

TUESDAY 30TH JUNE 2009

The Deputy Speaker, Hon Clement Kengava took the Chair at 10.48 am.

Prayers.

ATTENDANCE

At prayers, all were present with the exception of the Ministers for Education & Human Resources and the Members for Ngella, Temotu Pele, Shortlands, North West Guadalcanal and Malaita Outer Island.

PRESENTATION OF PAPERS AND OF REPORTS

- The Evidence Bill 2009'. (National Parliament Paper No. 21 of 2009).

QUESTIONS AND ANSWERS

Road construction program

74. Mr. OTI to the Minister for Infrastructure Development: In relation to the labor-based road construction program focused on poverty reduction, what considerations are given to the following:-

- (a) Sustainability of the program?
- (b) Quality and durability of the roads constructed?

Hon. SOFU: Mr. Speaker, I would like to thank the Member of Parliament for Temotu Nende for asking this question. This question is very important in that it deals with the rural areas and this program involves community participation.

Mr. Speaker, the Ministry of Infrastructure Development named this program the labor-based program. This program is one of the most difficult programs and an important one. The government is adopting this program according to its aims and objectives, and the policy of the Ministry of Infrastructure Development of this current government.

The Ministry is giving high consideration in the following areas:

- (1) If you compare this equipment or machine based program, it is very cheap and very affordable, which suits our funding level.
- (2) The community awareness which the Ministry of Infrastructure Development normally conducts in the rural areas so that they feel the

sense of ownership, they feel that they are part of the program, they feel that they too are involved inside, and so the Ministry sees this as important.

- (3) The program injects cash flow to our rural dwellers in the rural areas. Money is reaching our people.
- (4) Private sector participation of SIG funds budgeted for, and donors and other funding agencies.

Mr. Speaker, in answer to question (a), this program will be sustained through the National Transport Fund from SIG, aid donors and other funding agencies.

Mr. Speaker, on part (b) of the question in terms of quality and durability, the standard is similar to this equipment machine based road construction because these two methods have the same aims and they both have the same qualities, and the same durability. This labor based equipment supported program if applied according to technical instructions by it will be fine, similar to the machine based program.

Mr. Speaker, this labor based program targets roads that equipments are used for maintenance and rehabilitation program.

Mr. Oti: Mr. Speaker, I thank the Minister for his response. Perhaps by way of supplementary since the question refers to sustainability of the program, what I want the Minister to explain is sustainability of the program in terms of applying that same program to other parts of the roads, which the Minister has read out in the first part of the question, other parts like in Western Province, Choiseul Province and Malaita Province. Which of these roads to do with sustainability to be applied where it has been applied currently, and how is it going to be selected. Because of the qualities the Minister has mentioned, where else do you expect to prove that the program can be sustained technically and also financially in relation to the allocation in the budget this year and perhaps into next year that the support this program has received under the ADB, AusAID, RAMSI, NZAID would continue.

The supplementary question I want to know is in relation to application because of, first, the technical satisfaction the Ministry is receiving as well as the donor support the Minister has read out. Apart from where it was already done this year or last year, where else in relation to the road network the Minister mentioned in the first questions asked in relation to roads last week.

Hon. Sofu: Mr. Speaker, I thank the Member of Parliament for Temotu Nende for his supplementary question.

Mr. Speaker, we have started in two provinces, which are Temotu and Malaita. The program started last year and still continues this year. The Ministry has its program of rehabilitation and maintenance and this program will continue in other provinces when it gets to that province. Certainly, the Ministry will apply the same to those other provinces. Thank you

Mr. Oti: Further supplementary question. Just to highlight the point again. The technical requirement, I think for this kind of labor based roads, is moving away from what used to be a consumer surplus requirement into improved market access and service delivery, which is producer surplus. This means the focused roads that are between the volume of traffic between 0 and 20 are defined as low traffic and do not satisfy the consumer driven assessment to construct that road. Because of our low traffic, this is where the input of labor based comes in and producer surplus so that what is at the heart of the government's policy is to encourage service delivery and market access, coming back to this poverty alleviation issue, which is one of the considerations raised in the question.

When I asked my supplementary question earlier on, which roads in which provinces are you going to apply this yardstick to determine whether it should be machine based or labor based roads? In fact you have not answered the first part of my supplementary question on which ones because you have carried out assessments already. Can the Minister inform Parliament on this?

Hon. Sofu: Mr. Speaker, the answer given to the supplementary question is that work is currently going on in the two provinces of Malaita and Temotu. The next provinces they are going to move to are Western Province and Choiseul Province. The same application applied in those two provinces will be carried out in Western and Choiseul Provinces as well. It depends very much on the assessment of the engineers who will see it fit to carry out where work will be conducted. Thank you.

Mr. Waipora: Mr. Speaker, supplementary question. The main point of this question is labor based road construction. My question is, I know that this program is backed by the International Labor Organization (ILO) and it was under the UNDP program. I think this program should be backed by the ILO. Does the ILO still participates in this or backs up this program because I know when I was in Isabel Province the road between Buala and Ghozoruru was built by labor based. I am just interested to know whether this program is still backed by the ILO or not. Thank you.

Hon. Sofu: Mr. Speaker, I would like to thank my good colleague Member of Parliament for West Makira for his concern by asking this very important question. Sir, this is not the ILO's program but it is the present government's program co-funded by the ADB, AUSAID and even SIG contribution. Thank you.

Hon. Sogavare: Mr. Speaker, supplementary question in terms of the quality and durability of the roads. The Minister in answering the question stated that the quality and durability are just the same with roads that are machine based constructed. I hope that the Minister's statement is based on technical reports produced by people inspecting the roads and whether the level of technical criteria used in making the assessments on these technical reports are similar for labor based road and machine based road, whether the same technical criteria are used to report on the quality of those roads. That question first and then we will ask some more supplementary questions. Thank you.

Hon. Sofu: Mr. Speaker, I also thank the Leader of Opposition for asking this very important question, which even our people in the provinces right now are listening in to us and know what is happening in those two provinces in comparing the equipment and machine based program to the labor based program.

The Ministry has seen improvement on the labor based program which recommends that contractors participating in this program need to have a few small machines to meet the technical requirements by engineers.

In order for this program, as the MP for Temotu Nende has stated very clearly today, to reach our people who are not accessible to roads, but under the rehabilitation program can use the labor based program.

Equipments and machineries are used on major maintenance and repair works on our main roads that heavy equipments use. Engineers see that if this labor based program is conducted under the supervision of technical people then there is no difference as it will be appropriate for them to use it. Thank you, Mr. Speaker.

Hon. Sogavare: Mr. Speaker, one of the yardsticks, I guess, to measure the durability and quality of the roads is the frequency of repairing the roads. Can the Minister inform the House about the places that this program is currently going on, how frequent are those roads have been repaired? That should gage the issue of quality and durability.

Hon. Sofu: Mr. Speaker, I would like to thank the Leader of Opposition for his further supplementary question, which is an important one which even the public too is asking why the government is not repairing the roads. People are asking what is wrong with the government for not repairing the roads. That question is a very important question because they will get their answer to that question today. If there are any doubts or questions in the minds of our people in the rural areas, I think the question asked by the Leader of Opposition is very important, and I would like to thank him for that.

Mr. Speaker, as you would know, in the past not many vehicles are using our roads. Vehicles are not as many as today. It was from independence until now that we are experiencing the traffic here in Honiara to be quite busy, even in some provinces too, and therefore the routine maintenance of roads is very important for the government to look into. The Ministry has its programs on routine maintenance as it sees the rate of traffic very high at this time. It should be after every three months that repair and maintenance should take place. But when the traffic is busy and our roads are small, it is a bit difficult to carry out maintenance on the roads and therefore past governments, the present government and any future governments would find it difficult to repair the roads because it depends very much on the availability of funds to carry out the work.

Mr. Speaker, additional information to this very important question, as we know it was previously that the government has machines because it works according to its program. For instance, Gizo has its own fleet, Makira has its own fleet, Malaita has its own fleet and Honiara also has its own fleet. That is not the case any longer through a restructuring program by successive governments in the past and so we depend very much on private contractors at the moment where work is put out on tender and contractors apply and who wins the tender carries out the maintenance. We depend on many things now and therefore it is affecting the Ministry's program. Thank you.

Hon. Tosika: Mr. Speaker, I just want to ask when are we going to move out from labor based to machinery based in the construction of roads. I am asking because labor based started during the colonial times. I understand that headmen during those days looked after certain blocks of roads and are responsible in the maintenance of the roads, and then we move from labor based to using machines. I went back to Malaita frequently, and this year I have been back four times, and what I find is that the labor based program is not sustainable on the basis that during heavy rain all the drains overflow. When I went home I found out that tar sealed roads are very durable and therefore cost effective.

In Malaita especially, traveling from the head road down to Auki would take you about 4 hours. When you travel on that road now it is very bumpy, and so it is not as good as when it was maintained because of this labor based. I think we should spend time increasing the tar sealed roads to 10 kilometers per year. By doing that we can achieve our programs so that accessibility to markets and durability we are talking about is there so that people can only maintain potholes on tar sealed roads. If we just spend money constructing roads when are we going to tar seal our roads?

I think it is necessary for the government to have a cut-off time on labor based and introduce machinery base and the tar sealing program of the government. That is my view. When are you going to cut off the labor based road construction and go into machinery and eventually into tar sealing strategy?

Hon. Sofu: Mr. Speaker, and I want to thank the Member of Parliament for West Honiara for that very important supplementary question.

Mr. Speaker, I think all of us in this Parliament want the change from labor based to machine based program. But every one of us knows our difficulties and shortfalls. If my colleague Member of Parliament for West Honiara had listened to me properly earlier on today, I said that this is what the government can only afford at this time so that people can continue to transport their goods from the rural areas to be sold at the urban centres. That is what we can afford.

Mr. Speaker, like I have already stated even the Minister for Infrastructure and Development wants to change from labour based to machinery based so that we can work according to a program that lasts long, and what is recommended here is tar sealing, tar sealed road. However, because of some difficulties that everyone one of us understands, we did not achieve what we want from the program.

The Ministry of Infrastructure Development has its own engineers who have submitted certain things to the Minister, but we cannot stretch our hands out so much but we can only do things within our capability.

Hon. Sogavare: Mr. Speaker, a supplementary question following the explanation by the Minister and the question asked by the Leader of the Independent Group.

The way we take it here is that it actually boils down to the better use of available resources. From the Minister's explanation he said that the National Transport Fund is going to support this program, and of course the input there will be aid donors, other funding agencies, the ILO; these are funding for this

program. The Minister also stated that we do not have machines. Obviously, the way we see it is that if we want to move towards machine based operations then we need to acquire machines. I would like to find the government's view this time on how receptive would be the aid donors to start seriously to discuss that we move away from labor based. And the people that funded the labor based roads, which obviously their durability and sustainability is questionable, with due respect to the answers provided by the Minister. How receptive would they be if we sit down and start talking about better use of these resources? May be move away from labor based, assist the government to acquire machines, may be mix it. We appreciate the objective of this particular program is to inject cash into the community, as per labor participation by community themselves and they benefit from their active participation and so on. We just want to ask that question. The way we pick it up here is that it boils down to better use of available resources so that it produces a result that is more durable and more beneficial to this country than continue to pool in funds just on areas of continuing repair.

Hon. Sikua: Mr. Speaker, certainly the government's interest is to be involved in machine based construction and repair of roads. Mr. Speaker, when I visited the ministries earlier on the year, and I visited the Minister of Infrastructure Development, I put across my views to the Ministry of the government's desire to move back to machine based construction and maintenance of our roads. At that time I asked the Minister and the PS to provide to me a list of the machinery necessary that would enable the government to move back to machine based maintenance and construction of roads in the country. That list has already reached me, and it is in certain categories; the ideal thing or what we would really like as good sets of equipments that will enable government to do the work, what is second best and what would be just for maintenance. My desire in doing that is so that we can approach donors to supply us with the machines.

This idea came about because we can see that the kind of money spent on contractors in doing work on our roads is costing us twice as much sometimes compared to us having our own machines. This whole thing is tied to the move by the Ministry of Infrastructure Development away from where they are located now to Ranadi. All these things will take sometime, especially the funding of machines and the relocation of the Ministry of Infrastructure from its current location at Mataniko up to Ranadi. But certainly we are working to have the government return to the use of machines in doing maintenance and construction of roads throughout the country. In that way we can move well in any policy in regards to new road construction for maintenance and tar sealing.

Without that, I do not think the labor based construction program will enhance the government's programs in constructing roads.

That is what I want to say in regards to that, and what I am saying is that the government wants to move into machine based as soon as possible, especially with its national transport program. But we cannot do away with labor based road construction program for the reasons the Minister has already mentioned. It is good to involve our communities in the maintenance of roads on patching up potholes or anything that might happen after a heavy rain and so forth. Those should involve our labor based construction program. But for major maintenance and construction of new roads, I do believe the government needs to come back in with its machine based program as soon as possible. Thank you.

Mr. Waipora: Mr. Speaker, supplementary question. My question might be technical as it is based on quality and durability. Mr. Speaker, our climate is rain and sun; tomorrow it rains and the next day sunny and may be that is the reason why our roads deteriorate very quickly when vehicles travel on them.

My question is, can we look at materials fitting to our climate rather than bringing in materials from Australia and other places that are cold and humid? As I said it may be a technical question but I believe my able Minister of Infrastructure who has worked in that field for sometime now will give me the answer. I always question why our roads were not constructed with materials appropriate to our climate. Can the Minister inform the House of the difference in materials? Otherwise some materials that are only suitable in other countries are brought in here and therefore not suitable to our climate.

Hon. Sofu: Mr. Speaker, I want to thank the MP for West Makira for that very important question. Mr. Speaker, if the MP is referring to materials brought in for tar sealing of our roads, then those materials are brought in from outside. Most of the materials for construction of roads are just gravels from Solomon Islands.

Mr. Speaker, climate is not the problem although it is part of it. In fact, Mr. Speaker, the answer given by the Prime Minister to the question by the Leader of Opposition is the contributing factor.

Mr. Speaker, in order for us to achieve our aim for good road infrastructure depends very much on a few things. The first thing is that we want to have good machines; we need to have full equipments. Mr. Speaker, when I talk about equipments, it must be a fleet of 8 or 9 equipments comprising three tipper trucks, one grader, one roller, one dozer, one tar sealing machine, a loader, a back hoe or a digger. Those machines can enhance proper construction

of roads. When it is sunny those machines can do the work. We even need trained manpower to do the work. The Ministry is trying now to have in place those things and it is seeing improvement. I just want to confirm what the Prime Minister said today that we are working on getting about 9 fleets including machineries in that fleet for good quality finishing job to be done.

Mr Speaker: Thank you Minister. In my opinion that question has been well covered and so I would like to ask the Hon. Questioner to thank the Minister.

Mr. Oti: Thank you, Mr. Speaker and I thank the Minister for his responses to the question and the supplementary questions. But just for a point of noting, Mr. Speaker, in fact I was going to ask another supplementary question, but I think the Prime Minister has partly responded to that, and therefore the machine based road construction or our requirements will remain in the wishful thinking list for many years to come and so we should not waste our time attaining the impossible.

However, since it reflects on the government's policy, the documents that are before us only reflects that in fact it is a wishful thinking to go machine based, hence the sustainability of the program I questioned earlier on today. And the overlapping and interaction with other programs of the government, for example, and this is for the Minister to note before I sit down that under the rural development program, the first phases of the rural development program, also funded by the same donors, which is infrastructure related, where it becomes labor based where will this program in terms of sustainability will hook on and interlock with the other programs. At the moment, and this is where the sustainability of the program lies, otherwise it is the same donor where one of its legs go this way and another one goes that way, never merging hence I asked about sustainability so that the Ministry as a matter of policy can also look at other programs. The Minister for Planning who is responsible for RDP is not here.

That said, Mr. Speaker, I would like to thank the Minister and thank you for accepting the comments I made in this regard. Thank you.

Urban Waste Disposal Program

184. Mr. OTI to the Minister for Health & Medical Services: Can the Minister inform Parliament how successful has been the program to improve urban waste disposal as a strategy to reduce the incidence of food borne disease in Honiara and the urban centers in the country? This question relates to the policy strategy of the CNURA Government.

Hon. SOALAOI: Mr. Speaker, I would like to thank the Honorable Member for Temotu Nende for asking this very important question.

Mr. Speaker, in terms of how successful the program is, I think just recently we noticed an improvement in waste disposal, especially in Honiara. I think you will all agree with me that in the past we can see garbage lying around for a period of time, but we noted a bit of improvement in that.

Mr. Speaker, in fact it is a big challenge for us to really ensure that rubbish collection, especially in urban centers is done on time so that our rubbish or wastes do not remain in residential areas to reach the stage that they decay making flies to step on them and thereby can cause problems the Member is concerned about.

But having said that, Mr. Speaker, the coordination and management of activities regarding waste disposal in Honiara and the urban centers is coordinated by the Environmental Health Department of the Honiara City Council. Activities include collecting of rubbish from different areas in the city and dumping them at the Ranadi dump site. The Honiara City Council also manages the dump site or the rubbish dump that we usually called located at Ranadi.

The Ministry of Health also has an Environmental Health Department, which ensures the Honiara City Council is doing those activities properly and according to law. At this time, Mr. Speaker, the Environment Health Department and the Environment and Conservation Division are working on a waste management project proposal that we are going to submit to, and this is the South Pacific Regional Environment Program (SPREP) and JICA for funding in 2010.

Out of the how many activities contained in the project, the two main ones are for the Ministry of Works to look after the rehabilitation of the dumpsite at Ranadi. That is basically because we cannot relocate the dumpsite because of non availability of land.

Secondly, the Environment Health Divisions of both the Honiara City Council and the Ministry of Health together with the Environmental and Conservation Division of the Ministry of Environment will develop waste management activities for our urban centers. The different activities dealing with waste disposal in our urban centers including the provinces will be covered when this is being developed. But I must admit that it is quite a challenge for us to really ensure that waste is disposed properly. I think it also comes down to all of us, I think our people will need to be responsible and put wastes where they should be put. For example, if the Council provides a rubbish bin to you then you should put your rubbish in the bin and do not throw it outside.

Mr. Speaker, we also find at this time that not only stray dogs overturn rubbish bins but humans too overturn rubbish bins. That even makes the challenge even great for the Honiara City Council in the case of Honiara.

Whilst, as I stated earlier on, there is a slight improvement but in fact it is very challenging and we are working very closely with the Honiara City Council and also the Environment and Conservation Division of the Ministry of Environment to ensure our environment is safe for our people. Thank you, Mr. Speaker.

Mr Oti: Mr. Speaker, supplementary question. Perhaps to be more specific in relation to this question on how successful the program has been, can the Minister inform us what sort of disease is food borne, and what is the rate of incidence as reported in the clinics or in the Central Hospital, and from what level for it to be successful to prove that because of the actions taken it has been reduced in terms of the incidence of those particular disease? What sort of disease is food borne, and from what level was it on before this policy and the actions you are taking, and now it has been reduced through that empirical presentation of data? That is basically what the question is asking for.

Hon. Soaloi: Mr. Speaker, I must thank the questioner for that supplementary question.

Mr. Speaker, when we say food borne diseases these are diseases one acquires because of contamination. I will try and make a good example. When you have rubbish in front of your house, the first day might be alright but when you allow that rubbish to decay and then flies come in and steps on it, it has bacteria or microbes that can cause diseases such as diarrhea and infections. But food borne diseases are diseases that come from food poisoning and things like that. Sometimes when you go to the hospital they will tell you that your child vomits may be because of food poisoning. The diseases I mentioned like diarrhea and hepatitis are the two main diseases we normally experience here.

I mentioned earlier on today that it has improved because we noticed a drop in admission from diseases such as diarrhea. It is mainly young children who suffer much from these diseases because their immune system is not strong enough whereas adults have strong immune system and can withstand it.

But food borne diseases, Mr. Speaker, like I have already stated are infectious diseases we get from flies stepping on the rubbish and coming to step on our food. Air borne diseases are different to food borne diseases. Food borne diseases are basically diseases caused by contamination of food, and one example we know very well is flies stepping on the food we eat, which can make

us get sick. I am not sure about mosquitoes stepping on food can make us sick or not but a very good example I can give is flies. Thank you.

Mr. Agovaka: Mr. Speaker, the Minister is talking about the disposal of waste in Honiara. If you drive down to White River, and you start from White River stream to Rove stream, MBokona stream, to Mataniko river and then Kukum stream and you go as far as Burns Creek and Betikama, you would notice a lot of rubbish along the river banks. Also the seashore starting from Kakabona to the Lungga River you would see a lot of rubbish. What is the Ministry's waste management plan in regards to our river banks as well as the shorelines along Honiara?

Hon. Soalaoi: Mr. Speaker, as I have already mentioned, the Environment Health Division of the Ministry is working very closely with the Environment Health Division of the Honiara City Council in making sure our environment in Honiara is safe, especially to do with waste management. The activities I have mentioned are coordinated by the HCC, and the Ministry's role is to ensure that the different activities regarding waste management are done effectively and also according to our laws. But what the Member stated is very true. I myself have seen the places he mentioned. We will ensure that the City Council looks into the problem. We hope that the two activities I mentioned, and there is a list of activities in that plan that also covers drainages in Honiara, which will address the Member's concern. It is going to be a very challenging task for the HCC and that is why we are trying to involve our Environment Health Department and also the Environment and Conservation Division of the Ministry of Environment to work together to address that problem. It is a waste, but after all we want our environment to be safe and free from dangerous things. Thank you.

Hon. Sogavare: I want to get the government's response through the Minister. Sir, I heard the Minister's answer and I think the simple solution to this is to collect the rubbish and put them in the right place.

The Minister continues to say that it is something that the Ministry will work very closely with the Honiara Town Council to do that, and we know that the work of removing rubbish from houses to the rubbish site is the work of the HCC.

The fact of the matter is that Honiara City Council does not have the capacity to do that right now, even from way back in the past. In fact, the way it looks like is that it needs the government's direct intervention on this problem. What is the government's view? Does the government have any plans to assist the Honiara City Council buy more trucks to remove the rubbish? Right now it

is contracting the work to private companies, but that did not work too. Our rubbish at Vura, and in fact everywhere have not been removed.

I just want to find the government's view on the national government's direct intervention in the HCC by giving them assistance to buy more machines, give it to them so that it does its work more effectively?

Hon. Sikua: Mr. Speaker, I thank the honorable Leader of Opposition for his supplementary question. Last week I spoke with a donor to try and ask the donor the possibility of purchasing some trucks for the Honiara City Council to collect the rubbish we are seeing around Honiara.

I too am very sad and unhappy about the fact that we have always been called the dirtiest city in the Pacific, and there is some truth in that and because we are going to have important visitors towards the end of the year coming for important meetings here, Mr. Speaker, I am determined to make sure that Honiara must look clean before our important visitors come, and so therefore my preliminary consultations with a donor last week to see if we can obtain trucks for the Honiara City Council to collect rubbish all over Honiara and more so along our main streets. That is being pursued at the moment.

But on the long term, Mr. Speaker, there are some interests by some private investors to look at rubbish collection in Honiara and set up a business here so that they can turn rubbish into bio-fuel. The group that has called itself the Solomon Islands/Taiwanese Chamber of Commerce, a business investor there is interested to have a look at that. Although initial investigations by Taiwanese investors show that we do not have enough rubbish to support the particular incinerator that will turn rubbish into bio-fuel. But I am encouraged by this person that came with the delegation of the Taiwanese/Solomon Islands Chamber of Commerce is keen to do that. I think that is the answer for us in the long term to set up an incinerator that will take in all the rubbish in Honiara and turn them into bio-fuel to feed the national grid for electricity.

But to answer the honorable Leader of Opposition, I have already had some discussions with a particular donor to supply a few trucks to the Honiara City Council to collect rubbish, and not this kind of loading timbers sometimes instead of rubbish. Sometimes you see timbers sticking out from behind the rubbish truck. That is what we must not be doing to that kind of truck. I hope we will be successful in getting these trucks as soon as possible Thank you.

Mr. Agovaka: Mr. Speaker, another supplementary question. I do not know about the other urban centres but here in Honiara. What is the sewage waste plan? Honiara is becoming populated and there is a lot of people here. What is

the Ministry's plan on our sewage waste? Are we still going to put them out into the sea or are we going to do sinkholes at this time. What is the Ministry's plan?

Hon. Soalaoi: Mr. Speaker, in terms of sewage, apart from the National Referral Hospital and those that have septic tanks, the sewage of every other residents and business houses in Honiara go directly into the sea and that is why we have been warning people from buying fish which appear fresh using the sea water. We are planning to come up with a plan where different areas in town are divided and have one treatment plant attached to all the sewage before it is disposed into the sea.

Mr. Speaker, this issue started since we started planning for this town. It is also to do with planning of our town. But the Ministry of Health is talking with the Honiara City Council to ensure this issue is addressed as soon as possible.

Like I said earlier on, if you would like to swim along the shorelines here, we want to advise you against doing that because it is not really safe to swim along the seafront here.

Apart from houses that have septic tanks and the National Referral hospital, the sewage of every other house and other business houses runs directly into the sea. I also remember when we talk about rebuilding of Chinatown after it was burnt down, my input is for the plan to include proper septic tanks and even a treatment plant for Chinatown. But at the moment they are building and so I do not know how, but may be the pipe goes into the river again. But yes, Mr. Speaker, we want our town to have a proper sewage system where all the sewage goes through a treatment plant before being disposed into the sea or into our rivers. Thank you.

Hon. Agovaka: Mr. Speaker, the environment in Honiara really concerns me, especially our seashores. I want to ask the Minister of Environment whether he has a plan for our environment, especially the shorelines, considering what the Minister of Health has just mentioned that all our sewage wastes go down to the seas. In fact, if you drive past the tobacco factory you would see the factory directly put its wastes into the sea.

Can the Minister of Environment inform the House of the safety measures the Ministry is taking in assisting the Ministry of Health to safeguard our environment, especially the shorelines of Honiara?

Hon. LILO: Mr Speaker, that is totally a new question and I wonder if the Member would choose to notice a new question I would be most willing to answer it.

Mr Speaker: Thank you Honorable Minister. That is right, that is a new question to the Minister. May be Minister of Health would like to shed some light on that question.

Hon. Soaloi: Mr Speaker, as I said earlier on today, our two departments, the HCC Environmental Health Departments and the Ministry of Health are working together with the Environment and Conservation Department of the Ministry of Environment.

Again Mr. Speaker, I do not want to mention these things because the things I may have mentioned are just being embarked upon, and we are looking at coming up with activities that we think if people work according to, should help us dispose our wastes properly according to our laws and also in ensuring our environment is safe.

In terms of the environment here in Honiara, later on we might brief Parliament or the country as a whole on what we are doing because it is something we have just started. May be if we have started this long ago, I could give you an answer. But we are equally concerned like the Member raising the question. I think we should also ask the business houses that put their wastes directly into the sea to start thinking about how they can help us in keeping our environment safe. The factory mentioned by the Member is very true. If you cannot smell it then I suggest you drive past that place at night and you would smell what the Member has said. In the day it might not smell very bad because some of us smoke and so you might be confused thinking another person beside you is smoking. But if you drive past that place at night you would realize the very bad smell.

Mr Speaker, having said that the Ministry of Environment is also a part of the team that will work to address our problem on waste disposal in ensuring our environment is safe and healthy for every one of us to live in. Thank you.

Mr. Oti: Mr Speaker, I thank the Minister for his responses. What I have not heard, and this is just a matter of comment that the responses that have been coming are to do with lack of funding, lack of proper equipment and so on and so forth. But there has been no mention of the out datedness of health regulations such as the Pure Food Act, the Health Environment Act, which are regulated under the Ministry of Health, and also the ordinance of the Honiara City Council that also enforces these regulations, none of these are mentioned. I wonder whether it is a weakness of money or it is a weakness of enforcing existing regulations. Perhaps in that regard, otherwise we speed away with equipments, money and so on but the real heart of the problem still lies there,

and that is to do with enforcement. The relevance, appropriateness or applicability of the regulations which are in place are already outdated and unfortunately there was no mention of any amendments to those regulations, which maybe is the cause. But I hope this would be taken onboard in the new initiative the Ministry and the other divisions will take in future to address these issues. On that note, Mr Speaker, I thank the Minister for his responses.

Traditional Justice System

187. Hon. SOGAVARE to the Minister for Justice and Legal Affairs: Can the Minister inform Parliament of the progress made in formalizing traditional justice systems to ensure that traditional justice is recognized within the court system?

Hon. Chan: Mr Speaker, I would like to thank the Leader of Opposition for the question.

The Ministry has been embarking on five initiatives to ensure traditional justice is recognized. These initiatives include:

- (1) Recognizing customary evidence in the proposed Evidence Bill 2009 which will be introduced to this House today. We ensure that where questions arise as to the existence of any custom or right, evidence can be adduced to establish their existence of any custom or right including the transaction by which the right or custom in issue was created, modified, recognized, asserted or denied or inconsistent with its existence or particular instances in which the custom was claimed, recognized, or asserted or was disputed, asserted or departed from.

The Evidence Bill recognizes and therefore excludes from the hearsay rule, previous representations about the existence or none existence or content of the traditional laws and customs of a Solomon Islands tribal group or the exclusion of the opinion rule from the evidence of an opinion expressed by a member of a tribal group about the existence or the content of the traditional laws and customs of the group.

As the Evidence Act will be used by the courts in their fact finding task, these rules about custom in the Act recognizes that customary evidence can be used in our court system.

- (2) The proposed strengthening of the roles of chiefs in our communities, which I have alluded to in my answer to Question 185 yesterday in Parliament. Research and gathering of information is still progressing on

this matter. Developing of the required mechanisms and/or legal framework should follow after adequate information is available.

- (3) The Ministry's review of the Penal Code and the Criminal Procedure Code. Consultations are now underway, and people can express their views on how certain aspects of our traditional systems and practices can be applicable to the modern society we live in today could be incorporated into our criminal laws and our criminal justice system. Depending on what comes out in the consultations, where there are recommendations to include certain aspects of our traditional systems in our criminal justice system, we will certainly look at those recommendations and decide if we should incorporate certain aspects of the traditional justice system into our criminal justice system.
- (4) The proposed Tribal Land Dispute Resolution Panel Bill that should recognize the land dispute resolution role to be played by chiefs and elders in our communities, which I also referred to in my answer to Question No. 185 in Parliament yesterday.
- (5) Revisiting the Customs Recognition Act 2000, No. 7 of 2000 again, and to decide if it should be commenced in its entirety or certain provisions of it only. This Act is said to provide for the recognition of customs as a part of the laws of Solomon Islands. The reasons for enacting this Bill is to provide for the proof and pleading of customary law and to regulate the manner and purposes for which customary law maybe recognized. The only provision of this Act that we need to look into more in detail before commencing it is Section 9. This is to look into the purposes and intents of that section and whether it has or does not have the effect of reversing the requirements in other laws that the interest of the child is paramount in custody of infant cases. Thank you.

Hon. Sogavare: Mr. Speaker, I thank the Minister for answering the supplementary question. The Minister outlined one of the strategies is review of the Penal Code and the Criminal Procedures Code and he made reference to consultations that are going ahead. Are these consultations ongoing right now, and what time are we looking at finalizing a report on these consultations?

Hon. Chan: Mr. Speaker, as we speak consultations on the review of the Penal Code is taking place. The consultations are based on issues identified by issue papers on the offences and penalties in the Penal Code and get people's views on

the offences on the Penal Code. The penalties provided and changes propose. People should have the opportunity to air their views or make submissions on some of their traditional criminal justice issues, which could be included or incorporated in the proposed Penal Code. Hopefully, I have answered the question.

Hon. Sogavare: Just a further supplementary question. I assume these consultations are nationwide, and so maybe the Minister can confirm that. The other supplementary question is with regards to the Customary Recognition Bill and the work the Ministry is going ahead to do in implementing the Act.

I just want to get the views of the government, although I remember flagging discussions on this during one of the meetings we have had already on the need to codify customs so that may be more of our customary practices can be considered to be recognized.

Can the government assure us whether it is serious in looking at coming up with a program that will look at codifying our customs to make some of these provisions in the Constitution so that the work of the Customary Recognition Bill will make sense.

Hon. Chan: Mr. Speaker, thank you for that supplementary question. I would like to confirm the question on whether consultations are nationwide, yes it is nationwide. In terms of your question on the Customary Recognitions Act, I would like to go through the history of that Act because it was done in 2000. The government that put in the Act did not gazette the Act, and so the Act did not commence nor has operational force. We do not really understand from our Ministry's point of view the reason why it was not gazetted as well as by subsequent governments, especially Ministers of Justice. We went and had a looked at it again and we believe the reason why that Act perhaps was not gazetted is because there may be some inconsistencies in existing statutes, probably international conventions as well as some of our constitutions. What we have done in our Ministry is to hold it back and decide to look at it in its entirety. We held it back and give as much information possible so that we can bring it back to cabinet and then bring it back to this to House if we need to amend that bill.

I am talking about the statutes, which we perhaps believe could be inconsistent with the Customs Recognition Act is first the Affiliation, Separation and Maintenance Act and secondly, the Islanders Divorce Act. The international conventions that it may be inconsistent with are the CEDAW rights of women and the CRC rights of a child. All because of a section in that Customs Recognition Act section 9, which says 'notwithstanding any other law that

customs will be guided', we will use customary guidance on how we handle affairs of adoption and child custody. We need to look into that first but from our justice point of view, we have no problem with the Customs Recognition Act. I think a lot of the stuff in there in terms of recognized customs are already inside the proposed Evidence Bill that we will start today on. That is really the story on that. Thank you very much.

Hon. FONONO: Mr. Speaker, I think the Prime Minister has confirmed to the House that there is currently work on codification of customary practices. It is at the official level in the Chamber of Commerce.

Hon. Sogavare: Mr. Speaker, I am asking this question because if that is indeed the case that the government has formally taken up this program, does it go with funding as well because we from Choiseul are doing it by ourselves, there is no funding from government on this. We have completed the work and it is now the tidying up of our customary laws that is going on and people are going out holding meetings in every village throughout Choiseul. If the Deputy Prime Minister is saying that this program has been formally taken up as a government program then does it go with funding? If so, can we apply for funding to help us complete work on our customary laws?

Hon. FONONO: Mr. Speaker, on the area of funding, I think that is yet to be decided on, maybe under the Ministry of Justice. The similar work that Choiseul is doing is also done by ethnic groups in Malaita. For example, Kwaio under Fadanga has codified laws as well as Kwara'ae also has codified its laws. But it is important that government takes it as a policy so that it can set aside funds for that under the Ministry of Justice so that we codify our laws to do away with extreme demands that people usually demand compensation which is commercialized like you mentioned in previous cases.

Hon. Chan: Mr. Speaker, I would also like to add that there is also a parallel program in the Law and Justice Sector that looks at codification as well as other matters of tribal systems in the provinces. Thank you.

Hon. Sogavare: Mr Speaker, I think this question has been adequately answered and so I thank the Minister for answering our questions.

Review of the SIPS Scheme of Service

188. **Mr SOGAVARE** to the Minister for Police, National Security and Correctional Services: Can the Minister inform Parliament of the outcome of the review of the Solomon Islands Police Service Scheme of Service to ensure appropriate conditions for officers?

Hon. TORA: Mr. Speaker, I would like to thank the Leader of Opposition for asking this very important question in regards to the scheme of service of the Royal Solomon Islands Police Force.

Mr. Speaker, there has not been a review of the Royal Solomon Islands Police Force Scheme of Service to date. The Royal Solomon Islands Police Force and my Ministry intends to review the scheme of service in consultation with the Ministry of Public Service. However, Mr Speaker, in June 2005, Cabinet has endorsed the adoption and implementation of the scheme of service of the Royal Solomon Islands Police Force. This scheme of service has three components as follows:-

- (1) There is collective agreement between the Ministry of Public Service, the Ministry of Police and National Security Correctional Services and the Police Association to give effect to the scheme of service and to regulate any reviews and amendment processes. But again, this is not yet finalized.
- (2) The scheme of service deals with recruitment, training, probation, salary levels, promotions, qualifications and experience in each position.
- (3) The re-leveling and realignment.

The third component of the scheme of service has been implemented, for example the ranks were reduced from level 12 to level 10. The entry level after a police officer graduates and passes out is level 4. After a police officer does his/her probation for two years, he/she would have to serve another three more years before he/she can be considered to enter level 5.

Again, Mr Speaker, it also requires good work output that if after 3 years the officer's performance is good then the officer deserves to be promoted to level 5

The pay structure, Mr Speaker, as I have said comprises both single and composite grading designed to provide incentives to boost the morale of police officers and create an environment for efficiency, effectiveness to avoid corrupt practices. Thank you.

Mr AGOVAKA: Mr Speaker, it is interesting to listen to the Minister talking about the scheme of service of the Police Force.

When a graduate comes out of the Police Training School, the officer goes into level 4 and at that what is their ranking at level 4. How is the ranking scheme from level 4 going up right to the Commissioner of Police? Is the same arrangement also applies to the Fire Service section and the Prison Services or is it just for the Police Force?

Hon. Tora: Mr Speaker, the Royal Solomon Islands Police Force and the Correctional Services have their own associations but the structure is almost the same. An example is what I have given earlier on today that in the past when a police officer graduates from the Police Training School he/she entered at level 3 in the Public Service pay structure, now it has been upgraded and reviewed that when a police officer graduates from his/her training, he/she automatically enters level 4. The same applies to the Correctional Services. Thank you.

Hon. Sogavare: Mr. Speaker, the Minister has said there was no review conducted and yet the Cabinet has adopted a scheme of service already, which he outlined.

The question now is without the review which would have involved direct consultations with police officers and may be their associations, what is the input of the Police Association on this new scheme that Cabinet has already approved. Are there any inputs from the Police Associations themselves?

The other supplementary question is that the Minister referred to a collective agreement that must be there first before whatever new changes under the new scheme is accepted by all the parties concerned, and the Minister said that the collective agreement is yet to be finalized. What is holding up the finalization of that collective agreement?

Hon. Tora: Mr. Speaker, the collective agreement, as I had mentioned, between the three authorities is not yet finalized. But the re-leveling and realignment was approved by Cabinet after the Nursing Services was also awarded the same thing in line with the Public Service structure. Because of that the Association has seen it very important in doing the same thing. They also see the importance of the Royal Solomon Islands Police Force get the re-leveling exercise in line with the Public Service structure.

Hon. TOZAKA: Mr Speaker, in consistent to what my colleague Minister of Police has advised the House in response to the question by the honorable Leader of Opposition, I am happy to inform the House that as Minister responsible for Public Service, according to the Public Service Corporate Plan, page 36 states that the taskforce is to be established in the Public Service is to

work on harmonizing the various schemes of services, particularly the technical cadres including the Police, the Accounting Cadre, Nursing Services, doctors, lawyers and bodies like that. There is inconsistency in the various schemes of service, particularly in cadre which we inherited from colonial times where emphasis has been given to the general cadre and the management cadre but not the special cadres, which are very important. When this government came into power, consistent with the other governments, it just took over the programs from them and just followed them up. And I am very happy that the Public Service Improvement Program right now is working on harmonizing the various schemes of service. And the process is that after the work is finished in consultation with respective ministries, they will come back and we will make a submission to respective commissions. For example, the Police scheme of service will go to the Police Commission and the other cadres will go to respective cadres and before we inform the House it has to be first approved by Cabinet. Thank you very much.

Hon. Sogavare: Mr. Speaker, I just want to confirm that in the absence of the report and any recommendations from the taskforce as stated by the Ministry of Public Service, can the Minister confirm whether what he was saying about re-leveling, entry points and others are already implemented or is it awaiting the report that the Minister of Public Service is talking about?

Hon. Tora: Mr. Speaker, in the case of the Police, as I have mentioned the re-leveling exercise is already implemented.

Mr. WAIPORA: This is a very straightforward question. I know that the common cadre has composite grading. Is the same applied to the police? What I meant by composite grading is grades such as 8/9 and so forth so that when somebody stays at level 8 and goes up the salary scale of level 8, even though he is not promoted to level 9 but he progresses into the first point of level 9. Is that the case with the Police if they are not promoted? Thank you.

Hon. Tora: Mr. Speaker, I would like to thank my good honorable Member for West Makira for his supplementary question.

Mr. Speaker, as I have alluded to in my one of my answers, the re-leveling exercise also reflects both single and composite grading. As I mentioned this is to create an environment for efficiency and effectiveness to avoid corrupt practices in the Force. Mr. Speaker, yes I can confirm that composite grading is also in the structure of the Royal Solomon Islands Police Force.

Hon. Sogavare: Mr. Speaker, may be a last supplementary question. If the work that the Minister of Public Service is saying about the harmonizing of the various structures is produced and completed, if the report makes suggestions in that it implicates the new reforms that you have already done on the entry level and re-leveling of salaries of workers, what are you going to do. Will the recommendations be taken up? I know that the Police scheme is totally different and will not be taken up by any recommendations made by the taskforce which the Minister of Public Service is making reference to.

Hon. Tozaka: Mr Speaker, I thank the Leader of Opposition for the question. It is going to be dovetailed with the work they are doing. We are having consultations with them and what they are going to come up with will be dovetailed with what we have to harmonize all the schemes of service, especially the technical cadres.

Hon. Tora: Mr. Speaker, in addition to what my colleague Minister for Public Service has said, I think the intention of this government is to come up with a unified structure for all the cadres. I think that is basically the plan of the Ministry of Public Service.

Hon. Sogavare: Mr. Speaker, this question is fully addressed and so I thank the Minister of Police and the Minister of Public Service for the answers. Thank

Mr Speaker: Honorable Members Parliament is suspended until 1pm.

Sitting suspended for lunch break at 12.26 pm

Parliament resumed at 1.15 pm

Mr Speaker: We shall continue with questions and answers. Question No. 26 to be asked by the Member for West Makira, Deputy Leader of Opposition.

Child Protection Project

26. Mr. WAIPORA to the Minister for Women, Youth and Children's Affairs: The CNURA Government has a very good policy on children and so it attracts my attention to ask this question. Can the Minister brief Parliament on the achievements of the UNICEF funded \$1.68 million 'Child Protection Project'?

Hon. KOLI: Mr Speaker, I wish to thank the Honorable Member for West Makira for asking this very important question. Mr Speaker, you will appreciate that protection of our children from harm, abuse and exploitation is a fundamental responsibility of this government, and as such UNICEF has continued to be a major partner in helping Solomon Islands to address issues relating to child protection. As you would have seen from the development budget this year, the budget for UNICEF's program on the area of child protection amounts to \$1.68 million.

Mr Speaker, the Child Protection Program is aimed at achieving the following three key expected outcomes:

- (1) That children are increasingly protected by legislation and are better served by Justice Systems that protect them as victims, offenders and witnesses.
- (2) That children are better served by well informed and coordinated child protection social services that ensure greater protection against and respond to violence, abuse and exploitation.
- (3) That children in selected geographical areas grow up in homes and community environments that are increasingly free from violence, abuse and exploitation.

Mr Speaker, the Child Protection Program, as you can see from its expected outcomes is cross-sectoral and as such involves the Ministries of Health and Medical Services; Home Affairs; Justice and Legal Affairs through magistrate courts and my own Ministry of Women, Youth and Children Affairs. These ministries take the leading role in the implementation of a number of activities under the Child Protection Program. For example, the lead Ministry for legislative review is my Ministry through the National Advisory Committee on Children Sub Taskforce on child protection. The chair of the protection sub taskforce however rests with the Social Welfare Division of the Ministry of Health and Medical Services. The lead ministry for birth registration is the Ministry of Home Affairs. The aim of this particular activity is to ensure that birth registration is easily accessible through a birth registration system. The Ministry of Health through the Social Welfare Division is the lead agency for building professional capacities in ensuring there is greater collaboration between the police, social workers, the judiciary and community organizations to prevent child abuse and to respond to children's needs.

The Ministry of Justice and Legal Affairs is responsible for international rule and guidelines on juvenile justice. This includes training for social workers,

police and healthcare workers on child friendly procedures for juvenile witnesses and victims. It is important that these bodies follow operational procedures making certain that immediate and professional handling of cases involving children are closely observed.

The UNICEF will be conducting its media review of the implementation of its child protection program beginning this week. When this review takes place information will be shared with my Ministry as to how far all the line ministries responsible for implementation of the program have progressed and what achievements they have made. However, I am sure questions relating to progress and achievements made in the areas I have mentioned will be answered by my colleague Ministers of Health, Home affairs and Justice as well as other ministries which have also been involved in the child protection program. As for my Ministry, though the Child Protection Taskforce chaired by the Social Welfare Division in the Ministry of Health, we are responsible for two areas under the program. This includes the Child Protection Bill and the baseline data on child protection.

Mr. Speaker, with regards to progress made on the Child Protection Bill, an international legal consultant has been hired by UNICEF to work alongside a national consultant to review the Solomon Islands laws in relation to children with the aim of developing a comprehensive child protection bill. Advertisement for the National Legal Consultant has closed, unfortunately no applications have been received and so this will be extended for another week. Work is expected to begin in July 2009. As I mentioned the consultant will be tasked to review existing laws on protection which will form the basis for the development of the Child Protection Bill.

Mr. Speaker, in regards to the baseline data on child protection, a research has been completed covering eight provinces. The research was done because currently there is no baseline data on child protection here in Solomon Islands. This is therefore the first time that such a research has been conducted. Results on the research are yet to be made available. Findings from the baseline research will assist government and all stakeholders to improve on policy and planning capacity to ensure that child protection issues are appropriately and effectively addressed.

Mr. Speaker, for the information of Parliament, the child protection program is one component of UNICEF's five year country program from 2008 to 2012. UNICEF is also assisting government in the areas of policy, advocacy, planning and evaluation, health and sanitation, HIV/AIDS and education.

Mr. Speaker, in conclusion I would like to read the 2009 budget allocation for the four ministries that I have already mentioned who received the UNICEF funding of \$1.68 million. The Ministry of Justice and legal affairs received

US\$30,000.00, the Ministry of Home Affairs received US\$30,000.00, the Ministry of Health and Medical Services received US\$85,000.00, and the Ministry of Women, Youth and Children Affairs received US\$95,000.00, which is a total of US\$240,000.00 equivalent approximately to SBD\$1.68 million.

Hon. Sogavare: Mr. Speaker, I thank the Minister for his elaborate answer. Just to clarify some areas that he mentioned, I want to ask a supplementary question. The program that the Minister has outlined targets three areas, to increase protection by law for our children better served by social services looking at target areas. What is the observation of the Ministry in terms of the adequacy of our legislations in the country dealing with the protection of children? Are they adequate or not?

Hon. CHAN: Mr Speaker, I want to answer on behalf of Justice on whether our laws are adequate to protect children. We believe that perhaps it is not necessarily the reason why the Evidence Bill was put here today, especially section 19 on how our courts deal with evidence given by children as well as evidence given by victims of offence against morality and also evidence in relation to timing of the offence and the reporting date. We seek to look at taking away the corroboration rule where we feel children can tell the truth and it will be up to the court to judge whether they are telling the truth, and as such if they are then they also have to prove beyond reasonable doubt so that judgment can be gained from there.

We are also looking at reviewing the Penal Code, especially on juvenile offences. We would be looking at working with UNICEF and other administrative and international organizations on how we can re-look at juvenile offences, especially when we are working on revising the Penal Code by the Law Reform Commission.

At the same time, our Ministry is also working in line with UNICEF to review bench books for magistrates to include a more children friendly procedures by the magistrate. There are programs in place and we are talking with the relevant Ministry, the Ministry of Women, Youth and Children on how we will be in a position to train magistrates and court clerks and officials and other stakeholders in our Ministry in looking at a more friendlier procedure on how to deal with children offences. That will happen in September. Thank you.

Hon Waipora: The Honorable Minister has read out how the money was shared, the \$1.68 million was shared between the four ministries, two of which are Ministry of Home Affairs and the Ministry of Health. With regards to registration of births in the Ministry of Home Affairs, I presume the money that

was received by the Ministry of Home Affairs were used in the registration of births and yet the children are given birth to in the hospital. How do you manage to coordinate the birth registration in the Ministry of Home Affairs because I know the law says that the Ministry of Home Affairs is responsible for birth registration and death registration? How do you coordinate that registration? I believe the funds that were distributed are for that purpose. Thank you

Hon. TOM: Mr Speaker, I rise to support the Minister for Women, Youth and Children Affairs. Usually birth registration comes under the Electoral Office under my Ministry. We are working in cooperation with the Ministry of Health and churches to get registration from hospitals, clinics and churches through the Ministry of Health. Thank you.

Hon Sogavare: One of the outcomes too is that they wanted to look at selected geographical locations. I guess that is to establish the more problematic areas when it comes to child protection issues. I wonder whether the Ministry has that sort of information. Where do we have more problems on the issue of child protection? May be the Ministry could tell us as well whether they have established reasons why there is high incidences of abuse of children in the locations they have identified? Thank you.

Hon. Koli: Mr. Speaker, I would like to respond to the question raised by the Leader of Opposition. Since 2007 work started in Choiseul and Western Province because of the tsunami. Thank you.

Hon. Soaloi: Further to what the Minister has said, since the tsunami the Social Welfare Department of the Ministry of Health has established community welfare volunteer schemes in the two provinces affected, and those two provinces also have Social Welfare Department offices of the Ministry. Currently, there are only four, which are Western, Choiseul, Isabel and Makira. The establishment of the community welfare volunteer scheme in Western and Choiseul Provinces is basically to look after the rights of the children affected by the tsunami.

Sir, for the information of the House, the National Advisory Committee mentioned by the Minister also has four different task forces tasked to look at different areas in terms of our children as covered under the Convention on the Rights of Children (CRC) that we ratified in 1995 but since then have not complied to the CRC. As we speak, Mr. Speaker, we already have a draft on the Children's Rights Bill, which I understand is in draft form now. Work on the

Child Protection Bill will start very soon. These two bills will mean Solomon Islands has finally complied with the requirements of the CRC that we have ratified in 1995. So the different taskforces are looking at different areas. There is a taskforce on children survival looked after by the Ministry of Health, another one on children development, another one on children participation and the fourth one is child protection, which the Minister rightly stated is looked after by the Social Welfare Department of the Ministry of Health.

Whilst I still have the floor, for the information of the House, the Ministry is part of the overall Committee mainly responsible for capacity building. The UNICEF has assisted us with a technical advisor who is assisting the division on inter agency collaboration in trying to deal with child abuse, social welfare policy development and case management. This technical advisor has already gone but a new one will arrive next month and so this work will still continue. That technical advisor is funded by UNICEF.

Staff of the Social Welfare Department of the Ministry are currently doing attachment with the Social Welfare Department in Fiji and that is how we continue to increase our capacity in the department.

Mr. Speaker, just to shed some light on the development of the Child Protection Bill, we just set up a Child Protection Unit in the Social Welfare Department of the Ministry of Health, and this Unit is going to work closely with the Ministry of Justice to start work on the Child Protection Bill. There is continuing support to the two provinces I have mentioned. The offices in the Western and Choiseul Provinces are now receiving computers to support their work in the area of looking after the rights of children. Thank you.

Mr Agovaka: When I look at the child protection program, I think not only of the protection of children socially but more so physically, the health side of it as well.

My question is perhaps directed to one of the Ministers, perhaps the Minister of Health and this is on the immunization program of our children in the country, how does UNICEF assist in the protection of our children through the immunization program?

Hon. Soaloi: Mr Speaker, at this juncture I would like to thank UNICEF for assisting the Ministry in the program. The program is called EPI or Expanded Program on Immunization and every child that is born is immunized against childhood diseases. Immunization makes them immune to diseases so that when they grow up they have a developed immune system.

For the information of the House, Mr. Speaker, UNICEF is a very important partner in the immunization of our children in the country at the moment.

Hon. Sogavare: Mr. Speaker, just a last supplementary question. The Minister made reference to a consultant that is needed to work on the Child Protection Bill, and no one is engaged there as yet. What action has the Ministry taken since it advertised the post but there is no one applying for it, which seems to be the case? What effort is the Ministry putting into getting that person in so that he starts to work in finalizing the Child Protection Bill?

Hon. Koli: Mr. Speaker, I would like to thank the Leader of the Opposition for his supplementary question. The international consultant was already taken on board but it is the national consultant that we are yet to recruit who is supposed to assist the international consultant.

Mr. NE'E: Can the Minister clarify to us whether the child protection project is the same as child care or they are they two different things? I am asking because I have seen a child care advertisement on the TV and so is it the same thing Minister.

Hon Koli: Mr. Speaker, can the Honourable MP clarify the child advertisement he saw on the TV?

Mr Ne'e: What I have seen is the child care project, we have no child protection. Is it the same thing or are they two different things?

Mr Speaker: The Honorable Member is asking whether there is a difference between what he saw on the TV, which is child care project and this child protection program.

Hon. Koli: The original question asked by the Member for West Makira is talking about child protection and not about child care, and so it is a different issue.

Mr Speaker: Whilst it is a different issue but he needs clarification so that he understands what child care is to child protection and that is why he is asking that question.

Hon. Soaloi: Mr. Speaker, in fact the program referred to by the Member for Central Honiara belongs to my Ministry. That is part of the project that was questioned earlier on today. In fact child care is part of the of the child protection program, and like I have mentioned already we have just established

this child protection unit. It was not there last year but we have just established that and so you will see such advertisements coming up on the television. That is gearing up towards drafting of the Child Protection Bill.

Mr Waipora: Mr Speaker, I do not have any further questions, but before I move onto the next question I would like to ask the government or the Ministry concerned to look at proper coordination of the programs. Maybe some of the things which have been dealt with by the Ministry of Health, since we have the Ministry of Children as well, I think to avoid any confusion that is inter related with the issue of children, I think the Ministry or the Government must look at it with the view of sorting out the functions properly to see whether they come together or not. I know administratively it cause some confusion but anyway, I am very grateful for the answers given by the Ministers who responded to this question as well as the supplementary questions put forward. Thank you.

Findings: Honiara water hydrological investigation

30. Mr WAIPORA to the Minister for Mines, Energy and Rural Electrification: What are the findings of the Honiara Water Source Hydrological Investigation?

Hon. PACHA: Mr. Speaker, I would like to thank the Member for West Makira and the Deputy Leader of Opposition for the question.

Mr Speaker, there is a sub catchment of the main Kongulai water catchment that was identified as a possible water supply source for Honiara City. Developing the source will see gravity feed supply system in most Honiara urban areas. This would help SIWA to manage power bills, which currently affects the SIWA's operation and capacity to provide a reliable and sustainable water supply service.

The Ministry has acquired consent from landowners to carry out hydrological monitoring of the stream to collect hydrological data. This data is very important in assessing the reliability of the water source. Similarly such data are important in the design of the water supply project itself.

Ideally, such hydrological monitoring should take at least two to five years in order to capture the hydrological behavior of the catchment during wet or dry seasons.

A hydrological monitoring site has been determined. The necessary equipments for hydrological investigations have been acquired late in 2008. Hydrological investigations will commence as soon as hydrological monitoring stations have been established, and this is planned to commence in the third

quarter of 2009. We are working very closely with the Ministry of Finance to implement the project despite current financial constraints.

Hon. Sogavare: Mr Speaker, to properly establish the hydrological behavior the Minister has mentioned, which should take about two to five years, are we just concentrating on Kongulai catchment or any other areas as well? Otherwise it takes us five years to just concentrate on Kongulai and that source is never reliable and we start another five years of investigation. I just want to find out from the Ministry whether they are also doing this investigation on other sources in Honiara as well.

Hon. Pacha: Mr Speaker, yes, my officials are also doing this investigation on other sources as well.

Hon. Sogavare: Mr Speaker, which other sources in Honiara?

Hon. Pacha: Mr Speaker, the boreholes are inside the Honiara City area.

Mr Agovaka: Mr Speaker, I think the principal question is very important. My supplementary question is on the Japanese funding. Is the Japanese funding to provide water for Honiara part of this investigation?

Hon. Pacha: Yes, Mr. Speaker, the Japanese funding is part of this investigation.

Hon. Sogavare: Mr Speaker, I am very concerned about the number of years it will take to come up with, I guess, a reliable report on the investigations. What will happen between or during the period of the investigations we have preliminary data to help us solve the water problem because we are experiencing the water problem now. For us to wait for five years is what I am a bit concerned about. What are we doing in the meantime to address this problem?

Hon. Pacha: Mr Speaker, preliminary findings indicated there is enough water, however, the study will continue to go ahead. I think that is what the Ministry is doing.

Hon. Sogavare: Mr. Speaker, so the current off and on of the supply of water in our areas, like for us in Vura water does not come the whole day until nighttime before it comes. Are the issues we are looking at part of the problem so that it is addressed quickly without waiting for the report to come?

Hon. LENI: Mr Speaker, I was the supervising Minister for Foreign Affairs two weeks ago and would like to inform the House that we have just signed an agreement with the Government of Japan for this project. I think it will be eight (8) boreholes in the whole of Honiara and this project will commence as soon as documents are cleared in Japan.

The current problem we are experiencing will continue but this project will start as soon as possible because funds will be released by the government of Japan and their technical experts will come to assist us. I think this will also include Gizo and Auki. I think that is only the comfort we can get at this stage but work will start as soon as possible.

Mr Waipora: Supplementary question, Mr Speaker. I am a little bit out of date but I would like to know whether White River and Lengkiki are sharing the same water source, Vavaya Ridge is sharing the same source with Mbokonavera, and Vura and Panatina are sharing the same source. I just want to know the sources we are sharing because it seems that sometimes we are experience water shortage in Panatina and others are not. Sometimes Lengkiki has water whilst others do not have water. I just want to know the different sources.

Hon. Pacha: For the information of the Member for West Makira, the main source is Kongulae and secondly is Panatina and then there are other sources at Gilbert Camp, which supply Vura and Naha. That is how the water system circulates.

Mr Waipora: Mr Speaker, I rise to thank the honorable Minister for his answers and also the Minister for Fisheries for his contribution. Water is a very important thing to our life and that is why I asked that question and I thank you for the information.

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

BILLS

Bills – First Reading

The Constitution (Amendment) (No.2) Bill 2009

Mr Speaker: The Constitution (Amendment) (No.2) Bill 2009 was submitted to the Clerk on 27 May 2009 and it has now been on notice for

over four weeks. It has therefore met constitutional requirements and, as such, is cleared to be read the first time, and is now deemed to be set down for Second Reading.

Bills – Second Reading
The Evidence Bill 2009

Hon. Chan: Mr Speaker, I rise to beg that the Evidence Bill 2009 be now put to a second reading.

Mr Speaker, it is a great pleasure and honor to present to this House the Evidence Bill 2009 on behalf of the Government. Sir, this is one of the most important law and justice reform bills presented by this Government. I am privileged to be part of this great advance in the provision of justice to the people of Solomon Islands. The proposal to have an evidence bill has been around for more than two decades. It represents a major and decisive step forward towards implementing our reform policies and our mandate to improve the efficiency of the justice system on behalf of the people of Solomon Islands.

Mr. Speaker, this Government is aiming to create a justice system that treats all its citizens in an equitable, fair and just manner and provides access to justice for all. An important element in achieving access to justice is to have laws that are written in clear, simple language and that are able to be easily found and readily understood. The current law of evidence does not meet that standard and is badly in need of reform.

The rules relating to evidence are fundamental and vital elements of any justice system. Evidence is the many types of information that is presented to judges and magistrates to help them decide the truth or falsity of the facts in a court case. The primary purpose of rules of evidence is to assist the court with their fact finding role. Rules of evidence are also used to ensure fairness, to protect the rights of individuals and to save court time. This also saves costs for the parties.

The most common form of evidence is testimony or statements of witnesses. However, evidence may also include documents, expert reports on technical matters, public records, objects, photographs, tape recordings and electronic data.

Rules of evidence serve as a guide for judges, magistrates and lawyers so they can determine which evidence to admit to help decide issues in a case. The goal of the rule is to allow a party to present all the evidence that is important on issues that need to be decided and to keep out all the other material that lacks probative value. Probative value is the tendency of the material to make the existence of any material fact more or less probable.

Mr Speaker, the law of evidence has never before been consolidated into a written Act in Solomon Islands. Since Independence, Solomon Islands has applied evidence laws that come from common law principles and from old United Kingdom statutes. Common law is judge made law. It comprises bundles of decisions that are made in response to circumstances of a particular case and then applied to later cases. These old cases and statutes do not provide for important developments in society and technology in relation to how evidence is collected, stored, produced or given in court. They do not change and evolve at the same pace as the rapidly changing society of the 21st century. The world has moved on and the archaic rules of evidence have been unable to keep pace.

Statutory provisions from the UK arose or were reformed on a piecemeal basis when a particular case raised a certain issue that the common law was unable to satisfactorily resolve. This has resulted in complexity and inconsistency. This causes unnecessary legal argument, expense and delay in arguing about unclear or unsettled points relating to the admissibility of evidence. As a result, most common law jurisdictions have enacted statutes which provide a modern comprehensive statement of the law to replace the confusing mosaic of outdated cases and statutes. It is time for Solomon Islands to have its own law of evidence that is appropriate for the nation we live in today.

Mr. Speaker, in Solomon Islands the need for an Evidence Act has been recognized for over 20 years. In 1987 a draft Evidence Bill was requested by the Solomon Islands Bar Association and prepared by the legal draftsman in the Attorney General's Office. It was circulated for consultation. In 2005 an Evidence Law Review Committee of the Bar Association was established by my Ministry to revive the project and review the 1987 Bill. The Committee considered the 1987 draft Bill and reviewed the statutes of other common law countries and analyzed the various reports that Law Reform Commissions had produced on contentious and emerging issues. The Committee undertook broad consultation with legal stakeholders, government ministries, business, non-government organizations and the community. The Committee prepared a comprehensive 1250 page report in August 2006 containing 269 recommendations of the committee. The report was considered within the Ministry and a further draft Evidence Bill was prepared taking into consideration the contents of the report.

Mr Speaker, the revised draft Evidence Bill was circulated to members of the Justice Sector Consultative Committee in early 2008 for preliminary comment. Submissions were received from:

- Office of the Director of Public Prosecutions
- Public Solicitor's Office
- Law Reform Commission
- SIPP Prosecution Directorate

Given the long history of this legislative project, my Ministry considered that such a major law reform initiative requires a careful production of a quality draft document that had the in-principle support of major legal stakeholders. The Ministry undertook work to extensively revise and reformat the circulated document to produce a version considered suitable for Cabinet consideration, judicial scrutiny and broader public consultation.

In order to achieve that goal, a specialist Evidence Bill Committee was established and commenced its operations. The Committee was chaired by a judge of the High Court and the Ministry for Justice and Legal Affairs provide the secretariat and project management services. The following organizations nominated members of the Committee.

- High Court of Solomon Islands
- Office of the Director of Public Prosecutions (ODPP)
- Public Solicitor's Office (PSO)
- Office of the Attorney General (AG)
- Solomon Islands Bar Association (SIBA)
- Ministry for Justice and Legal Affairs
- Ministry for Police, National Security and Corrections (the Ministries)

The Committee met regularly from October 2008 and approved the final draft in February 2009 which was forwarded to the judiciary, the magistracy and a government legal stakeholder for final comment. The Bill was subsequently approved by the Chief Justice, the DPP, the PSO, the AG and the Ministries. The Law Reform Commission and the Women in Law Association (Solomon Islands) made valuable contributions to ensure that the Bill adequately protected human rights and complied with international obligations, particularly in regard to the treatment of women and children by the law.

Mr. Speaker, after such a thorough and extensive consultation process, the Ministry for Justice and Legal Affairs is confident that the Evidence Bill 2009 provides a clear, simple, fair and accessible means of finding and applying the rules of evidence in Solomon Islands Courts. Prosecutors, defendants, lawyers and judges came to a consensus on the contents of the Bill. This indicates that it strikes the right balance in protecting the interest of all parties and the community.

Mr Speaker, on behalf of the Ministry for Justice and Legal Affairs, I would like to thank the Solomon Islands Bar Association and the various Evidence Bill Committees for their dedicated work and their commitment to this major reform project. I would also like to congratulate them, and all those people who have contributed to this Bill since the 1980's for having the foresight and the perseverance to produce a document of such high caliber.

Mr Speaker, in the Evidence Bill 2009, the policy objective was to give pre-eminence to the fact finding role of the court. The provisions are mainly directed at enabling parties to produce the probative evidence that is available to them. Restrictions on the presentation of evidence have only been permitted where there are strong justifications for it. Examples of these are where evidence needs to be excluded for reasons of fairness for the public interest or for the protection of the rights of an accused.

Mr Speaker, the Bill also takes into account the different nature and objectives of criminal and civil trials. The civil trial is a system for resolving disputes. The criminal trial is an accusatorial system in which the state accuses a person of breaking the law. Individual liberty and civil liberty is at stake. The criminal trial system is concerned about minimizing the possibility of wrongful conviction. This principle is reflected in the Evidence Bill 2009 by adopting a more stringent approach to the admission of evidence against an accused. For example, the compellability of the accused, the preservation of the privilege against self incrimination, and the restrictions relating to evidence of prior conduct and character.

Mr. Speaker, the Evidence Bill 2009 also seeks to add certainty and predictability to the law of evidence. Parties need to have predictability in order to properly assess the strength of their cases and their likelihood of success. Clarity and simplicity has been the objective because the rules of evidence must often be applied by the courts without substantial time for research and reflection.

Mr Speaker, the Bill tries to minimize technicalities and to clarify areas of the law where uncertainty exists, for example, in relation to a confession by an accused. There were some doubts about the standard of proof required to determine whether the confession was voluntary. Clause 168(2) of the Bill makes it clear that the court must be satisfied beyond reasonable doubt that the admission was voluntary. In this way, it will reduce the time and cost of litigation and lead to greater efficiencies in the court system. The Bill reforms areas of the common law where it has become old fashioned, out-of-touch with social changes and can lead to injustice. At the same time, persons who are familiar with the existing law will find that much of the legislation is familiar and follows the accepted common law. Experienced judges, magistrates and legal practitioners can proceed under the new law in much the same way that they

have in the past, because the Bill, to a large extent, clarifies, consolidates and preserves the existing provisions of the common law.

In areas where the Bill changes the current law, extensive consultations were undertaken to ensure that the rights and interests of all parties were respected and protected.

Mr Speaker, this Evidence Bill 2009 deals with three major aspects of the rules of evidence. These are:

1. Witnesses. This Bill deals with the competence and compellability of witnesses and the manner of giving evidence.
2. The admission and exclusion of evidence. This Bill provides rules for deciding issues about the relevance of evidence, the admission of documents, hearsay evidence, opinion evidence, judgments and convictions, character and conduct evidence, identification evidence, privileges, public interest exclusions and discretions to exclude evidence
3. Aspects of proof. The Bill clarifies the rules about matters which should not need to be proved, proving the contents of documents, facilitation of proof, standards of proof and corroboration.

Mr. Speaker, the Evidence Bill 2009 provides a modern, comprehensive statement of the law of evidence to be applied in the Solomon Islands courts. The Bill codifies many aspects of the evidence law and imposes structure, consistency and predictability. The Bill places the rules of evidence into one document written in clear and plain language, making the law easier to find and simpler to understand. The result will be more consistent and predictable application of settled rules by the courts.

The Bill provides the legal framework which enables the court to determine how evidence may be offered, whether it will be taken into account and how to decide factual issues on the evidence. The Bill provides a mechanism for these purposes which carefully balances the interests and needs of individual litigants, the society, investigating agencies, prosecuting authorities and the courts.

The Bill is not intended to be an exhaustive code and it preserves aspects of the common law and other statutory provisions where it is appropriate or where those areas are clear and settled. The Bill is structured so that the provisions are logically set out in the order in which matters would be expected to merge in a trial. The Bill makes the law of evidence as clear, simple and accessibly as possible to facilitate a fair, just and timely resolution of cases. The

Bill reforms aspects of the common law rules of evidence to recognize and make use of new technology. It provides practical methods to present evidence in documentary and electronic form or from outside the jurisdiction. It reforms the common law of evidence to conform with international obligations relating to human rights, and the rights of women and children. It provides a means to protect vulnerable witnesses. It codifies and clarifies rules of evidence relating to competence, compellability, identification, hearsay, confessions, unfavorable witnesses and privilege.

Mr. Speaker, let me move on to briefly explain the specific provisions of the Bill. Part 1 contains the title of the Bill and the meaning of the common terms used in the Bill. It preserves the common law that is not inconsistent with the provisions of the Bill and applies the statutory laws of evidence to all proceedings. This Bill abolishes the applicable United Kingdom statutes and abrogates the common law rules relating to documents. These statutes include the Witnesses Act 1806, the Evidence Act 1843, the Evidence by Commission Act 1859, the Foreign Law Ascertainment Act 1859 and the Bankers' Books Evidence Act 1879. These statutes are very old and are written in archaic language for a society and for circumstances that are very different from those in Solomon Islands today. The Bill remodels the parts of these old statutes that are still useful and relevant and expresses them in plain, simple language.

Mr Speaker, one of the most significant departures from the common law can be found in Clause 7. This abrogates the discriminatory and unjustifiable common law rules that relate to the need for corroboration of certain kinds of evidence. The general rule is that evidence given against a defendant does not necessarily need to be corroborated. However, new common law rules appeared from 1910 that required, in cases of rape and other sexual offences, judges should warn the jury that it is dangerous to convict a defendant on the uncorroborated testimony of the victim. This rule was based on the assumption that victims of these offences are more likely to lie than other witnesses. It is an artificial rule in countries like Solomon Islands that do not have juries. What it means is that the judge has to caution himself/herself and then state this in the judgment.

Mr. Speaker, the common law rule is discriminatory on the basis of gender because victims of rape are most often women. It has been noted that the rule breaches Section 3 of the Constitution because it is a law that does not achieve substantive equality between men and women. The rule also breaches international obligations to comply with the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Under that Convention Solomon Islands is bound to "modify or abolish existing laws which constitute discrimination against women."

Mr Speaker, this rule has already been eliminated in other common law jurisdictions such as Canada, the United States, Australia, New Zealand, Samoa, Cook Islands, Kiribati, Fiji, Papua New Guinea and Tonga. This reform ensures that Solomon Islands complies with its international obligations and is not left behind legal developments which promote gender equity and human rights.

Mr Speaker, Part 2 sets out the standard of proof that is required in criminal and civil proceedings. It provides that proof is not required for matters of common knowledge, judicial notice, judges' signatures or the provisions contained in other legislation. This initiative will save time and money for parties involved in court hearings by eliminating unnecessary technical requirements.

Mr Speaker, the Bill specifies that a court need not exercise caution before convicting a person on the evidence of a child or the victim of a sexual offence. This corrects another discriminatory common law rule that was based on the false assumption that children and victims of sexual assault are more likely to lie than other witnesses. Mr. Speaker, Clause 19 allows the court to treat evidence of children and sexual assault victims just as it treats the evidence of every other witness. It also dispenses with the requirement to add a special caution where there has been a delay in reporting a sexual offence.

Mr. Speaker, this clause recognizes the fact that many victims of sexual assault may not be able to report such an incident immediately due to cultural reasons, embarrassment, fear of reprisal or lack of access to police, particularly to female officers or officers sensitive to women's circumstances. The clause does not prevent the court from considering a delay in reporting the crime when deciding if it is convinced beyond reasonable doubt about the guilt of the accused. It would consider that evidence in the same way as it would consider delayed reporting of any other offence such as burglary, kidnapping or assault. Mr Speaker, Part 3 provides that all relevant evidence that is capable of proving or disproving anything that is of consequence to the proceedings is admissible. The part achieves the objective of assisting court with its fact finding role and allowing parties to present as much probative evidence as possible. It provides that facts can be admitted and evidence can be admitted with the consent and agreement of the parties.

Part 4 deals with the issues relating to competence and compellability of witnesses. Clause 24 provides that all persons are generally competent and compellable unless the contrary is proved. Clause 29 allows a person to give unsworn evidence if the court has advised them of the importance of telling the truth. These provisions represent a significant advance on the current law which requires a witness to understand the nature and consequences of taking an oath. The clause recognizes that unsworn evidence may have probative value and is not a lesser class of evidence.

Mr Speaker, the Bill provides that close relatives of an accused person in a criminal trial are compellable but may be excused from giving evidence by the court, if the public interest in preventing harm to the relationship outweighs the public interest in the evidence being given. This recognizes the importance of close family relationships and the damage and anguish that may be caused when people are called to testify against their loved ones. Mr Speaker, this does not apply to former spouses. They are compellable.

Mr Speaker, Clause 37 provides protection for the accused by providing that the accused is not competent to give evidence for the prosecution and not compellable by the prosecution or the defence. Clause 38 also provides protection for the accused in relation to questioning about bad character. Clause 39 sets out the circumstances where tendency evidence can be given against a co-accused, and when a co-accused is competent and compellable. Clause 41 allows the court to make special arrangements for vulnerable witnesses including non-publication orders, using remote witness facilities, screening the witness from the view of the accused or having a support person. This provision will ensure that witnesses are able to be adequately protected and can give their evidence in a safe and secure environment, without fear of intimidation.

Mr Speaker, Part 5 provides for the manner of giving evidence. Clause 46 regulates the order and manner of questioning by parties and Clause 48 permits the use of charts and summaries where this will aid in the comprehension of evidence. Clauses 49 and 50 regulate the process of refreshing and reviving memory by the use of documents. Clause 52 allows evidence to be given by audio-visual link. Mr Speaker, it is essential that the law of evidence keeps pace with technological advances and that the court is permitted to use technology which will assist its fact finding role.

Mr Speaker, rules relating to cross-examination are set out in this Part, including restrictions on the evidence that can be given, and the questions that can be put to a witness in relation to sexual experience or reputation. Clauses 59 and 60 contain specific rules about re-examination and recalling witnesses. Clauses 68 and 69 provide directions for providing communication assistance and the use of interpreters for an accused and for witnesses. Clause 72 allows the court to visit and view places that are of relevance to the case. Clause 74 also allows demonstrations, experiments and inspections to be performed in defined circumstances.

Mr Speaker, Part 6 contains provisions for proving the existence of court judgments and convictions in criminal, civil and defamation proceedings. This will streamline and simplify the production of such evidence. Clauses 79 and 80 define propensity evidence and set out the circumstances when it may be offered about an accused in criminal proceedings.

Mr. Speaker, Part 7 sets out the method of obtaining and admitting identification evidence. The part provides guidance for the procedures to be used by police when obtaining identification evidence from witnesses and conducting identification parades. It provides guidance and directions for the use of photographs for identification and limits the use that can be made of voice identification evidence.

Part 8 defines the term 'document' and provides guidance for the use of documentary evidence. Clause 88 sets out the processes for using documents without witnesses. It creates a rebuttable presumption about the authenticity of documents. Clauses 92, 93 and 94 provide a similar rebuttable presumption in relation to seals, signatures, books, maps and charts. This makes the process of admitting these documents into evidence simpler and easier. Mr Speaker, Clause 103 provides the method for presenting evidence about, and obtaining copies of banking records. This provision will save time and expense in the many cases where these documents provide vital evidence. Clause 109 provides rules for the use of translated documents, sound recordings or coded transcripts. Clauses 111 and 112 prescribe the method of adducing evidence of foreign laws, treaties and proclamations, including evidence of common law and unwritten law.

Part 9 provides general rules in relation to the admissibility of hearsay evidence and sets out the exceptions to the general rule. The exceptions include business documents, tags and labels, telecommunications, personal history evidence, public or general rights and evidence adduced in interlocutory proceedings. It sets out the circumstances when expert evidence will be allowed and when and how expert reports and hand writing opinion evidence are to be admitted. Clauses 134 and 135 provide strict rules for giving evidence of good character and bad character in civil proceedings.

Mr Speaker, Part 10 provides guidance to the court for exercising its discretion to exclude evidence. It also allows the court to limit the use of evidence that may be prejudicial or misleading. It provides that in criminal proceedings, the court must refuse to admit evidence if its probative value is outweighed by the danger of unfair prejudice to an accused. It provides guidance to the court in admitting evidence or excluding evidence in the public interest.

Mr. Speaker, Part 11 sets out the method for taking evidence on commission when the court is satisfied that the attendance of the witness cannot be reasonably procured. Clause 140 allows a magistrate to take a deposition and allows for cross examination by other parties or the provision of interrogatories to the Magistrate to conduct the cross examination.

Mr Speaker, Part 12 deals with the various types of privilege. Clauses 143 and 144 provide for the confidentiality of certain communications made to, or by

legal professionals. Clause 145 extends this protection to unrepresented parties for communications made for the dominant purpose of conducting the proceeding. Clause 146 provides for privilege against self incrimination to be claimed in certain circumstances. Clause 152 provides that confessions made to members of the church clergy are privileged. Clause 155 provides a privilege in relation to information that would disclose an informer's identity.

Part 13 provides the rules by which the courts and parties deal with unfavorable witnesses. Clauses 163 and 164 provide guidance about the cross-examination of a person about a prior inconsistent statement and the weight to be given to that evidence. Clauses 165 and 166 set out the circumstances when a witness can be questioned about a document made by another person and the procedure for marking the document for identification.

Mr Speaker, Part 14 defines the term 'confession' and sets out the way such material can be used in criminal proceedings. Clause 168 requires the court to be satisfied beyond reasonable doubt that the confession of an accused has been made voluntarily. The court may refuse to admit an admission adduced by the prosecution if it would be unfair to the accused. Clause 170 limits the use of confessions that have been obtained improperly or unlawfully and provides a list of conduct which is to be considered improper. Clause 173 preserves the right of an accused person to remain silent by stating that an unfavorable inference must not be drawn from an accused failure to answer questions or to respond to a representation.

Part 15 sets out the proof required to provide evidence of births, adoptions, deaths and marriages. It provides that an original document or certified copy of a certificate or entry is evidence of the facts stated in the document.

Part 16 contains miscellaneous provisions including transitional provisions, regulation and rule making powers. It sets out how service of documents, previous convictions, legislation, evidence of a public place and evidence of crown property may be adduced. It provides for the conduct of a voir dire. A voir dire is a "trial within a trial" which is short hearing held during a longer case to determine the admissibility of evidence or the competency of a witness. The Part allows for the giving of an advanced ruling by the court. It sets out the parameters of contempt by publication and allows the court to issue a warrant for the attendance of any person who is in custody

Sir, we should be rightly proud of this Bill and the contribution it makes to the betterment of the provision of justice to the people of this nation. The revised rules of evidence will significantly reduce cost and delay in court proceedings. The parties to benefit most by the Bill are the courts and the community.

Mr. Speaker, by reducing time and delay, cases can be heard more quickly and costs to the clients and to the whole community can be kept to a minimum. The rules assist police and prosecutors by setting clear directions about how evidence should be obtained and when it will be admitted or excluded. This should improve the overall standard of investigations and the reliability of police evidence.

Mr Speaker, the Bill also improves predictability and consistency in the application of the rule. The rules assist parties to better determine their likelihood of success in a case because they provide certainty about what evidence each party can or cannot present to the court. This enhances the provision of justice making it quicker and fairer. It reduces technicalities and legal argument. It will enhance community confidence in the justice system.

Mr Speaker, this legislation brings order and organization to a miscellaneous collection of rules that have been developed on a case by case basis by the courts. The Bill deals with the rules logically and methodically, in the order in which issues would generally arise during a trial.

Mr Speaker, as I stated earlier, the Evidence Bill 2009 represents the culmination of many years of work by many dedicated and talented legal practitioners and the judiciary. Putting the rules of evidence into clear, written form requires a delicate balancing of the interests, needs and rights of individuals, society, investigating authorities and the courts.

Mr Speaker, with these remarks, I commend this Bill to the House, and I beg to move. Mr Speaker, I move that the Second Reading debate on the Evidence Bill 2009 be adjourned to the next sitting day. Sir, it is my view that it is important for Members to have time to consider the report of the Bills and Legislations Committee on this important Bill. As Members would be aware the Committee heard from a range of witnesses in relation to the Bill and the Committee's report was tabled this morning.

To allow Members time, I now move that the debate on the Second Reading of the Bill be adjourned to the next sitting day. I believe the Bills and Legislations Committee would also appreciate this time as it has a schedule hearing this afternoon. It is for this reason Mr. Speaker, that I move this motion.

Debate on the Second Reading of the Bill adjourned to the next sitting day.

ADJOURNMENT

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

The House adjourned at 2.29 p.m.