

WEDNESDAY 1ST JULY 2009

The Speaker, Hon Clement Kengava took the Chair at 10.14 am.

Prayers.

ATTENDANCE

At prayers, all were present with the exception of the Ministers for Planning & Aid Coordination; Justice & Legal Affairs; Foreign Affairs & External Trade; Environment, Conservation & Meteorology; and the Members for East Are Are, Temotu Pele, East Makira, North Guadalcanal, Shortlands, West Honiara, South New Georgia/Rendova.

QUESTIONS & ANSWERS

Question No. 186 deferred.

Federal Constitution: timing

1. **Mr SOGAVARE** to the Honorable Prime Minister: What is the possible timing for the introduction of the new Federal Constitution to Parliament?

Hon. SIKUA: Mr. Speaker, I would like to thank the Honorable Leader of Opposition and Member for East Choiseul for his question.

Mr. Speaker, the final submission that will come to the government in November 2009 will be in the form of a report of the Third Joint Plenary of the Constitutional Congress and the Eminent Persons Advisory Council together with the 2004, draft constitution that is being amended from time to time over a period and at different stages in getting community feed backs. The report of the Third Joint Plenary of the Constitutional Congress and the Eminent Persons Advisory Council will constitute the drafting instructions for the legislative bill.

Mr Speaker, when the final submissions to Cabinet is made in November this year, the Constitutional Congress and the Eminent Persons Advisory Council will complete its mandate and will be disbanded accordingly. The government will then be in a position to present the draft federal constitution to Parliament before this House dissolves for the 2010 Elections. Thank you.

Hon. Sogavare: Mr. Speaker, I thank the Prime Minister for enlightening us on that question. Just a supplementary question. I assume without being privy to

the reports that will still be coming from the joint report of the various bodies that was established to look at this policy, I just want to find out from the Prime Minister, what kind of work is the committee putting in terms of addressing the issue of national unity and national identity, which are issues that we need to look closely at, the area of revenue sharing, the work on economic analysis of the economics of this system that we would want to go into. I wonder whether the Prime Minister has any information on those. Whether he is in the position to brief Parliament on any information that is available to him right now?

Hon. Sikua: Mr. Speaker, I would like to thank the Honorable Leader of Opposition for his supplementary question. As we might have already known we have 7 theme committees and these theme committees are working on seven (7) themes. Three committees have already completed their work on the three themes and their reports have already been submitted. One theme committee that has already completed its work is the first one on federal foundations. The second committee is the one on federal political systems and powers, and the third committee is the one on public finance and revenue sharing. This leaves another four committees yet to complete their work on the following areas: fundamental human rights, freedoms and other rights; law and justice; constitutional institutions representation and public service and the last one on transition.

Mr. Speaker, for the four remaining theme committees, instead of having four committees working separately as those three committees that have completed their reports have done, the work is now done together by the Constitutional Congress and the Eminent Persons Advisory Council. These two groups are working together on the four remaining themes together. That work they are doing we hope they will be in a position to give to us as soon as possible because in May the Constitutional Congress and the Eminent Persons Advisory Council continue to do their work and have largely completed that work. Following the first Joint Plenary in May/June this year, the outcome document will then be the subject of provincial and Honiara feedbacks in the month of July, which starts today. Following the provincial and Honiara feedbacks in July, the second Joint Plenary will happen in August followed by the first plenary submission to Cabinet in August. This will then be followed by the national convention in November this year and then the final, which is the third Joint Plenary of the Constitutional Congress and the Eminent Persons Advisory Council in October to enable them, give us all their reports with the draft Constitution in November.

Hon. Sogavare: Mr Speaker, I think this question is adequately answered and I thank the Prime Minister for briefing Parliament on the progress of this work. Thank you.

Eradication of Malaria: Temotu Province

186. Mr OTI to the Minister for Health & Medical Services: Can the Minister brief Parliament of the progress made to completely eradicate Malaria in Temotu Province under the Malaria eradication pilot project?

Hon. SOALAOI: Mr Speaker, I rise to respond to Question No. 186 from the Member for Temotu/Nende and also a fellow colleague of Temotu Province. I must thank him for asking that very important question, which specifically concerns the province the questioner comes from. Mr Speaker, in fact, the proper word to use is elimination because there is a big difference between elimination and eradication, which I will explain later.

Mr Speaker, the National Vector Borne Disease Control Program has developed a plan that will run for six years and that plan has the ultimate goal of progressively eliminating malaria from Temotu Province, firstly and also eliminating malaria from Solomon Islands by 2014. Mr Speaker, this plan has been presented to the global fund and AUSAID for funding and they have both committed funds to fund the program. I must thank them for their commitment in funding that very important program.

Mr Speaker, this is an intensified program which started in Temotu Province in October 2008. We hope that Temotu Province will achieve elimination and will meet the standards set out by WHO so that it can be accredited and will be referred to as Malaria free by 2014.

Mr Speaker, as I have mentioned earlier on there is significant difference between elimination and eradication. Elimination of malaria means there will be zero indigenous cases of malaria in Temotu Province. This means that malaria incidences in Temotu Province will only come from people who moved from a different province into that province. But Temotu Province should have zero cases of malaria meaning that there will be no malaria in Temotu and only those that come from another province will take malaria to Temotu Province. We can refer to Temotu Province as malaria free, and that is where elimination comes in.

Eradication is only true when there is no malaria at all in the country to be transmitted. We can only be assured of this when there is no malaria elsewhere in the world too. An example of a disease that has been eradicated from Solomon Islands is smallpox.

This program, Mr Speaker, as I have said started in October 2008 in Santa Cruz and also the uuter Islands of Temotu Province. This was done also with the

largest and most logistically challenging baseline malaria information. This is the first to be conducted in the Pacific. Household mappings of its structure in Temotu Province has been completed after the survey and also households have been numbered and those numbers will correspond to the numbers that will be used during the national census that is coming up. . The survey was also used to distribute the long lasting insecticide treated nets for people to use.

Mr Speaker, there are a number of key activities that Solomon Islands must implement in order to control and ultimately eliminate malaria, and these are already happening in Solomon Islands in order to scale up the control efforts by the National Vector Borne Disease Control Program across the provinces. This includes the roll out of coartem, which is a drug that is going to replace chloroquine. We are still using chloroquine now but this program is going to introduce a new drug called coartem. We are hoping that this can be used efficiently and effectively by all nurses and doctors in health facilities across the country.

Secondly, there will be rapid diagnostic test kits to improve confirmed diagnosis and rational use of the coartem. These kits are similar to the one used in testing our sugar level. I think those of you who have tested your sugar level just outside here would understand what I am talking about. But it is making it much easier to test your own sugar level. We are going to have these kits to test whether we have malaria or not. It makes it easier to find out yourself so that you can start taking this new drug. This drug will only be taken in the morning and evening, which we believe is easier to do.

Thirdly, Mr Speaker, we are aiming for hundred percent coverage of the population to be sleeping under treated nets. After this program is completed our aim is that every single Solomon Islander should be sleeping under a net.

Fourthly is indoor residential spraying. This is particularly in problematic villages where the transmission of malaria is high. This, we hope, if it is used along with bed nets will stop mosquitoes from spreading malaria.

Fifthly is strengthening of the health system and broader contribution to health system strengthening initiatives such as supporting the Pharmacy, the National Medical Store and purchase of capital infrastructure items such as boats, OBMs, vehicles and laboratory equipments. The most important key to this program is the engagement of all community sectors and government. This strategy has been developed with the establishment of an elimination committee in Temotu Province, which involves the provincial government and Ministry of Health, NGOs and Church groups. This is called the Community Mobilization Strategy and is being currently completed by the National Vector Borne Disease Control Program, which outlines specific roles and responsibilities of different sectors in our communities.

Mr Speaker, as part of that community mobilization, activities are currently underway and an elimination program is planned to be launched in Temotu Province on 24th July this year. This has been a request by the elimination committee, which has been formed in Temotu Province and will include all sectors I have mentioned earlier, with the inclusion of faith-based organizations, NGOs, women groups, youth groups, schools and other groups in the communities. There will be dramas that will involve students. We will also be organizing a beauty contest and a show of malaria awareness material. Planning of activities for implementation have commenced with support from WHO and SPC. Documents for the activities planned will cover indoor residential spraying, community engagement and 100% bed net coverage and maintenance. Active case detection, monitoring and evaluation are being completed and will be implemented in the coming months. Mr Speaker, the implementation of some activities such as bed nets have already commenced in most provinces of the country.

In terms of infrastructure developments, Mr Speaker, these are happening in Temotu Province with the building of three (3) houses by the Rotarians against Malaria to be funded by AusAID. Further, Mr. Speaker, the preliminary activities to upgrade the Malaria Office and a Laboratory have also commenced. The malaria program aims also to include a number of health system strengthening activities where possible and they will work together with the National Pharmacy Services Division to upgrade the Lata Hospital Pharmacy, which is part of the same program.

In terms of logistics, a boat has been purchased for the Temotu Elimination Program by the Pacific Malaria Initiative Support Center. This will enable easier inter island travel among the outer islands of Temotu Province, which will be required for active case detection, indoor residential spraying activities, bed net distributions and coverage, maintenance and community mobilization work. Basically, Mr. Speaker, that is where we are regarding the malaria elimination program, which started in Temotu Province in October last year. Thank you.

Mr Agovaka: Mr Speaker, the principal question is quite important for the country in terms of eliminating malaria. Before I go to my supplementary question, I was up at Tetera some four months ago and we requested the malaria authority to come and spray the drains around Tetera Prison because in the evenings when we sit outside we were bitten, sucked by mosquitoes and we were even almost carried by mosquitoes and so we asked the Malaria Program to come and spray the drainage system.

The question now is this malaria spraying program still being carried out by the Vector Borne group or the malaria program or have you also eradicated this program. Thank you.

Hon. Soalaoi: Mr Speaker, the answer is that indoor residual spraying is still ongoing. But as I have said, emphasis is on areas where transmission of malaria is high. I think the concern raised by the Member will give us information where to go. Probably what will happen is we will see what can be done for the area mentioned by the Honorable Member. But indoor residual spraying is an ongoing activity as part of our effort to control the malaria in Solomon Islands.

Mr WAIPORA: Mr Speaker, in fact the word 'eradication' is what we have heard in the past and this word 'elimination' has just come out at this time. But this question is mainly about provinces and I can see that it is very easy to control malaria in Temotu Province. When you travel from Makira to Temotu you would arrive in Santa Cruz first before you go anywhere else in Temotu.

What is the plan of the Ministry of Health seeing that it is easy to control malaria in that place? When you travel by plane you will land at Santa Cruz first and when you travel by ship you will call in at Santa Cruz first too before you go to the Reef Islands, Vanikoro, Utupua and Tikopia. Does the Ministry of Health have any plans of controlling malaria at the center point in Santa Cruz?

Hon. Soalaoi: Mr Speaker, I thank the Member for West Makira. In fact, the word we will use is what I have said, 'elimination'. What you have said will be much easier for the program when there is only one point of entry.

When the program is carried out and malaria is about to be eliminated, the next stage will be to plan towards how people are coming into the province. There is also the issue of quarantine as part of the planning. Those kinds of activities are in our planning. What we are doing is similar to like what we are trying to do now in regards to the swine flue.

For your information, Mr Speaker, that is the reason why we chose Temotu Province for this program. I was one who opened this program before I went out and now I am back to continue with it. We chose Temotu because of its location and as well as some of our Islands there are already Malaria-free and so we think it will be easy to start with Temotu Province and the next one will be Isabel Province.

Mr Oti: Mr Speaker, thank the Minister for his response. I have a supplementary question for him. Perhaps he needs to explain again the difference between eradication and elimination. Eradication is what we have been trying all along that did not work and now we are trying to eliminate.

There is difference between the two but in terms of the strategies employed, what really would make elimination possible which we did not achieve in attempting to eradicate malaria?

Hon. Soaloai: Mr Speaker, as I have already said the difference is that eradication means there is no longer anything to transmit and elimination is progressive. It is like eliminating from one province and then to another province. But in terms of the activities we have been doing in the past, they are basically similar activities. This time round we carried out a survey that goes along with residual spraying and treatment. You have kits that you can easily test yourself to find whether you have malaria and then you start taking coartem instead of chloroquine. Basically the difference is elimination means eliminating malaria from one place but it might still exist in other places. And when you talk about eradication in Solomon Islands it means malaria is no longer in existence in Solomon Islands and therefore even though mosquitoes are still present but there is nothing to transmit it. I do not know whether I have answered the question but that is what eradication means. Elimination means the total wiping out of malaria.

The ultimate goal is that by 2014 Temotu Province should be accredited by WHO as a malaria free province and then we will move from there to other provinces, as I have mentioned already and Isabel is next on the pipeline.

Mr. Oti: Mr. Speaker, supplementary question. Apart from what the Minister said on the various programs that would be carried out from oral medication to the public health initiative, are there any plans by the Ministry to come on stream in terms of immunization if research has been done already too but perhaps they are still testing it, in terms of ultimately immunizing people from being sick with malaria so that even if the malaria parasite is present, we have an immunization program like other programs that we are already successful with.

Hon. Soaloai: Mr. Speaker, in terms of vaccination, currently intensive research is still going on in finding a vaccine for the malaria parasite. Up until now, what the National Vector Borne Disease Control Program has been doing is what I have mentioned to you. There is a mass roll out of coartem as we are trying to educate nurses and doctors in our health centres on the use of that drug. Distribution of bed nets is also going on. We believe that spraying and taking treatment will help to stop the mosquito from transmitting malaria.

But for that question, Mr. Speaker, as we speak there is yet no vaccine for the malaria parasite available in Solomon Islands.

Mr. Waipora: Supplementary question. I would like the Minister to explain why jump from Temotu right to Isabel. Why not go from Temotu to Makira? Because if you take Santa Ana, it is also free from malaria, but now malaria is present there. On what basis do you have to jump from Temotu to Isabel?

Hon. Soaloi: Mr. Speaker, in fact the criteria used by the team is what I have said that Temotu Province is far, which means we can control it, and then it already has three islands which are malaria free. One island is where I come from and that is why I do not have malaria.

The reason why Isabel will be the next one is because of the low incidence of malaria there. We have records of incidences of malaria for all the provinces at the National Vector Borne Disease Control centre in here. We think that because there is low incidence of Malaria cases, it will be easy to eliminate it.

In the case of Makira, even if Santa Ana does not have malaria but compared with Isabel Province, Makira is a bit higher than Isabel in terms of malaria incidences. That is the main reason why we choose Isabel as the next province. Thank you.

Mr. Oti: Mr. Speaker, I thank the Minister for his informative statement regarding this particular program and how it will translate later on from Temotu Province to other provinces. The only comment I want to add for the Minister is, if Temotu Province is not able to eliminate malaria, and perhaps that is why the issue of immunization and vaccination comes in. But let us hope it will happen like that. But for the time being, Mr. Speaker, I thank the Minister for his response.

Cattle Rehabilitation Money

5. Hon. SOGAVARE to the Minister for Finance and Treasury: Following the confirmation by the Ministry that the cattle rehabilitation money is still intact, can the Minister inform Parliament as follows:-

- The Account in Treasury in which the Cattle Money is held?
- Why is the fund transferred to the above account?
- Who authorized such transfer?
- What is the current balance in that account?

Hon. RINI: Mr. Speaker, I would like to thank the Leader of Opposition and Member for East Choiseul for this very important question. The answer to part (a) is that the cattle money is deposited in the infrastructure rehabilitation

development account with the Central Bank of Solomon Islands created under section 381(2) of the Financial Instructions.

The answer to part (b) of the question is that all donor funding in respect of projects are being deposited into this account. The infrastructure rehabilitation and development account is specially set up to hold donor funds for development programs and projects.

The answer to part (c) of the question, Mr. Speaker, is under the delegated authority of the Permanent Secretary of the Ministry of Finance and Treasury, the Accountant General is responsible for authorization of bank transfers.

The answer to part (d), as of 25th June 2009, the balance of \$26,393,072.00 made up of funding from other aid agencies, excluding the amount announced by the Republic of China this week was in that account.

Hon. Sogavare: Mr. Speaker, that answer by the Minister is very interesting because that is the very account we were informed in the last meeting of Parliament when a correspondence from the Prime Minister that we waved in here made to the Minister asking for the transfer of about \$2.4 million from that account to the account of about eight (8) Ministers to support their projects, and the answer we got from the Prime Minister was that there is no money in that account. That is the account we understand that funds for the cattle is held there. Could the Minister confirm to us whether the answer given to us in the last meeting that there is no money in that account is true or not?

Hon. Rini: When the letter by the Prime Minister was written no transaction was done. There were no funds transferred from this fund to the various projects for Members of Parliament and so the transaction did not eventuate. The account at that time does have a balance with various donors funding. Thank you.

Hon. Sogavare: Mr. Speaker, I am not satisfied with that answer. The response given to Parliament by the Prime Minister and, in fact he asked the Leader of Opposition to explain to the nation where he put the \$8 million of that money implying there are no funds in that account. Why suddenly now we have \$26million in that account? Where does it come from?

Hon. Rini: As I have mentioned, Mr Speaker, the \$26 million comes from various aid donors including the Republic of China. I must make it clear here that the \$11million for this cattle project came in 2007, which is more than \$3million in June and also more than \$7million in August. The government at that time was thinking of importing cattle from Australia and under instructions from the Ministry of Agriculture \$3million was disbursed from that fund for

preparation of the Tenavatu Farm, for rebuilding of fences and so only \$8million is left. Now what happens in a government system is like this. When development funds come into the accounts, the Ministry concern, which in this case is the Ministry of Agriculture, wants to implement this project under this funding must submit its proposal to the Ministry of Development Planning, and the Ministry of Development Planning after authorizing the proposal sends back the proposal to the Ministry of Agriculture giving the okay for use of the money. That is the time the Ministry of Agriculture raises the payment voucher to the Treasury for release of the money. Taking that process into account, in 2007 about \$11million was in this account, and so when the Ministry of Agriculture submitted its proposal, not only did it make a proposal for fencing but it made a proposal for the total project for fencing and also for purchase of cows, which will be topped up with SIG funding. However, the topping up of SIG funds did not happen but the Ministry asked for that \$11 million and so all of the \$11 million was transferred from this account into the main consolidated account. When the Ministry of Agriculture raised its payments, it raised payment for \$ 3 million for building of fences and \$8 million is left but this \$8million was not in this account but it was left in the main consolidated account in the Central Bank. Thank you.

Mr Oti: Mr Speaker, this question is mainly to tie in the progress of activities from the Ministry of Agriculture because the focus is that this project should have already started kicking off in 2009 if the Ministry does the work it needs to do, including training in extension, organization of farmers, livestock procurement and breeding and so on, which are prerequisites for this fund, this \$8 million which appeared under this year's development budget as SIG under the consolidated funds.

Now, the Ministry of Agriculture is supposed to prepare the grounds for which the funds could be released. We would be interested to know how far and to what extent does the Ministry deals with farmers or farmers to be, new farmers that want to benefit from this project. What is the progress on that so that the money is spent on where it is supposed to go and not to be held up for another six months or prolonged into next year?

Hon. RIUMANA: Mr Speaker, I wish to thank the Member for Temotu Nende for that supplementary question. In terms of the cattle development program, the Ministry has conducted ground preparations for importation of live cattle from Australia at the Tenavatu Farm. The Ministry has spent about \$2.9million over the period for improvement and rehabilitation of pasture establishment at the Tenavatu farm. We are yet to improve other infrastructures such as landing

site, rehabilitation of stockyard, pasture improvement and also internal fencing because we are waiting for funding from the Ministry of Finance for all these works because as far as we know, the Ministry of Planning has already approved our project.

Mr Speaker, the delay in importation of livestock cattle from Australia was due to health protocols. We are yet to establish health protocols which pave the way for importation of livestock pregnant heifers from Brisbane.

We have submitted two quotations to the Central Tender Board because we only have two qualified livestock experts, veterinary experts in Solomon Islands who can do health protocols for us. We have already submitted these quotations to the Central Tender Board for approval so that conduct of the health protocols can be facilitated. So far we are still awaiting approval from the Central Tender Board. The livestock, when they arrive in Solomon Islands, will be held at the quarantine area and not disbursed directly to farmers. We have to monitor and look after the cattle for at least six months before they are disbursed to our farmers. This is to safeguard risks that may come from these animals. That is the update on the cattle program and thank you very much.

Mr ZAMA: Mr Speaker, I am still not convinced by some of the answers provided by the Minister and even the Minister for Agriculture. But before I ask my supplementary question, I cannot understand why cattle money is being kept in an infrastructure account. Unless the Minister of Finance or the Deputy Prime Minister defines building of fences as infrastructure or landing spots then there may be some justifications there, but I do not understand why they have to continue keeping the agriculture cattle money in this infrastructure account.

The Minister of Agriculture is one of the frustrating persons in this government.

Hon. Fono: Point of order Mr Speaker. Can the MP ask a question and not debate? The way he is talking looks like he is debating the issue. He is supposed to ask a supplementary question.

Mr Zama: Mr Speaker, I have to clarify my point before I ask the question.

Mr Speaker: Point of order Honorable Member, would you resume your seat so that I could make my ruling.

Thank you honorable Deputy Prime Minister, I allowed the honorable member to complete his round about statement before asking the question. Can you go to your question, honorable Member?

Mr Zama: Thank you very much, Mr Speaker, for your understanding. I need to elaborate a little bit so that the Deputy Prime Minister can understand instead of unnecessary holding money in the infrastructure account

Mr. Speaker, the supplementary question is, if indeed what the Minister of Finance said is true that there is still money for cattle in the infrastructure account then why is the Ministry of Agriculture not being paid for the various cattle projects that are now pending in the Ministry of Finance? Why are they not being paid, is the question if it is true that the cattle money is still in the infrastructure account?

Hon. Rini: Mr Speaker, first of all, this infrastructure account is just like a suspense account at the Central Bank. Any money from aid donors, including money from the Republic of China go into that account and sit down there. When ministries want to implement their projects they have to get approval from the Ministry of Development Planning and it is then that money will be transferred from this account into the consolidated fund and from the consolidated fund payment vouchers are raised for release of funds.

The total cost of this project, in just buying the cattle, transporting them over and landing them in Solomon Islands is more than \$23million but only \$8million is left in the account. We received \$11 million in 2007 and also in 2007 \$2.9million was paid out and so only \$8million was left. The total cost of this project, which is purchase of herds, transporting them over here and quarantining of the herds here is more than \$23million, almost \$24million. The government therefore is still asking other aid donors to foot the balance. Thank you.

Hon. Sogavare: Mr Speaker, I want to get the Minister to confirm his answer very well in Parliament that he is not consistent. At first when we asked him the main question he said that all funds are in the infrastructure and rehabilitation account. That is the understanding and we understand that all funds from aid donors have gone into that account, and he said that the money for this is still there. When further supplementary questions were raised, he then mentioned that \$8million was transferred to the consolidated fund, which is totally inconsistent. What else is inconsistent in his answer?

The question raised by the Member who has just spoken is that the Ministry of Agriculture is still waiting for money to implement its projects. The point is that you guys lied on the floor of Parliament when this question was raised in the last sitting of Parliament, and the reason is why. If funds are still in that account you would have paid out \$2.4million towards the request of the Prime Minister to pay eight senior Ministers. The reason why those funds were

not paid according to the Prime Minister is that there were no funds in that particular account.

We raised these questions and you were saying money is still there intact in that account and now you are saying it is transferred to the consolidated fund and whether the funds are still there or not. We are not privy to that account and so we can only go by what the Minister is saying on the floor of Parliament and try our best to really believe him. So their answers are still inconsistent on the floor of Parliament. The question is whether the \$8million is still there and if it is still there, why do you not give it to the Ministry of Agriculture to start implementing the projects?

Hon. Rini: Mr Speaker, I think my answer is very consistent. I said that when funds were paid, they were paid into this account. It was held in the rehabilitation and infrastructure account. When the Ministry of Agriculture made a project proposal to the Ministry of Development Planning for approval they then submitted the payment voucher, and that is the time when this money was transferred from this account into the main consolidated account. Funds came into this account and from this account funds were transferred to the main consolidated fund ready to be paid out to the Ministry.

Now, the \$8million is still there. The only reason why it is not paid out now is because the total amount requested for the whole project by the Ministry of Agriculture is \$24million and not \$8million. If the Ministry had agreed on getting the \$8million we would have given it to the Ministry but the Ministry said that the total project must be complete, it must be \$24million before the project is to take off from the ground. Since the Ministry does not have that balance and that is why the government is negotiating with other donors to assist us in meeting the balance. Thank you.

Hon. SIKUA: Mr Speaker, I would like to set the records right in regards to the letter I wrote to the Minister of Finance. That letter is not secret because it was published in the Solomon Star and you would have read in that letter that the decision before I wrote the letter to the Minister of Finance was following consultations with the Minister of Planning and the Minister of Agriculture.

Now record has it that this letter did not even reach the Ministry of Finance. The reason is that at the time the letter was sent out, the Minister of Finance came and saw me and said, 'Prime Minister, I think that is not a brilliant idea' and so the letter was withheld and it did not reach the Ministry of Finance. How this letter reached the Leader of Opposition is another thing in itself, and it makes me suspicious on how the honorable Leader of Opposition would like to get on and on with this issue, trying to pin anything against the Prime Minister is

something that I am also concerned about too. No one is trying to hide anything on this issue, and that is what happened.

After I have written the letter and was ready to be sent out, the Minister of Finance consulted me saying this particular idea is not good and must be abandoned and so it did not go further than the letter itself. At that time the Ministry of Finance was also looking for this letter in their files but they did not find it. This is because prior to the letter being sent out, the Minister of Finance came to see me and so I stopped the letter from going out after I have signed it. That is what happened.

If the Honorable Leader of Opposition is satisfied with this explanation, the \$8million is still there in the consolidated funds, the money that I requested in the letter has not been paid to any of those I have listed in that letter and the matter was left at that.

The reason why we have not yet moved forward with the project is as has been explained by the Honorable Minister of Finance that we need more funds on top of the \$8million that is still sitting in the consolidated funds. I am sure that the government has more than \$8million in the consolidated funds right now. So there is no fear as to the whereabouts of this money, what it has been used on, but as soon as we get the total amount that the project requires to get off the ground, this project will proceed. But for anyone to think that the funds have been misused and all that, Mr. Speaker, I want to clarify in here that no such action has been done and therefore we are all looking forward to having the cattle here in making sure our cattle industry goes ahead to prosper to improve the lives of our people.

Hon. Riimana: Mr Speaker, I wish to further explain on the part of my Ministry regarding the total cost required for the importation of the cattle. The total cost for importation of the cattle is about SBD\$19.5million, which includes 300 pregnant heifers from Angus breed, 300 pregnant heifers from Brangus breed and 300 grey Brahms, 300 red Brahms and 60 bulls pure breed, which totals to 1,200 pregnant heifers and 60 breeding bulls.

In regards to the \$8million in the Ministry of Finance, we are working closely with other donors and we have received green lights from other donors to top up the additional shortfalls. As soon as we get the shortfall sorted out, we will then make the first shipment soon.

Hon. Sogavare: Mr Speaker, before I thank the Minister of Finance I would like to say that this side of the House is exercising its responsibility under the Constitution, and we are exercising precisely that. When we are not privy to government records, then this is the house we question issues like that.

We thank the Prime Minister for explaining himself, but that letter whether or not it reaches the Minister of Finance, is an attempt to defraud government revenue, to misuse funds, and that is how it stands. If it had gone to the Minister of Finance and I thank the Minister of Finance for being a very responsible Minister and so he advised against that. Otherwise that move is an attempt to misuse government funds.

With that, Mr. Speaker, I thank the Minister of Finance and the Prime Minister and the Minister for Agriculture for answering the questions. We are waiting on that report that will be submitted. We understand that the report has been completed and will be submitted to the Public Accounts Committee for further scrutiny. With that I thank those who answered the questions.

Renewable Rural Electricity Project

32. Mr. WAIPORA to the Minister for Mines, Energy and Rural Electrification: Can the Minister inform Parliament of the progress made in the implementation of the \$1million SIG funded Renewable Rural Electricity project?

Hon. PACHA: Mr. Speaker, I thank the Honorable Member of Parliament for West Makira for this question. The answer is like this. There is no progress made and this fund has been spent on buying the following:-

1. Piko Hydro Units from Vietnam to be installed in various places around the country.
2. Small wind turbines.
3. Equipments for bio-fuel test in my Ministry for our coconut oil.

My Ministry will work very closely with the Ministry of National Planning and Aid Co-ordination with the Ministry of Finance to factor this development budget into the cash focus for the third or fourth quarter of 2009.

Hon. SOGAVARE: Supplementary question. The Minister said that this project has not taken off yet. Mr Speaker, what are the practical difficulties the Ministry is facing and that is why it is yet to implement this project after the budget has been passed for some time now.

Hon Pacha: Mr Speaker, one of the reasons is money due to the cash flow hardship at the moment.

Hon. Sogavare: Mr Speaker, we have been told about five minutes ago that there is a lot of money in the consolidated fund. Can you give a better reason for not implementing that project?

Hon. Pacha: Mr Speaker, myself and my Permanent Secretary have just moved into this Ministry and we have just set up a taskforce and the taskforce is working on the things I mentioned earlier on today and will release to the public when they are completed. Thank.

Mr Waipora: Supplementary question. The things you mentioned you said you already purchased from Vietnam and places like that, I suppose you have already spent some of the \$1million, and so how much of the \$1million still remains. I believe the things mentioned by the Honorable Minister that you have already purchased may be are purchased out of that \$1million. How much of the \$1million still remains?

Hon. Pacha: Mr Speaker, what the Member for West Makira has just said is wrong. What I said is that the money was earmarked to be spent on equipments and machines that I mentioned earlier. We are yet to purchase the machines. .

Hon. Sogavare: Mr. Speaker, just a supplementary question. The Minister made reference to a taskforce that, I guess, would advise the Ministry on how to go about this project. When will the taskforce completes its task, and for how long has this taskforce been working? When is it going to complete its work and when will advice goes to the Ministry to implement the project?

Hon. Pacha: We are targeting this third quarter, the next 8 weeks or so. Thank you.

Mr Waipora: Mr Speaker, I would like to thank the Honorable Minister for answering our questions. I sympathize with you for being reshuffled to that ministry. But as a Minister, it does not matter where we are being pushed around to, we know what we are going to do, and that is why you are a Minister. You are the head of the Ministry and you must know and impose your policy on that.

Mr Speaker, I am very sorry about my question but I accept your apology. I thank you very much for the answers you have given. Some people are finding their seats hot now.

National Centre for Women, Youth & Children

36. Mr WAIPORA to the Minister for Women, Youth and Children Affairs: Can the Minister inform Parliament of the progress made in the implementation of the Solomon Islands Government funded National Centre for Women, Youth and Children for which \$3million was allocated in the 2009 Development Budget?

Hon. KOLI: Mr. Speaker, I wish to thank the Honorable Member of Parliament for West Makira for asking this very important question. Progress on this particular project has been very slow. First is the issue of suitable land, which is ideal for such a centre has been our biggest obstacle. However, the following activities have been done:-

- Land has been identified. The land seems small hence the plan is that the centre will consist of a three storey building.
- A concept design for the centre has been developed in consultation with the Ministry's stakeholders in the women, youth and children's sectors
- Discussions have been held with the Ministry of Infrastructure on the concept and design brief. The understanding reached is that the Ministry of Infrastructure will engage a clerk of works to oversee the implementation of the project including survey and the registration of land area, site plan and tender for architectural design and drawing as well as tender for construction of the building.

The Ministry of Infrastructure will also oversee the actual construction of the centre. However, due to limited capacity in terms of the availability of manpower, some tasks will be outsourced but the overall supervision will remain the responsibility of the Ministry of Infrastructure.

Consultations have been held with the Honiara City Council (HCC) which owns the land and property. The HCC has written to the Commissioner of Lands requesting the land be surveyed. To date survey has not been done despite the fact that the Ministry has met all administrative requirements. Further work will only be done if the survey is done. On the other hand, the Ministry continues to hunt for a suitable land site.

Mr. Speaker, the importance of a national centre for women, youth and children need not be over emphasized. However, with government having tightened its budget spending, it is likely that project funds may be reduced to just \$200,000 and not \$3million as has been indicated to the Ministry by the Ministry of Planning.

In conclusion, Mr. Speaker, I would like to report to Parliament a major project on building provincial centres for women in the provinces is ongoing. Women centres in Central, Temotu, and Makira have been completed and are now in operation. The centre in Choiseul Province has been completed and is to be opened soon. The women centre in Guadalcanal is nearing completion, and for Isabel and Western province are now under construction. Plans for a women centre in Malaita are in progress and it is likely that construction work will begin soon. The centre for Renbel is halfway to its completion.

The women centres are funded by the Soroptimist International and the Community Sector Programme (CSP). In this respect, I would like to take this opportunity to sincerely thank Soroptimist International and the CSP for their great vision and for the important contribution they have made in address the issues of our women through the establishment of these centres. I would also like to acknowledge the contribution made by the provincial governments towards these centres. These centres are owned and operated by the National and Provincial Councils of women and will provide a very important link between the national centre for women, youth and children in Honiara and the women centres in the provinces. Thank you.

Mr. Waipora: Supplementary question. May be I do not hear you clearly Hon. Minister but you said that the Ministry of National Planning has reduced your budget from \$3 million to \$2 million or something, your budget Hon. Minister is \$3 million and it is this Parliament that approved it for you. You must make sure to fight for this \$3 million and use it. Why did the Ministry of National Parliament Planning reduce your budget? Thank you.

Hon. Koli: Mr. Speaker, I would like to thank the Member for West Makira for his supplementary question. Due to the global financial crisis we were advised by the Ministry of Development Planning and the Ministry of Finance that we are on a tight budgetary control and that is why it is reduced to \$200, 000 from the original provision of \$3million.

Hon. SIKUA: Mr. Speaker, if you had listened to what the Minister has said in regards to the scope of work that will be done in this financial year, it would not require the whole \$3 million because \$3 million will go for construction. The architectural designs and the other technical works that need to be done this year, which the Minister has said, will be done by the Ministry of Infrastructure Development and would only require the amount that is approved by the Ministry of Planning and Aid Coordination. Once the construction is ready to go ahead, you would have to put back that amount of money in the budget,

probably in 2010 when all the architectural designs and drawings are ready. But for this year that is probably the right level to be utilized in the budget. If the \$3 million is given it will not be fully utilized this year because what are they going to do with it. The work that is required, probably the \$2 million is sufficient. Thank you.

Hon. SOFU: To add on to that, because of the shortage of manpower in the in the Architectural Division of the Ministry of Infrastructure Development, we are working now in outsourcing the architectural work. Thank you.

Hon. Sogavare: Mr. Speaker, in the Minister's answer he said that one of the problems is land and they have identified the land but survey work is not yet done. May be this is an area, with your permission, that the Minister of Lands can brief Parliament on what really is happening in that area.

Hon. MANETOALI: Mr. Speaker, first of all I do not have the instructions at the moment with me in regards to why there is delay in this. But in regards to government projects, I must ensure our Ministry gives that a priority. I would have to check with my Ministry in relation to that project. Thank you.

Mr Waipora: Supplementary question. Can the Minister just briefly inform the House as to which land in Honiara are you eying for this centre?

Hon. Koli: Mr Speaker, there is a Women's Development Division Centre just besides the USP Centre. That piece of land is very narrow and is not suitable for a three storey building. It is next to the Multi-purpose centre, just in front of the USP Centre. Thank you.

Mr Waipora: Mr Speaker, I do not have any more questions and so I would like to thank the honorable Minister, the Honorable Prime Minister, the Minister for Infrastructure and the Minister for Lands for their answers to my questions. Thank you very much for your answers.

Question 38 – deferred.

Mr Speaker: Honorable Members, that concludes question time for today and we shall now proceed to the next item of business.

BILLS

Bills – First Reading

The Penalties Miscellaneous Amendments Bill 2009'

Bills – Second Reading

The Evidence Bill 2009

Mr Speaker: Honorable Members, debate on the evidence bill 2009 commences today. As you are aware, yesterday the honorable Minister in charge of the Bill delivered his opening speech but adjourn debate to this date. Members may now speak on the general principles of this Bill. In so doing, I kindly remind Members to comply with the rules of debate set out in our Standing Orders. The floor is now open for debate.

Mr FOLOTALU: Mr Speaker, thank you for allowing me to contribute to this very important Bill, the Evidence Bill 2009. This Bill is also called the law of evidence. At the outset, Mr Speaker, I would like to express my thanks and appreciation to the mover of the Bill, the honorable Minister for Justice and Legal Affairs and staff of the Attorney General's Chamber, the Law Reform Commission, and members of the BAR Association for the awesome work taken to accomplish this legal framework.

Mr Speaker, when Solomon Islands attained Independence in 1978, as a transitional measure, the Constitution provided that the United Kingdom statutes of general application as at 1st January 1961 were to form part of the laws of Solomon Islands. Similarly, principles of common law and equity as at Independence were also made part of the laws of the land. In terms of the laws of evidence, it existed in a number of UK Statutes, the common law, certain local legislations and court rules.

Mr Speaker, as rightly said by the mover of this Bill, the honorable Minister for Justice and Legal Affairs, the Evidence Bill has three main aspects. It makes provisions for witnesses, admission of evidence and aspects of proof. Mr Speaker, like all other games, players must play by the rules of the game. For example, in a game of soccer you cannot apply the rules of the game of rugby. Likewise, Mr Speaker, this applies also to the law of evidence. Take for instance, in civil litigation. The standard of proof is on the balance of probability whilst in criminal proceedings, the burden of proof lies on the prosecution. This means that if the prosecution does not prove its case beyond reasonable doubt then the burden is shifted to the defense.

Mr Speaker, this Bill provides a mechanism for the purpose which balances the interest and the needs of individual litigants, the society, investigating agencies and the prosecuting authorities. I wish I had this piece of legislation in my hands in the early 80s when I was then a police prosecutor.

Mr Speaker, evidence is needed in even civil litigations that may arise from breaches of contract and tortious liabilities. For example, in cases of simple contracts of unfair dismissals of workers, you need evidence to prove your case that you are unfairly dismissed. In the case of debts where people lend you money and you do not repay the debt in time even though you promise to repay, you can be taken to court for failure in repaying the debt because it is a contract, a simple agreement. But you need evidence to prove the elements, you need evidence to prove you owe somebody and do not repay him or somebody owes you and does not repay you, you need evidence in civil cases. Even in divorce cases, you need to prove to the courts that the spouse you are legally married to and have been living together with is unfaithful to you and so you start to desert one another or you are cruel to one another, you have to prove those elements and those elements are evidence that are required in court.

Even in petitions, and we are facing year 2010 when we will be going to the polls, some will be playing right, some will not be playing right, some are going to bribe and then petition arises and so you need evidence to prove those too. Therefore, whether in contractual cases or civil litigation, tortious liabilities for claim of damage, personal injury or negligence of duty, you need evidence. And so even in civil litigations, evidence is very important too.

In regards to the society, a crime committed against any person is a crime against society and so it is against the crown.

Mr Speaker, today crime is increasingly violent. Almost every night and day we hear on the radio and read about in the papers of people committing robbery in buses in broad daylight, people stealing, people doing all sorts of things. In order for these things to reach the courts there must be evidence, especially in our time today when technology is advanced crime too is advanced and then the mode of operations are going to be high. When our young people watch movies and they read some information about how crimes are committed and the advance in crime, knowledge is increasing then the courts and investigating officers must also be advanced in the knowledge of collecting evidence that is relevant to bring before the courts.

Mr Speaker, in regards to investigating agencies or law enforcement agencies, they need evidence to prove their causes or allegations. For instance, social welfare officers investigating matters pertaining to affiliations, separation and maintenance must have evidence. Investigations done under the Arbitration Act, the Commission of Inquiry Act, the Deportation Act, the Trade Disputes

Act, the Leadership Code Act, the Ombudsman Act, the Immigration Act, the Customs and Excise Act, the Police and many more, these are organizations or law enforcement agencies that are involved in investigations every day, evidence is very important to them.

These investigation agencies either deal with the use of documents as evidence or proof or facts in courts or provide court like powers and procedures to other tribunals to call and examine witnesses or documents. This also forms part of evidence. Courts do not act on suspicions or speculations but they deal on evidence. Whether it is documentary evidence, direct evidence or circumstantial evidence but it must be evidence.

Mr Speaker, with regards to prosecuting authorities, such as the Police, Office of the Director of Public Prosecutions, Legal Solicitors, Legal Practitioners, evidence is what they need in legal battles, evidence that is sufficient and admissible. The courts need evidence to facilitate a fair, just and timely resolution of disputes.

Mr Speaker, there is one particular clause I would like to comment on. Members and witnesses called by the Bills and Legislation Committee have raised some concerns on custom and customary law not being considered common knowledge by virtue of Clause 17(5) of the Bill. Mr Speaker, customary law plays an important role in Solomon Islands. The Constitution also says that customary law is part of the law of Solomon Islands as long as it is consistent with the Constitution or an Act of Parliament. The Constitution also gives Parliament the power to make laws in the way or purpose for which customary law maybe recognized and resolution of conflicts of customary law.

Mr Speaker, customary law is designed by different tribes and communities within our society to facilitate negotiation and settlement of disputes in social context where keen relationships are dominant. Mr Speaker, there were precedents or historical cases in our courts when there were conflicts between customary law and values and constitutional rights and freedoms. In one case, the court of appeal had to determine whether a duty to kill under Kwaio custom could reduce responsibility of the accused so he could be convicted of manslaughter rather than murder. The court decided that such duty under customary law is in conflict with the right to life contained in the Constitution of Solomon Islands and so it could not reduce the responsibility of the accused.

Mr Speaker, the Constitution sets out clearly the circumstances where a person can be deprived of their life. Those circumstances do not include situations where a person has a customary duty to kill. However, Mr Speaker, the courts of Solomon Islands have recognized customary laws and values in deciding cases. For example, the fact that there has been a customary

reconciliation and compensation is taken into account by a court in deciding what sentence to impose on the offender. Mr Speaker, it would be helpful to wait until the Customs Recognition Act comes into effect.

With these, very few remarks, Mr Speaker, I support the Bill.

Hon. SOGAVARE: Mr Speaker, I, too would like to join my voice in contributing to the debate on this Bill that the Minister for Justice and Legal Affairs has brought to Parliament. In fact, I do not have much to say. As a member of the Bills Committee, a lot of our views are inside the report we have put in for Members of Parliament to look at on issues we feel that we need to take note of. But in general the Bills Committee has no problem with this Bill. I think if we talk about consultations and work done on this Bill, probably this is one of the bills that has taken a long time to work on. It took about 22 years since the 1980's when work on it started. It is probably one of the bills that is properly done. You can understand why because you really need to cover every possible area that need to be included in the bill making the law of evidence to be effective and working, covering all possible areas. We can understand the time it takes this Bill to eventually find its way to Parliament. In fact, the Bills Committee has no problem and it welcomes the presentation of the Bill on the basis of the evidence that people appear before the Bills Committee have given and informed the Committee about and their recommendations that it is the right time now for us to implement this Bill and the benefits it has to the court system of Solomon Islands.

I think it is just appropriate at the outset before I say something that I want to talk about on this Bill, to acknowledge, I guess, the outstanding work of our court system. We can comfortably say that they have upheld the highest moral, ethical standards and competency in every aspect. I guess this is the only sector that remained untainted by some of the darkest periods on happenings that happened in our country, the history of our country. Our court system continues to perform its role in keeping the country safe. Of course, this outstanding performance is attributed to the quality and competent leadership of our court system at all levels. And so I just want to take this opportunity to raise my head and acknowledge the outstanding work of our court system for continuing to keep this country safe.

Sir, there are only a few things I would like to talk on. Whilst the Bill has taken about 22 years of work, I guess, the Bill in its present form probably needs, I guess, needs the comment of wider stakeholders. I am saying this because some people we are thinking of that should have come before the Committee, especially legal practitioners cannot come because they said they were not given enough time to look at this Bill and so we only met with the government side

and people whom the Bill directly affects but private practitioners were not able to come. We note for Parliament's information that some very important sectors did not come before the Committee to give their views on this Bill. But when we met with the other groups that come we are satisfied in general that there is no reason why this Bill should not find its way to Parliament.

Sir, I think the importance of evidence and thus this Bill lies on the fact that reliance or non reliance on evidences produced in court in the manner provided in this Bill can make a big, big difference to the outcome of the case. And more importantly, I think the lives of persons who are the subjects of the court proceedings, depending on how the sitting judge or magistrate rules on the evidences placed before him or her. I think it brings up this very important duty of care by sitting judges and magistrates.

In saying that, Mr Speaker, I do not have any reason to question the competency of our judges and magistrates, and I made that acknowledgement right from the very beginning. But this is a point, I guess that needs to be noted because as we move on, if we look at the way this reform is done, it requires that kind of duty of care in sitting magistrates and judges. I guess what I am saying here is making this body of law and how it is used by our court system is very important. Any reform therefore must be aimed at creating greater confidence in our court systems and not to undermine it. In saying this, and I keep repeating this, that whilst I am raising this concern, I do not have any reason right now to say that that will happen.

The reasoning here is that it is really human to believe that is it safe, I guess, is the question, to base our confidence on the system as opposed to an individual or groups of individual in the system? Where is safe? Is it on the system, the way it is structured or on individuals and groups of individuals in the system? There is a vast difference between those two propositions.

I am saying that, Mr Speaker, because the reform that is before us involves the removal of some very important rules of processing the reliability of evidence, especially in morality related cases and in shifting the responsibility and duty of care to establish the reliability of evidences presented in cases like that to the judges and magistrates. Now, I would like to believe that we can trust our court system enough to place that responsibility in the wisdom and experience of our judges and magistrates. As I said I do not have any reason to question the competency of our judges and magistrates in this country.

Sir, the other question that needs to be posed for the reflection of Parliament is whether the changes in international practice and the concerns raised by international pressure groups on human rights and discrimination or more appropriately the assumption of their prevalence in every country in the way certain groups which are considered as vulnerable in the country are treated

in court should be an acceptable reason to inflict major changes in our laws without really taking our unique situation into consideration.

Probably the question that leads on from that is, does this move amounts to jumping to the other side of the concern and effectively making the alleged perpetrators vulnerable to decisions that may be influenced by the popular thinking? And the popular thinking is that women and victims of offences against morality are subjects of discrimination. That is, I guess, the thinking that is overwhelming the world and the general acceptance of that kind of thinking has led to us making laws like that.

As I said, this will probably make some very interesting debates in Parliament as to how Members of Parliament will make observations and reflections on issues I have raised. In fact, I do not have any other concern about this Bill except for those points I have raised for the reflection of Parliament. But I think on specific issues, as I have said that we have raised in this report, and which I think is well answered by the people who came before us is the concern that we could be carried away in this approach to codify aspects of the evidence law to an extent that we might not allow further development in that area of law in Solomon Islands. I think Section 3 of the new law discards that fear.

Whatever we do in any reform of law, I think it is fully appreciated by those who work on this Bill, we appreciate that we are very much part of the world community, and very much so of the Commonwealth. So whatever happens in Commonwealth members countries will be of interest to the development of law in Solomon Islands and so let us not lock ourselves out from developments that are happening in other countries.

I guess the point made reference to by the Member for Lau/Mbaelelea on how customary law is dealt with by the new law. The Member for Lau/Mbaelelea has outlined very well how the existing law stands, how our constitution recognizes and deals with matters of custom, where accepted customary practices would be considered legal and not a breach of human rights is relied on as evidence for defense in a trial. I think we can even cite some very interesting examples on this and maybe learning from that experience, we should be seriously looking at the time now to recognize those customs, and I know there is room to recognize customs. But the way the court has given some of its decisions, and speaking under parliamentary privilege, does not seem to go inline with the kind of thinking they have been telling us that custom is recognized. I can make a practical example on the case of our colleague, the Member for Central Guadalcanal who has spent a bit of time in prison. Custom was pleaded in court on that and what was pleaded did not go against any human rights, but it is an accepted customary practice of settling wrongs like that. The understanding was that it was accepted by the parties, the aggrieved

party. But when that matter was pleaded in court, although it was not against any human rights, it was not accepted by court. And I am not clear as to the objective of everything we are doing. Is it law and order? Is it justice and what? Is it to get people to live together in peace and harmony? What is the real objective of law in Solomon Islands? That is a case in point, which I feel we failed all the explanations we are giving that is possible under the present constitutional arrangements that we can recognize customs as long as they are not inconsistent with the Constitution and any acts of Parliament that evidence should be acceptable by court. It was not and our colleague had to spend time in custody.

The other issue that was raised in here that might attract some attention is the abrogation of the need for corroboration of certain evidences under Section 7, 18 and I think there is another section. The need for corroboration according to people before and the way the act is structured is no longer necessary, and more specifically to do with rape and morality related cases is no longer necessary. It brings up, I guess, the other side of the argument as well because what the Act says as it is presented before us is that even if the victim is a minor, his/her evidence is admissible, the court can depend on it, in fact the court does not need to caution itself on the fact the person is not of age. Also the practice that the court needs to caution itself on morality related cases because of the assumption used here, and thus the amendment that the victims are always telling lies, and because of that we jump to the other side and say that we rely on these people now and it is the victim that must try their very best to explain their positions to get out of the case. That probably will attract some very interesting debate in Parliament.

I think the other area, the provision that removed the need for the court to exercise caution, as I said already before convicting the accused in reliance on the evidence given by child, as I mentioned already, evidence given by victim of an offense against morality or evidence in relation to an offense against morality where there is delay in reporting the crime under Section 19. Even if there is a delay and is reported after, the court will accept the evidence, especially what it says which goes against the rule as it stands now is that if someone is raped it is advisable that she reports the matter very quickly. This is not so under this new law. There is no need for the court to caution itself on the fact that the victim is a child, because under normal circumstances we must be cautious about a minor's evidence in court on the grounds whether she is qualified to give evidence and the other area that there is a delay in reporting. There is one particular witness who came before the committee, a very prominent person who had some views on this, especially on part (c) of Section 19 on the delay in reporting the crime for a long time.

I think the other area as highlighted in this report, which will attract, I guess, may be some debates by Parliament is the rules governing compellability under Section 34 and 35 of this new law. It is concerned about damaging family relationships and obligations under custom. A spouse therefore cannot be compelled in court.

Sir, it is possible here that a person can get away with committing a serious crime, say murder, for example and may be the wife does know about what happened, and so she is the only competent witness in terms of eyewitness because she knows exactly what had happened but because there is this restriction in compelling her in respect of customs and family relationship and obligations in custom, she cannot be compelled to go to court to give evidence and so someone body will get away with away with a serious crime.

The debate on this will probably go forever. Where do we throw our weight in the interest of getting a person who is committing a serious crime to jail so that we get rid of that kind of person and get him disciplined in custody? Or we respect custom and the obligation of the spouse or a close relative of that person and plead this section and not compelled to give evidence. That is a very sensitive area that Members of Parliament may want to reflect on.

I think the other area that we have also raised our concern on was the exception to the hearsay rule. A good explanation was given to us. I think the point raised by the Member for Lau/Mbaelelea is the need to may be continue to develop the Customs Recognition Act, and we fully appreciate the reasons given to us by the Minister as to why this Act was not enforced that although it has been passed by Parliament but a good number of work needs to be done on it before we look at recognizing our customs. So there is a lot of area that needs to be tidied up.

As a member of the Bills Committee, I think it will be really unfair to the House for me to go on and on and say something that we have answers to. But my contribution is may be to shed some light on the report that we presented before Parliament to help guide Parliament on the debate that are going to have on this Bill.

But as I said, all in all, the Bills Committee and this side of the House have no problem with this Bill. We think it is the best thing that has ever happened to this country, and we call on every Member of Parliament to support this Bill so that it gives more certainty and predictability on how people who are directly involved in the justice system, people who take people to court, people who defend people in court have a set of rules that they see in black and white as to how they deal with evidence because they do not have it right now. Right now a man who can do a good research, the ability to research and to look at cases and precedents and whatever can make a good case in court. And I think that is

unfair. I think the government has a responsibility to ensure that laws like this because of the inadequacy in this area of law in Solomon Islands, some people are just sent to jail or somebody just walk free because may be the prosecutor is not doing his work properly or may be the defense lawyer does not have rules there to guide and to help him person to be declared free. I think the best thing that has ever happened to this country as I said, and I see no reason to join the Minister responsible for this Bill in commending this Bill to Parliament and request its support by all Members of Parliament. In saying that, I support the Bill and take my seat.

Hon. Chan: Mr Speaker, thank you for allowing me time to wind up the debate on this Bill so quickly. First of all, I would like to thank the two speakers for contributing positively to this historical undertaking. Mr Speaker, the effect of this bill on us as legislators would be the same as its effect on our citizens. It is clearly fair, easy, quicker and predictable for all of us.

I like this Bill because it enhances what we called justice to go down to the rural areas. I think the Bill puts our rural people in a better position to be able to defend what they believe are trespasses in their rights, their properties and customs. It had been in the case in the past, Mr Speaker, that only big law firms in Honiara had the advantage to access books and internet materials from the UK. Even judges will have to come back to Honiara from the provinces to find principles and materials on the law of evidence. This Bill is about availing these laws including this Bill to our ordinary folks in the rural areas in a very simple way.

Another thing I like about this bill is the fact that it is forwarding looking in its orientation and how this Bill feels the law is going to affect us. For example, we can now provide for important developments in our society and technology on how evidence is collected, stored, produced and given to the court.

Mr Speaker, the Bill seeks for more regional and international cooperation, which is the key tenet of our international relations and expectations. More so, when we meet our international obligations such as the Convention on All Forms of Discrimination Against Women and Children. This Bill has done exactly done that.

Furthermore, Mr Speaker, the Bill does not lean more towards the prosecution or the defence. It is a start of something beautiful to come where justice is fairly met. It allows for instance the judges to still apply or do away with the provisions of this Bill. I do understand that over time the Bill would still need interpretation, like any laws but that can be taken care of by a respected and cherished legal system.

Mr Speaker, this Bill among other things is about recognizing customary law, gender equality, protecting vulnerable victims, the disadvantaged and the disabled. It is about protecting our people as they go through the court processes.

Mr Speaker, much time has been spent in the preparation of this Bill and you could say that it has been 20 years in the making or to be more accurate 20 years of waiting. Therefore, Mr Speaker, it gives all of us who are here today the reason to be proud of a development we have had a hand in.

I will submit to you that this Bill before all of us is a good one because it has been developed to meet the challenges we are facing today in the rules about our evidence for the betterment of the provision of justice for our people. Now that we have consolidated rules of evidence, delays in court proceedings will be reduced with the courts and community becoming the principal beneficiaries.

Finally, Mr Speaker, I would like to thank the following people who were involved in ensuring this Bill came this far. For the Bill to end up in the House today, is a clear demonstration of the passion and deep love these people have for the law. Mr Speaker, all of them are from the Specialist Evidence Bill Committee selected for this particular bill and may I mention them: The Hon. Justice Francis Mwanalua, from the High Court of Solomon Islands, Mr Ronald Bei Talasasa (Jnr), Miss Rebecca Christinesen and Miss Rachel Uluti Wamaea, all from the Office of the Director of Public Prosecutions. Douglas Hou and Collin Beka from the Public Solicitor's Office, Mr Rubeni Nawakaguta, and Linda Fulaumuitui from the Attorney General's Chamber; Mr Primo Afeau, and Miss Joan Staven from the BAR Association (Solomon Islands) and of course, Mrs Pamela Wilde from the Ministry of Justice and Legal Affairs.

Mr Speaker, with these few remarks I beg to move.

The Bill is passed

Mr Speaker: With other commitments from the Bills and Legislation Committee, under Standing Order 10(5), I adjourn Parliament until 9.30am tomorrow morning.

The House adjourned at 12.24 pm