that when it is considered this year, its application happens in April next year. And the next entitlements considered next year is implemented the following year so that retrospective application is in harmony with the decision of the court. That is my view on this.

By doing that, I think it would also be fair to others in the country because how could it be that only MPs entitlements are reviewed annually. It is also creating burden on the country too at some point. The public servants are going to say that MPs entitlements are increased every year and so what about us, the public servants because it takes quite a number of years before there is consideration for increase to the salary levels of public servants. May be we should look at amending section 69(b) to accommodate terms like the Eight Parliament, Ninth Parliament or Tenth Parliament so that this Parliament looks after the next parliament or the Ninth Parliament and the Ninth Parliament looks after the Tenth Parliament. That kind of thinking so that the consideration of all these entitlements are neatly done and also consultations are made where a lot of people contribute and agree to the entitlements so that the media and the public do not scream at us all the time accusing us as not being considerate of others but doing things for our own ends.

Mr Speaker, I would like the House Committee to consider an interval of two years or an interval of parliamentary terms in making submissions to the Parliamentary Entitlements Commission. With these few thoughts I would like to thank you for giving me the opportunity. Thank you.

Mr ZAMA: Thank you for allowing me time. We are running a little bit over time but to do natural justice to the MP for Tetepare let me say my bit.

At the outset I would like to thank the Honorable Chairman of the House Committee for presenting this report to Parliament. I read through the report and fully understand the issues raised in this report, and also having read through the decision by the High Court, I am very satisfied.

Mr Speaker, whilst you have cautioned us not to touch on the High Court's decision, I feel we should touch on a few of the issues raised, however, because of that limitation, I will limit myself in my debate. I thought this is an issue or matter that is already water under the bridge. The actions taken by the Government through the Attorney General on the High Court's decision is an honorable action as a mechanism to check the actions of the Government itself and the actions of the Commission. There have been a lot of public outcries on the issues the Commission has raised. I wish to thank the public for what they have raised. I also thank Members of Parliament and their families for what they have going through during the time this issue is a hot cake of debate in the media, the papers and over the air. I would like to thank all my honorable colleagues for their tolerance, their perseverance in being able to stand the pressures that have been leveled against them.

Having read through this report, I feel the Commission may wish, in my view, raise some of the issues raised. In reading through the report, and especially why the Court has made it very clear that it has jurisdiction under Section 77(1) of the Constitution to look into this matter where the Court has unlimited original jurisdiction to hear and determine on this case, that to me, although is a court judgment raises an issue that needs to be explored.

What I would like to raise here is that after the decision was made, all commissions set up by the Constitution are now open to the courts. Any decision that commissions make whether it is the Parliamentary Entitlements Commission or the Prerogative of Mercy Commission or the Public Service Commission, the Truth and Reconciliation Commission, whether it is the Commission on Land Dealings on Guadalcanal, the Ethnic Unrest Commission or whatever commissions, all commissions set up under the Constitution, by the tone of this decision, are now open to the courts to determine, to interpret whatever decisions and to make judgment on whatever is made by these commissions and. And so what I would like to say here is that the decisions of the commissions, whatever those commissions are is not final until the court says so.

And I would like to thank the newly elected MP for Savo/Russells, who has called for the sacking of the Attorney General, and I do not blame him because my friend has been out in the wilderness following this issue, I think my

friend should have read a little bit more the reports that have gone out in the media. I think the Honorable Prime Minister has made the right decision not to sack the Attorney General. But I think I go along with my colleague for Savo/Russells that the right decision the Prime Minister should have taken is may be to sack straightaway the Attorney General for this mess.

The other thing I see is that although the Court has made its decision, the Commission can still meet, and that is a good thing about the decision of the Court that although the \$50,000 has been quashed, and whilst the Court has made orders to quash the entire 2009 recommendations of the Commission, it made an opening too. The judge who made the opening said, and I quote, "In view of the blatant errors committed in the decision making process, which would have been sufficient alone but noting also the public furor over these regulations, the only proper thing to do in this circumstance is to order that they be quashed with immediate effect". I agree with that. But then he went on to say, "that does not stop the Commission from reconvening at some later stage to reconsider any or all of the entitlements". As you can see honorable colleagues, that is not the end. And as a member of the Commission, not because I am the MP for South New George but because the Constitution says that the Chairman of the Public Accounts Committee by virtue of the Constitution, not by choice but because of the Constitution is a member of the Commission. And so the Commission will have to reconvene. I think this is where I would like to seek some guidance, some understanding from Parliament that whether it is going to be the House Committee that will make the recommendations, upon which the Commission will have to reconvene, is yet another issue. Maybe we will have to ask the court to interpret that for us as well.

It also does not stop there too but it says, "To reconsider any or all of the entitlements as prescribed by law". This is the legislature and may be I need to get some clarification on what the judge meant by "as prescribed by law". What does he meant by that? May be that is an issue. What I would like to raise here is that I agree with what the MP for West Are Are raised that we need to apply to a higher court to test this judgment that whether the High Court has jurisdiction over decisions made by every commission. That is what needs to be tested by another higher court.

I am only raising this because every decision made by commissions, not only the PEC but every commission is now subject to the courts. That is the issue I would like to raise here, and that is why whether this Commission has to apply to a higher court to test the judgment. Because if you look at the judgment on three on page 10 that this court has jurisdictions to deal with that, unlimited. But that is a big opening for the courts and it undermines, in my view, the decisions

and deliberations of every commission. That is an issue that makes me feel unsettled.

But that said, I would like to thank everybody; the public for their contribution towards this issue, especially Members of Parliament for having thick skins. I also thank those who have understanding and those that do not understand, and even yourself too, Mr Speaker, for being brought into the limelight over the debate of this issue. I would like to thank everybody. This case and the issues raised here and the judgment by the court have cleared the minds of everybody in Solomon Islands and I hope everybody understands that.

With that I would like to thank my family for standing with me, and all Members and their spouses, their children who have gone through some kind of harassment but have stood with them and that they will continue to stand with us whatever it take as leaders of this country, and that is what we have been. We are leaders of this country and the decisions we make whether they are right decisions or wrong decisions, we are there to stand by those decisions. With those remarks, I would like to thank the Chairman and everybody who contributed and I support this motion.

Mr Oti: Thank you, Mr Speaker, and I would like to thank colleague Members of Parliament who have made contributions to this motion. As the Prime Minister has said, perhaps just to erase any doubts as to why the seeming stand-off on Friday last week for this motion to be withdrawn, I think the PM has explained the reason. Of course, contained in this report is what would constitute the substance of the motion which the Prime Minister made reference to, and which I alluded to in my opening statements when I said that a motion to that effect will be moved later. That would be made, again as I understood it from the standpoint that it will not be a private member's motion but a parliamentary motion emanating from the report as presented under the current motion. That is important because it will chart the way forward in some of the issues and concerns that have been, not only raised by colleague Members of Parliament including the Chairman of the Public Accounts Committee who is a member of the Parliamentary Entitlements Commission, but also others who have raised concern in this regard, particularly the contribution from the MP for Savo/Russells and the Leader of Opposition. That motion will consider once more as to how submissions that go to the PEC are transparent, people will know why and the basis of the submissions. This is why it is important that we must not only dispose of this motion through this report because the High Court has dispensed with the issue of the \$50,000 that is now quashed by the courts now, but most importantly the way forward. Because of the criticisms leveled at the Commission, we need to tidy up how that provision in the Constitution, section

69(b) of the Constitution in so far as the work of the Parliamentary Entitlements Commission is concerned.

At the outset also, like in my opening remarks in introducing this motion, this is a very simple report just outlining the reference to the House Committee by Parliament of that particular issue and how we invoked the powers of the Committee under the Standing Orders for us to inquire into this issue, and then, of course, the Committee has had to suspend its proceedings because of the sub judice convention that any matter that is before the Court, Parliament nor its committees should refrain from investigation into these matters and therefore that is basically why the Committee is stopped. It is another instrument governing the separation of powers particularly between the judiciary and parliament, and the report reveals this. It was not concluded, the way it was initially intended on the 17th July that this is not concluded the way it was expected.

The Committee was caught up with the sub judice convention and therefore although we have fallen short of fully delivering what the public inquiry would have amounted to, at the same time we think that the way forward because of the issues that were raised by the public which go beyond and way beyond the \$50,000 entitlement which is now struck off by the courts, we need to continue to strengthen our parliamentary processes by making sure that bodies and institutions created by the Constitution are working harmoniously together.

Of course, other issues have also been raised regarding the administration of the process itself, that is not the subject of this report and therefore I do not want to comment on that. With those concluding remarks, I beg to move.

The motion that Parliament resolves itself into the committee of the whole house to consider National Parliament Paper No. 35 of 2009, report of the Parliamentary House Committee on the inquiry into the \$50,000 terminal grant to a spouse of a Member of Parliament is passed.

Sitting suspended for lunch break at 12.44 pm

Parliament resumes at 2.31

Committee of the Whole House

Mr Chairman: Honorable Members, the Paper before this Committee is National Parliament Paper No. 35 of 2009, the Report of the Parliamentary House

Committee on the Inquiry into the \$50,000 terminal grant to a spouse of a Member of Parliament.

Before we go through the Paper, I wish to remind the honorable Members that whilst I will allow discussions on all details contained in the Paper, I will not put any question or allow any amendment in relation to the Paper. I propose that we go through the Paper page by page.

We shall start on page 1, chapter 1 on the inquiry and the high court processes. May be we will go by 1.1 in that order so that any Member wishing to raise point on that may do so.

1.1 - Parliamentary House Committee

No comment

1.2 – The Commence of the Inquiry

No comment

1.3 – The commencement of proceedings in the High Court

Hon. Sogavare: This is for our discussion and so we will just go ahead to discuss. This is just following up from some points raised by the Member for Vona Vona and then later on taken up by the Chairman of the Public Accounts Committee and a member of the PEC and following on as well from the views expressed by the Minister for Lands. I think the first matter, just to express this view, Parliament did make a decision to refer this matter to the House Committee to look at, and this was overtaken by the Court and so the decision of Cabinet and the members of Cabinet who are also members of this honorable house have already made the decision, we voted on it and we want to refer it to the House Committee, that same faction who are also members of the Cabinet made the decision again to refer this matter to the court. I think that is one view that is expressed here which we might need to look at that when Parliament makes a decision should honour that and maybe process it through the House Committee if they see it fit to take it to the court then it can do so. But it has already happened and so we are just expressing that view.

The other matter is the views expressed by the Minister of Lands, who is a lawyer himself, and so maybe he can clarify it to us that the AG as the protector of public interest, this issue is still an issue outstanding which probably needs to be cleared in the court one day. Because section 42 is quite clear on the role of the Attorney General, and it says “there shall an Attorney General whose office shall be a public office and who shall be the principal legal advisor to the government” and government also includes the arms, the various committees, and the PEC is part of government, and whether it is proper for the AG being an

advisor to the Government and its various institutions, has to take the Government to the court. From what the learned Minister of Lands has said, whether he can clarify to us where under the Constitution or where in the law does it say that the Attorney General is the protector of public interest and it is for that reason that he took up this case to the court.

Hon. Manetoali: Thank you for that question by the Leader of Opposition on this public interest issue. In fact, the \$50,000 benefit has received widespread criticism from the public hence brings up the idea that the matter should be brought to the court for the court to make a decision on whether the PEC has made the right decision in regards to that benefit decided upon by the Commission.

I was saying that the AG has taken up the matter as it is in the interest of the public as we have seen it coming out from the media as well as the newspapers that this issue has been widely published. That is the reason why this has become of public interest and it has to be tested in the judiciary. Thank you.

Hon. Sikua: If I can just make some clarifications on the first issue that was raised by the honorable Leader of the Opposition before the issue that has now been clarified by the Minister for Lands, Housing and Survey.

From the time when Parliament made the resolution on a motion moved in the House by your goodself, Mr. Chairman, to the time when Cabinet made that decision, it was quite a lengthy period in which there were very heated public debate and dissatisfaction on this whole issue. One of the things that I must emphasize is that the Paper I took to Cabinet was basically a paper approving the government's submission to the House Committee. Caucus endorsed it and from Cabinet it should come to the House Committee as the government's submission to the House Committee, not only on this issue but the whole 2009 PER.

The situation at that time was that the Government was coping a lot of criticism on this whole issue, and therefore one of the things I did was take this paper to Cabinet to approve our submission to the House Committee but at that time on the basis of that Paper in its wisdom, Cabinet decided to refer the matter to the High Court because of the pressure we came under from the public and the criticisms that were directed towards the government on this issue at no fault of the government. That was when Cabinet made the decision to refer the matter to the High Court and the Hon. Attorney General did take steps to refer the matter to the High Court.

When the matter was before the High Court, an opportunity was given to the Government as a party to talk to the PEC, especially the Chairman to see if the 2009 PER could be withdrawn. That was not agreed to and therefore we proceeded to the High Court to make a ruling on the PER 2009. I just want to make that clarification because we had been under lot of criticisms as a government and we wanted this matter to be settled as quickly as possible as it was damaging the image of my government at not fault of our own. Thank you very much.

Mr. Oti: As the report indicates, the 17th of July was the time the motion was moved and preparation by the secretariat took another one and half weeks and by Wednesday 5th August advertisements were placed on the papers for submission by stakeholders, giving them time to do that from August 14th to 2nd of September, by which time the 24th of August when the Committee is still preparing and receiving submissions, on the 24th of August the submission, and I guess that was preceded by Cabinet consideration of the issue as the Prime Minister mentioned that by 24th of August, the AG filed the case before the courts.

That time lag, of course, was what the Prime Minister referred to when was the onslaught by the media on this particular issue. However, there was no, apparently perhaps and the Committee needs to be corrected on this, there was no, for example, for the Cabinet to take up that issue giving authority to the AG to open a case.

There was no, I think, any reference to the powers of the Commission under section 137 of the Constitution, particularly in relation to subsection 4 which says, "in the exercise of their functions under this Constitution, no such commission shall be subject to the direction or control of any other person or authority except as otherwise provided in the Constitution". These commissions are independent and so perhaps inadvertently the Cabinet jumped and tried to take on the responsibility that is not vested on it by section 137 of the Constitution. The closest way for Parliament to address this is by virtue of Parliament's Standing Order, which says the Standing Order to mandate the Parliamentary House Committee that says that there shall be a standing select committee designed the Parliamentary House Committee whose functions shall be, (a) to consider and advise appropriate authorities on such matters that are connected with Members' terms and conditions of service. This is a window of opening we used at that point in time when we offloaded the whole responsibility by virtue of expectation of section 137 of the Constitution giving the closest institution designated by the Constitution under the Standing Orders of Parliament which designate the Parliamentary House Committee to deal it.

We could have, perhaps avoided, it is now water under the bridge, but we could have avoided that situation by sticking to what section 137 of the Constitution says and what institution in the system we could use to take on the responsibility to delve into the actions of the Parliamentary Entitlements Commission.

As I said, it is now water under the bridge but if we had seen it properly, Parliament was equipped to deal with the issue. But that is not defense for the conclusion that the High Court came out with. It is the same thing, except that we came through different roads, one is the right one and the wrong one is what we followed but we ended up with same results.

Hon. Hilly: That Standing Order provision gives power to the House Committee to recommend what it thinks should be the conditions of Members of Parliament, but it has no power and right to advise the Commission as to what it should do. It cited correctly the provision in the Constitution that nobody should influence the Commission one way or the other. The provision in the Standing Order gives the right to the Standing Committee to make recommendations from year to year. There were many recommendations and because the Commission is independent, many of the recommendations we made were not taken on board by the Commission. So it is not really an avenue we can resolve this issue.

After Parliament establishes these commissions, they are independent, we cannot even tell them what they are suppose to do, and so the only way the Cabinet looks at this issue is that maybe only the courts have the jurisdiction to address the issues that the public at large and even parliament is concerned about, and therefore on behalf of the Cabinet, it is the Cabinet that asked the Attorney General, not to challenge but to apply to the Court whether in the view of the court what has been given is right and legal. That is all what it is, and I think the Court has done its job and so this issue is no longer an issue. All I want to say is that, I think, the government has taken the right step in addressing this issue.

Mr. Waipora: My question is about administrative procedures. I know it is already water under the bridge but when I heard the Attorney General taking the case to court, immediately I asked why, and this is because of this. After the Parliamentary Entitlements Commission decided on the issue and its paper is there, I think it should have gone to the Attorney General for vetting, and after vetting it should go back to the Prime Minister's Office. When I was there I know that the Prime Minister's office is responsible for processing of gazettes for gazetting.

I just want to ask the Honorable Prime Minister that when these entitlements were processed, who is processing gazettes in the Prime Minister's Office because usually gazettes are done there. That is why I questioned this issue because the Parliamentary Entitlements Commission made its decision, it then goes to the Attorney General for vetting and after vetting it goes back to the Prime Minister's Office, and the Prime Minister's Office processes the submissions for gazetting. How is this gazzeted? Did it go behind the walls or what? That is what I want to ask. And after that they turned around when the Attorney General and the Prime Minister's Office took themselves to court. Yes, we can put it in that sense. That is my question and thank you.

Hon SIKUA: As I had explained earlier on, the Secretary of the Parliamentary Entitlements Commission is the Assistant Secretary to the Prime Minister in the Prime Minister's Office. When submissions came out from the PEC, it was forwarded to the Attorney General's Chambers for legal vetting and advice. But that is the point because the Attorney General himself did not have the opportunity to look into the submission. It may have been just an officer within the AG's Chambers that had the opportunity to look at the submissions which was then sent back and when it came back to the Prime Minister's Office, we had assumed that it was okay. This is the administrative oversight that has happened in this case. For us as the Government, we were not aware of these submissions. As a government, we had made the decision that because of the tight financial situation we are in, the current global economic crisis we would not make a submission to the PEC for the 2009 PER. That was our decision, and so we had no idea at all that there was a submission to the PEC. I think it would be useful for this House to know who made that submission so that all of us are clear as to who made that submission.

I think the Parliamentary House Committee should inform this House who were the subscribers of that submission so that we would better understand it because if I had known that the Government did make a submission, then as is normal I would follow it through the process. However, because this is outside of government, I did not know anything about a submission and therefore I have not alerted my Attorney General to keep an eye out for it as well one it comes out of the PEC. But because I had no knowledge about it and, of course, my government, we only learnt about it when it came out in the paper and we started to ask questions. We had some answers but these are things that I hope the House Committee would let us know of later. But that is the administrative procedure that I am trying to explain.

Mr Oti: In fact from the list of stakeholders that the House Committee was already dishing out, all of you Members of Parliament would have appeared before the House Committee for the inquiry at that point in time, until the government hijacked the parliamentary process and that is why we cannot complete the inquiry, as was originally intended in the resolution. But be that as it may, I think the initial points raised by the Leader of Opposition in relation to paragraph 1.3, those three bullet points are what the AG took before the court, and I guess the mandate of Cabinet for it to take the case up on the 24th of August.

Unfortunately the terms of reference from that matter of privilege raised by the Member for North West Choiseul was only looking at one aspect or one of the offers, which was the \$50,000. What was taken to Cabinet or what the Cabinet mandated the AG to take to court goes beyond the \$50,000, and therefore we would have pinned the issue to know where the submission had come from and so on because of what was controversial in so far as the matter of privilege raised by the MP for North West Choiseul was the award of the \$50,000 to spouses, and not the other entitlements given under the 2009 PER.

For now, it was rather unfortunate that what Parliament was mandated to do is caught up in the wider submission to the courts by the AG. And recognizing as I said today in my statement, the sub judice rule that anything before the court should not be interfered with by Parliament, we respected that principle and so we withdrew our inquiry because this one single issue is tied up in the wider package that the AG filed before the courts as contained in paragraph 1.3.

I think the issue is now laid to rest. What we are pointing out in paragraph 1.3 is what went before the courts by the Attorney General. The parcel inside, tiny element of it is the \$50,000 which really affected what Parliament has passed mandating the House Committee to look at.

Sir Kemakeza: In the light of what the Prime Minister has said, it all boils down to failure in the administration. According to the Prime Minister, the Attorney General did not cite the submission and so maybe only a junior officer cited the report and sent it to the PMO. So this is a total failure of the Prime Minister's Office and the Attorney General's Office. Therefore, my point is valid that because of the failure of these two leaders, the Attorney General and the Prime Minister, we were caught up on this issue. Therefore, the Prime Minister cannot throw the blame at anybody because it has to come through him. Anything for vetting has to pass through the Prime Minister's tray and vice versa. The first fault was the AG's Chambers and the Prime Minister's office. It is not the submission, but only the records go down, and so who puts the legal language

on it? Is it the administrator? No, it has to be a lawyer; the language in the gazette. Therefore, my point is still valid.

Hon. Wale: Firstly the point raised by our colleague MP for Savo/Russells calls on us Members of Parliament to be a bit honest. I think there were one or two Members of Parliament who personally followed this thing through. When the wording of the regulations to be in the gazette goes down to the AG's Chambers, the junior officer that was dealing with it had quite a bit of pressure and also the Assistant Secretary in the PMO who is in charge of gazette notices was also pressured to publish the gazette as quickly as possible. This made them circumvent or short circuit the procedures. In view of this, it looks like the conduct of some of us is at fault and this I think points to the wider picture why the public is made very strong public outcry against this matter. Of course, the legality or illegality of it is important but I think the public was concerned about the morality of it, the values of it, the exorbitant unreasonableness of what was in it. That was the perception, and it explains part of why the government chose to take the course of action it took by going to the courts to deal with the matter much more efficiently than allowing it to go through an inquiry process which will take time plus the point that was raised by the Chairman that those questions that go before the court are much wider than just the \$50,000 spousal award that the public sees us trying to hide the other things and only \$50,000 goes to the inquiry. The government was sensitive to that perception and also looking to an outcome that actually will bite, will have some enforcement because the government sought understanding with the PEC for a resolution but that understanding was not there. The AG's advice already went to the PEC and the PEC did not want to abide with that advice. And in view of what the Minister of Commerce has said that even if it did come to the House Committee, the House Committee will come back to Parliament and recommendation will be made to the PEC and PEC was still independent and only the court could make an order that the PEC would have to then abide by. So in that instance, the Government went to the court so that the court can make the ruling and the PEC abides to it, and the whole matter would be resolved, and this is why we now have this outcome. That is the context within which that decision was made and because it is now all water under the bridge we may forget the strength of the public outcry over the matter.

Hon. Sikua: Just to reiterate the fact that the submissions never passed through the desk of the Prime Minister. And as I have repeated since this morning, nor has it touched through the desk of the honorable Attorney General. What actually happened was what the Minister of Education had mentioned.

What I understand is that a submission was put to the PEC by a group of MPs and they followed it through to gazettal because of their interest within. And I think that was the reason why it was purposely kept out of my attention and that of the honorable AG and that is why the Government took the measure it had taken.

Mr. Boyers: It has just come to light that the AG's Office is not impervious to influence. Now that the AG's Office concern has been brought to light that this is due to undue influence by MPs on the AG's Office on a junior officer, why was that not brought to light when the junior officer was subject to influence at that time? If it was, and this is the case, where are the actions to prove that the AG's Office now is still not subject to impervious influence by MPs? This is a serious issue and it should have been reported. And if we are talking about the independence of commissions and the independence of offices of higher authority, the AG is appointed under very strict conditions under the Constitution. If a junior officer is influenced by parliamentarians he should have the immunity to be able to turn around and tell those MPs to mind their own business because they might end up before the Leadership Code Commission.

To just bring to light the position now that the AG's Office has been influenced by MPs and so its independence is no longer there, one brings into question what are other areas are also being influenced. This is a serious issue. I think if we are going to talk about an issue such as this in light of just spouses' allowance, if I was in someone else's shoes in the AG's office, I would like to know that I have the confidence to be totally independent of outside influence knowing that I am governed by the law and protected by it.

Hon. Sikua: Since this incident happened, the honorable AG has taken the necessary steps in moving that particular officer out of the division that deals with legal documents for vetting to another place. He has also instructed that all documents whether they are major issues or not needing legal vetting and the opinion of the honorable Attorney General to be directed to his attention. Those are the two steps that have been taken since this issue has arisen.

Sir Kemakeza: What about the Assistant Secretary in the Prime Minister's Office. What action is taken on him? I want to know otherwise the other one is penalized and the other one is kept to save your face. What has happened to him?

Hon. Sikua: Since that incident happened I have instructed that the officer dealing with gazettes in the PM's Office should be attached to the AG's

Chambers, and not the PMO. I think previously in the past that is where this person was located, but it may have been the former government that moved that function to the PM's Office, and so I have directed that he be moved so that they can be together and work closely that the Assistant Secretary should be moved to the AG's Chambers.

Mr Chairman: I think we have adequately discussed this paragraph and so we will move to paragraph 1.4.

1.4 – The Committee's decision to defer the conduct of the Inquiry

Hon. Sogavare: The Committee has actually made some recommendations there. I think the issue now seems to be the procedures and processes that we need to follow for submissions to be made. I think the Committee has outlined the procedures there and formalizes it by way of Recommendation No. 1 and the only recommendation made by the Committee. I feel that may be Parliament also needs to discuss the recommendations that the Committee is starting to make on page 3 and formalizes it on page 4, which basically repeats what is outlined on page 3. The paragraph before that says, at the same time the committee resolves that it should seek new terms of reference from the House for a broader inquiry into the operation, membership and performance of the Commission. Those are the draft terms of reference recommended by the House Committee. I assumed that at the end of the deliberation of the committee of the whole house, we will deal with these recommendations for adoption. I do not know what the processes are but it is very important that we need deal with that matter to start addressing the procedures.

The Constitution, as I said today in my debate, says it, for example section 69(b)(2) says, "considers such representation as may be received from persons or bodies of persons within such time as may be notified by them, and I think the point raised by the Prime Minister is that Members of Parliament get together, make submissions and send it straight to the PEC. What should be the process to be followed to avoid that kind? Should it go through a body and probably the House Committee? I think there should be some defined systems and processes that should be followed to go by the requirements of the Constitution.

The same is with section 69(2)(b) of the Constitution outlining the information that the Committee should have. In what form should it appear before the Committee? The Committee has actually required Parliament now to seriously look at the terms of reference it wanted. It wanted to look at the membership of the Commission under section 69(a). It will deliberate on that and maybe come back to parliament on that. On (b) it wanted to look at the

procedures followed by the Commission in carrying out its yearly reviews. It is addressing the pertinent issues that Parliament needs to see to address the situation we are facing now. I think those are very important areas that the Committee is now challenging Parliament to say yes, we are giving you that work to do. We extend your terms of reference so that you can look into those areas and recommend it to the appropriate authority.

Hon. Sikua: I have been talking with the chairman of the House Committee at lunch break and one of the issues that became very clear is the need for the PEC to have its own secretariat. I hope that we can deal with that quickly so that the submissions can be dealt with by the secretariat before it goes to the PEC. I hope that our new office complex that is going to be built will have the facilities for the secretariat of the PEC to be located.

But in terms of the new terms of reference that the House Committee is seeking for a broader inquiry into the operations, membership and performance of the Commission, these are the things that I hope the Chair of the House Committee, once this report is approved, is going to bring back in terms of another motion he is going to bring up, and bring back before the final sitting day of the Eight Parliament, which I hope our final sitting will be around March/April next year. This will give chance to the House Committee to think through the new terms of reference it wanted to make, and especially the building in of a new secretariat to strengthen the work of the PEC, and then a clear direction as to where submissions will go to after Members of Parliament make their submissions.

I hope the next motion the Chair of the House Committee is going to move would comprise what is inside the report plus any other ideas that may come for us to approve so that it goes ahead with it. That is when we have the final sitting of this parliament early next year. Thank you.

Mr Chairman: I think just to help clarify the point that after adopting this report what would happen to the recommendations, my office has already received intention by the Chairman of the House Committee to use Section 18(3) of the Standing Order to move a motion after that. Thank you.

Mr. Oti: Just to recap on the relevant pages which the Leader of Opposition has brought up, paragraph 1-4 is the decision of the Committee, the reasons for the decision of the Committee to defer or halt its hearings because the matter was then before the courts, and then the outcome of the court proceedings has thrown in light because of the wider scope of what is the case the government has put to the court, through the AG is wider than \$50,000, and that is why the

need and the wide publicity this issue has attracted in the media, cognizant of the issue and how sensitive they are and perhaps some misunderstanding lies in the public as to the role and work of the Commission, and perhaps for this matter, the House Committee sees the need to expand the terms of reference, particularly the \$50,000 was caught up in the case that was dealt with by the court. But apart from that there were other issues that the Court has highlighted in regards to the case before it. Because of that, this recommendation on the expanded terms of reference is to capture the issues that attracted wider publicity, and also to take into account how the court considered the point of law it considered in relation to the performance of the PEC on the powers vested on it or prescribed on it under section 69(b) and then (b)(2) and so on and so forth. Those need to be captured in this. But it is for the purpose of this report that this recommendation is there. That is for the purpose of this report of this inquiry.

The motion that is going to be tabled as I alluded to earlier, whilst it is there already because of the debate that might ensue on issues that Members of Parliament might raise in relation to this, I propose to have more consultation and dialogue with Members of Parliament and your office, Mr. Speaker, and of course, the government as to how we can mould this to capture the issues that have been highlighted, and it might do more than what this recommendation is saying. But for the time being, this recommendation is for this report. What comes out as a substance to expand the terms of reference, depending on how Members view it and how other stakeholders might want to make an input into it, is quite in order as far as the Parliamentary House Committee is concerned. So the recommendation must not be seen in this instance that is what is going to come before the resolution of Parliament in the next motion. It is grounded on the fact of what this report is about. The way forward is to take this account plus any other submissions that Members of Parliament might wish to include in the terms of reference.

Hon. Hilly: I would like to ask a question to the Chairman of the House Committee. The task before the House Committee is to look at the \$50,000 terminal grant to spouses of MPs. Where in the report is the Committee's decision on that, and how do you arrive at a decision whether it is a good thing or a bad thing? And what is the content of the submission by those six people? Are they in support or are they not in support? And how are those submissions influencing the Committee to arrive at a decision? That decision is what I did not see because it is that specific area that the Committee was asked to look at, the \$50,000. What is the Committee's decision on this, and how did the six contributors talk to you about this issue? I think the summary of their

contribution should form an appendix to this report, however, I cannot see that and I also cannot see the decision of the Committee on the \$50,000.

Mr. Oti: The Committees' inquiry was overtaken by the outcome of the High Court ruling and so we stopped the inquiry because of the sub judice rule that the matter is before the courts now. If you want to know the conclusion of the \$50,000, then that is what the court has ruled, and the Committee abides by the decision of the court, we respected the decision of the court.

Secondly, because the inquiry was stopped because the case was brought before the court on 24th August, all submissions therefore which were required by witnesses who are supposed to come and give evidence, and followed up with their written submissions, we cannot divulge it as part of this because they were part of that halted hearing by the Committee. What is basically the Committee's position now cannot differ from that of the court for the time being.

Hon. Lilo: On page 3, which is the recommended terms of reference that the Committee is seeking Parliament to endorse. This is on page 3, paragraph 1.4. Anyway you may have gone over it, but I am just asking it because that is exactly what the Committee is asking us to give to them.

In here, it seems like we are now trying to mandate the House Committee to inquire into the performance of members of the PEC and whether or not Parliament has the right to do that. Every commission established by the Constitution, normally if there is anything required of us to inquire into the conduct or integrity of the members or the Commission themselves, normally a special tribunal would be established for us to inquire into the conduct of the Commission. In here, we just want Parliament to give a bit of this task to the Committee to do it. That is my reading of some of the paragraphs here.

I just want to find out from the Chairman of this Committee whether or not they have sought legal clarification from the AG's chambers on the appropriateness of this particular recommendation? I say this because I know that the terms of reference we have given to the Committee, I can see how difficult it has been for the Committee to even come up with a report on those terms of reference. Let us not blame the Committee for doing that because usually when we see something on the paper that we all run to this house and tried patching up this motion. No wonder why this thing went wrong. Anything we hear from outside we come running inside here and start doing things. Next time we must not do that. However, I am a bit worried about this part because this is a commission established by the Constitution and there are some parts inside the Constitution which says that if any commission does something that is not right, normally a tribunal would be established to look into

the conduct and the way the members of the commission perform their responsibilities. Do you think it is appropriate the way you are asking us to bless and give you the work to question the members of that Commission?

Mr. Oti: I am very sorry that Minister for Environment came in late and so he was not here when I explained earlier on today that this is a recommendation as part of this report. The expanded terms of reference as proposed here will be a subject of further discussions with different stakeholders, the Parliament and the Government as to the way forward in addressing the issues and the processes that the High Court has also highlighted. We cannot just sit on it like this or perhaps what avenue is suggested here that the Parliamentary House Committee can take on. It is Parliament to mandate the Committee if it is outside of the scope and the power of the House Committee under its terms of reference under the Standing Orders. Of course, we will explore other options, and that is why I said that a separate motion will come in for this purpose. The adoption of this report will not mean an automatic adoption of the recommendations herein because of what the Minister for Environment has raised and other issues that have been raised before the Committee, I mean this present Committee will have to take those into account and see whether we could pursue this as recommended here or other options under the Constitution that are available, particularly if we look at where the powers are going to be vested. Under section 137(4) of the Constitution what body can look at commissions established by the Constitution because it is specific that only bodies authorized by the Constitution can look into the work of these commissions, and so we will take that into account?

Mr Chairman: I also think it is important to maintain the independence and rights of parliament. If any leader feels something is not right in the public, then this is the right place to say so. As a result of that, I think resulting in the Committee given the authority to look into the issue. Whatever decision we make, whether to accept the recommendation of the Committee otherwise can also be made in this chamber. It does not stop anyone from doing that. We ourselves will make the decision. Thank you, Member for Vona Vona.

Mr. Boyers: This brings me back to the position. Recently the Speaker sent me to the Speakers and Clerks meeting in Brisbane and the issue of parliamentary entitlements came up and the processes and procedures of oversight committees such as standing committees of parliament and their powers and appropriateness in creating checks and balances. I totally agree with your position on that. This brings me back to the original problem when this came out

in the media maybe number of us were unaware of this. As we now know, this was pursued by a few MPs that made submissions to the PEC.

My question is directed to the Chairman that the process followed by the Commission or in relation to the process followed by Members of Parliament, for example, if a MP or a group of MPs made submission to the Parliamentary Entitlements Commission that was not appropriate in the view of may be some other Members of Parliament, where is the process of redress knowing that you already do not know what has been submitted. This is what I want to know whether that is part of recommendation (b) on procedures followed by the Commission when carrying out yearly reviews to amend the entitlements of Members of Parliament under Section 69(b) of Constitution. Where is the process we are going to now follow and the recommendations, probably a motion that is going to give those MPs that are not informed of the submissions that may not be in favor of their own conscience of saying, we do not want this and therefore we can make a submission to the Commission to say why we do not want it as well. It cannot be a one-sided position. I do not know because I never made a submission. I have only been on the PEC as a Minister of Finance in the past in dealing with submissions. But where is the address of recourse for those Members of Parliament who do not want the entitlements? Is that part of the recommendations in part (b) of the House Committee? I understand the House Committee is very important and where is the relationship with the House Committee in relation to the submissions by the PEC.

Mr Oti: There have been instances not in this Parliament but in previous parliaments where the House Committee under section 71(a) of the Standing Orders can delve into and consider matters concerning the conditions of service and privileges of Members of Parliament. The House Committee, according to my understanding, was used for that submission to be blessed for collective purposes and then submission was made to the PEC. I do not know what time the House Committee was not using this for this purpose. Definitely not in this current Parliament meeting; the House Committee was not used for that purpose but in the past it was used to avoid situations that the MP for Vona Vona has raised that the House Committee can call Members of Parliament to say this has been submitted before the House Committee for submission to the PEC on how you see it? Because we did not use that process and that is why it does not allow individual submissions directly to the PEC. But section 69(b) of the Constitution whilst it says can receive submissions from anybody does not qualify who. I mean it needs to qualify who, and it there needs to be some ways of redress as the MP for West New Georgia/Vona Vona has mentioned that there must be another body because the PEC cannot hold all the submissions and ask whether

every one of us agrees to the submissions otherwise every one might put their hands up. May be another body should be set up to look at this, and leave the PEC out to perform its role of getting the final submissions from Members of Parliament through an instrument, like as I said, before they used the House Committee until the time when Members no longer see the relevance of the House Committee for this particular instance. But by invoking the powers of the House Committee under section 70(a), the concern raised by the MP for Vona Vona is possible.

Hon Wale: The other side, I suppose taking it one step further, was that one lesson that we can also learn from the public outcry was the perception that we Members of Parliament are self-serving. We make submissions and we approve it and we ourselves too will review it in the House Committee and so forth. I think the lesson to be learned there would be in terms of the processes, and if there are insufficient legal basis for doing it like that, perhaps we could look at legislative reform to enable submissions to be published on the website or something like that, so that not only Members of Parliament, like the MP for Vona Vona has said know what has been submitted by other Members of Parliament or other persons, but also members of the public are aware of what submissions have been made, and if they want to appear before the House Committee to make submissions to it.

I think the integrity and dignity of Parliament is very important that every step should be taken to protect in the eye of the public, and so to carry the public with us on these things, especially because it is concerning our emoluments and entitlements as Members of Parliament, it is very important. I just thought that it is an important lesson for us to learn and perhaps the House Committee to think seriously about.

Mr Chairman: I think at the moment the House Committee still operates within Standing Order 70 when it came up with this report, and further wishing to improve on how the PEC receives submissions.

I think the recommendations made here in this report are still within the power given to the House Committee to suggest ways of making further improvements in future so that Parliament is more transparent and MPs are not seen as self serving. I think that is why the House Committee is proposing another motion after this report is adopted by Parliament. Thank you.

Mr Waipora: I just want to make a very brief comment here. I was advised about 10 years ago about these commissions. I was advised that you politicians should not be involved in these commissions. That is what I was told. That is

why the architects of the Constitution put commissions like that. That is why provincial governments are not taken into account; they do not have any commissions. And do you know who deals with their salaries? It is the provincial executives.

When I was in Makira I know that it is \$24,000 for one member. Why, because they decide on their own salaries, their own conditions and so forth. When I was Provincial Secretary I advised them not to be involved in that but leave the central government to decide on it. That recommendation I made was heeded to and the Minister approved their conditions. But I approved some of them anyway when I was the Provincial Government Minister.

What the commissions are established for is so that we do not poke our noses into them. That is why the Minister of Finance is a member because he knows the cash flow situation and the Chairman of the Public Accounts Committee is also a member. Those two are members of the PEC because they are there for reasons so that instead of us telling how much money the government has, those people are responsible to know the financial situation of the country. They are put as members in the Constitution so that they decide for us. At the moment it is the House Committee and so I am confused. But leave them to decide for us.

Because we are involved in it and that is why we have this problem. They are blaming us right now as serving our own interest because we are involved in deciding how much, so much so that the public ridiculed us with our wives saying that we are trying to give \$50,000 to our wives. I think we are breaking the rule there and that is why we are arguing now. I do not know, as I am confused about the House Committee, but in my view what the Minister of Environment said is true that we politicians are involved in this and so we are blamed and in the next election we will not win.

I am just making my comment because when I was a public officer I was advised about that by my superior officer and he was one of the colonial people of before. I thought that one is still on. You always say that I always talk about Noah's time but Noah's time is much better.

I tell you that when provincial governments decide on their own salaries they do not care whether they have the money of it or not but as long as they got the allowance and the salaries, and Makira Province was the first one to move up because politicians are involved in their own salaries and allowances. They put out public officers and go inside their houses and so on. When we look at this recommendation we must also think about safeguarding the dignity of parliament so that the name of Parliament is not defamed. That is my comment.

Mr Chairman: Honorable Members, pursuant to Standing Order 18 (2), the only question before the Committee now is that the Honorable Chairman of the Parliamentary House Committee, as the mover of the motion, does report to Parliament that the Committee has considered National Parliament Paper No. 35 of 2009.

The motion agreed to

Mr Chairman: The Honorable Chairman will therefore report to Parliament when the House resumes.

Parliament resumes

Mr. Oti: I wish to report to the House that National Parliament Paper No. 35 of 2009 has passed through the Committee of the Whole House.

Mr Speaker: The honorable Chairman reports due consideration of the report by the Committee of the whole house. I call on him to proceed.

Mr. Oti: In accordance with Standing Order 18(1), I now move that Parliament agrees to the proposals contained in National Paper No. 35 of 2009.

Mr Speaker: It has been proposed and if anyone would like to make any comments may do so.

Hon. Lilo: I shall contribute very briefly on this particular proposal moved by the Chairman. In the absence of any clear legal interpretation on whether or not it is right for Parliament to task the House Committee or any committee of Parliament to look into the conduct and integrity of the Commission, I am a bit worried about that particular recommendation because the Constitution would normally be clear about how they investigate into the conduct of any commissions. I do not see why there should not be any provision in the Constitution that provides for that kind of provision that in the event anybody questions the integrity of any commission, the Constitution allows for that.

In the absence of any clear legal clarification on this report, and this report too does not provide for that, I am a bit worried about this particular proposal put forward by the Chairman of the House Committee. But nonetheless I am just raising this for the House to be aware of it because I raised it as part of a question when we went through this Paper at the Committee of the whole House. I

thought it is a substantial matter that we need to be clear about too in regards to whether or not the Constitution allows for that or that we say no because of the independence of parliament that we allow parliament to go and inquire into any commission then parliament will do the same to all the commissions? That is the question I would like to raise here and I resume my seat.

Hon. Sikua: Bearing in mind what my Minister of Environment has said and I go back again to what happened on Friday when I asked the mover of the motion to withdraw the motion and to retable it again today, and the explanations he has given that for the purpose of this report this is what we have. But for the new terms of reference which will embody some of the points that are made on page 3, there will be further consultations made by the Parliamentary House Committee before the new terms of reference would be framed into a motion and to be moved at a later time but definitely on the final sitting day of this Eighth Parliament. Because of that explanation I have accepted the motion and have no problem in supporting it. I hope that that indeed will happen and if that is what is going to happen then we have no problem.

Hon. Sogavare: Mr. Speaker, in line with what the Prime Minister has said, I take it that we are not voting on anything at this time. The Member who presented this report will just report to the House that the Committee of the Whole House has considered the Report, and it would be on another day, according to Standing Order 18(3) that the Chairman of the House Committee is going to move the motion proper to adopt a recommendation. The Chairman has made it very clear that he is going to make wider consultations with MPs before he moves that motion for a recommendation to be adopted. So I take it at this point in time that the Chairman will only report to Parliament that his report has been considered by the House.

Mr Oti: I thank the Minister for Environment, the Prime Minister and the clarification made by the Prime Minister and the Leader of Opposition. Yes, this is basically in line with SO 18(3) which requires that Parliament agrees to the proposal, especially after it has been considered at the committee of the whole house, and so it is procedural. Whether or not Parliament has erred in questioning another commission, we have just been told that the checks and balances of our system are still there. Open another case in the high court to question the power of Parliament in passing this motion.

Mr Speaker: So are you winding up the motion and so you beg to move? Can you say that please?

Mr Oti: In accordance with Standing Order 89, I move that Parliament agrees to the proposals contained in National Parliament Paper No. 35 of 2009, and I beg to move.

The motion is agreed to

Mr Speaker: Honorable Members, I now call on the honorable Prime Minister, to move the special adjournment motion.

Hon. Sikua: Thank you for granting me permission to move this special adjournment motion.

I move that at its adjournment today, Parliament shall stand adjourned until Friday the 20th November 2009. Mr. Speaker, the main reason behind this special adjournment motion is to enable the Constitution Review Committee complete its hearings on the Constitution Political Parties Amendment Bill 2009.

The good and hardworking Chairman of the Constitution Review Committee has written a letter to me requesting additional or ample time for the Committee to complete its work on the Bill. Despite the fact that this Bill has been with the Committee for the last four weeks, the Committee, I understand, was unable to meet while we were in recess because it could not get the required quorum for its meetings. In addition to that the parliamentary support staffs were also busy with the Special Select Committee hearing on the services delivered at the National Referral Hospital and some of the members of the Constitution Review Committee were also on that particular select committee inquiry.

I have spoken with the Chairman of the Constitution Review Committee and asked that he speeds up the deliberations on the bill, and I hope that him and his members will be amenable to meet late into the evenings because if further delays are experienced, it could mean that we will be meeting until the Christmas eve.

The special adjournment motion, however, will also give my Cabinet time to deliberate on the Appropriation Bill, 2010, that is the budget tomorrow Wednesday and also on Thursday this week, before it is forwarded to the Public Accounts Committee for its scrutiny hopefully starting over the weekend and into next week. Also, I will be traveling to Gizo tomorrow accompanied by the Minister of Environment Conservation and Meteorology, the Minister for Fisheries and Marine Resources, the Minister for Police, the Minister for Provincial Government, I understand and also the MP for Temotu Nende who is the Chairman of the Environment Advisory Council, to open the Second

Ministerial of the Coral Triangle Initiative countries. This will be taking place in Gizo and, of course, the CTI countries include Indonesia, Malaysia, the Philippines, Papua New Guinea, Timor Lest and of course Solomon Islands. I also understand that the Australian Minister for Environment will also be attending that meeting in Gizo tomorrow as an observer. This is a very important meeting for us, in terms of moving the Coral Triangle Initiative forward and so we will all be returning from Gizo on Thursday the 19th of November.

Further, I think the special adjournment will also give sufficient time for all Members of Parliament to read and familiarizes ourselves with the report of the Foreign Relations Committee on the inquiry into the Facilitation of International Assistance Notice 2003 and the RAMSI intervention, which is National Parliament Paper No. 37 of 2009. I think I have also just tabled the partnership framework between the Government and RAMSI because I am sure there will be an opportunity for us to debate these papers. This is to give us time to read these reports to enable us contribute and participate meaningfully when debate on these reports commence.

Finally, I just wanted to mention those as reasons why I am moving this adjournment motion. I wish once again to appeal to the Constitutional Review Committee and the Bills Committee to complete their hearings and consultations as soon as possible so that their reports are ready in good time for us to proceed with government business as scheduled.

With these remarks, I beg to move.

Mr Speaker: Honorable Members, it is proposed that at its adjournment today, Parliament shall stand adjourned to Friday 20th of November 2009. In accordance with the rules and procedures and our precedents, this motion is in order. I will allow comments from Members before I put the question. Please confine comments on this motion to its intention.

Hon. Sogavare: This side of the House does not have problem with the motion move by the Prime Minister. We appreciate the reasons he mentioned because the bills are yet to be processed through. Our report on the other bill is still being worked on and the officers are doing research on the finalization of the report on the other bill, the Constitutional Amendment Bill that will go before the CRC. Those matters are still to be processed by the appropriate parliamentary committees and so we have no problem supporting the motion the Prime Minister has moved. Thank you.

Mr Speaker: Right if there are no other contributors, I will put the question, but before I put the question may be the Prime Minister would like to make final remarks.

Hon. Sikua: Thank you very much, Mr. Speaker, and to thank the Honourable Leader of Opposition and all colleagues for their understanding on the motion. With that I beg to move.

The special adjournment motion is agreed to

Hon Sikua: I move that Parliament do now adjourn.

*The House adjourned at 4.00 pm
Parliament sitting adjourned at 4.00pm*