

## THURSDAY 9<sup>TH</sup> JULY 2009

The Speaker, Rt. Hon Sir Peter Kenilorea took the Chair at 10.29 am.

Prayers.

### ATTENDANCE

At prayers, all were present with the exception of the Prime Minister; the Minister for Foreign Affairs & External Trade; National Unity, Reconciliation & Peace; Communication & Civil Aviation; Lands, Housing and Survey; Mines, Agriculture & Livestock Development; Home Affairs; Police, National Security & Correctional Services; Public Service, and the Members for South Choiseul; West New Georgia/Vona Vona; East Honiara; East Are Are; North West Choiseul; Temotu Pele; South Vella La Vella; East Makira; Temotu Vattu; North Guadalcanal and North West Guadalcanal.

**Mr Speaker:** Honorable Members, I wish to acknowledge the presence in my gallery of the Honorable Max Willis, former President of the Legislative Council of New South Wales and a long time standing supporter of the Parliament Strengthening Project in Solomon Islands. Let us welcome him. Thank you very much indeed.

*(applause)*

### **QUESTIONS AND ANSWERS**

#### **Funding assistance: Micro Project – Phase III**

**9. Hon. SOGAVARE** to the Minister for Development Planning and Aid Coordination: Can the Minister brief Parliament whether there would be any changes in the processes involved in accessing funding assistance from the Micro-Project Scheme – Phase III?

**Hon. ABANA:** Mr Speaker, thank you Honourable Leader of Opposition for asking this very important question.

Mr Speaker, at the moment there are no changes as yet on the processes involved in accessing funding through this scheme. Nevertheless there have been some recommendations from Caucus as to how best we can improve on the disbursement of and how to access this project, especially in terms of funding. I also welcome from the floor some good insights that Members can also assist me to see how best we can deal with Phase III.

Mr Speaker, Phase II has been formally closed at the end of May and now we are in the transitional period to start establishing a new group that can take over so that we proceed with Phase III. From May until now we are continuing to do recruitment and establishment of personnel to work on the project. But like I said, we have not deliberated on it yet and so I still welcome some good recommendations that Members might want to help me with.

**Mr OTI:** Mr Speaker, supplementary question. Can the Minister also inform Parliament as to whether there would be any envisaged changes in terms of the focus and the area for intervention of Phase III relative to Phase II, the one that already concludes in May or would it be an extension or continuation or further expansion of the scope in Phase III compared to the second phase of the program?

**Hon. Abana:** Mr Speaker, the focus basically on Phase II is the rural development sector on the social services sector. As you may have seen in the Papers on the handover projects of water supply and sanitation, education, health, which are some of the projects that emphasis was placed on and there were also 37 income generating projects that we are trying to move further into in Phase III to see how best we can do it. It does not really pick up well in Phase II, but we are trying to encourage and move forward, especially the income generating projects. According to our findings so far, it is not really working out well but that does not mean we will stop there.

The scope is that there is demand for those projects. In the second phase there were 2,000 applicants, 800 were short listed and 171 confirmed and approved projects, which means that we will be expecting more than that for Phase III and therefore there is already negotiation outside the EDF resources for additional funding to assist in the demand. And I believe that applications will be more than 2,000 this year. We are looking most probably to start at least by August/September when we have the personnel established and we should move forward thereon. Thank you.

**Hon. Sogavare:** Mr Speaker, supplementary question. The Minister made reference to some ideas that Caucus has put forward to the Ministry that

probably relate to the European Union. Would the Minister be in a position to brief Parliament on what these improvements are and what is the response of the European Union on those suggestions for improvement?

**Hon. Abana:** Mr Speaker, since receiving recommendations from Caucus, we are yet to deliberate on them. But the idea here is that even Members of Parliament would go through the same process with the projects. Now how are we going to address this? I just want to say that may be at a later date I can come back to it and resolve it. As yet I cannot indulge on it.

**Hon. Sogavare:** Mr Speaker, I thank the Minister for responding to the question.

### **Education: SIG funded projects**

**12. Hon. SOGAVARE** to the Minister for Education and Human Resources Development: Can the Minister inform Parliament on the progress made in the implementation of the following 2009 Solomon Islands Government funded Projects:

- (a) SICHE Upgrading program?
- (b) Queen Elizabeth School?
- (c) Tsunami Education Rehabilitation?

**Hon. WALE:** Mr Speaker, part (a) of this question on the SICHE Upgrading program, the SICHE has been working on its four year strategic plan from 2010 to 2013 in terms of its physical infrastructure to guide the upgrade and development of the College.

The Curriculum Office of SICHE is now established and an officer has been appointed to coordinate the review of academic programs of the various schools. Also there is a general renovation program on student accommodation and construction of a student welfare service office and also a student centre rehabilitation office.

Also in collaboration with the Ministry of Education we have been in discussions with TAFE Queensland on a number of aspects, and I am going to speak a little bit more on this when I come to the other question which will be asked some other day, I am sure on day university and SICHE and so forth. Overall, the upgrading of SICHE as part of the tertiary proposal, tertiary education proposal which the government has submitted to the Japanese Government as part of its bilateral discussions for the next cycle of funding from the Japanese Government.

Also just to give a complete picture, the APTC Program, the Australia and Pacific Technical Colleges Program has been undergoing review, although it does not relate directly to SICHE, but the Ministry has been talking to the reviewers and the APTC to encourage them to come and offer their programs here, as opposed to our students going outside and perhaps to collaborate with SICHE and other institutions in the private sector here in the country. That is the first part of the question.

The Queen Elizabeth School, Mr Speaker, I am sorry to say that under the reprioritization of the Ministry of Development Planning, this project is on hold and therefore no further work has been done on it. We were planning to appoint a land acquisition officer but work has stopped because of this process from the Ministry of Planning.

Sir, in regards to the tsunami education rehabilitation, the total number of schools under this program for the Western and Choiseul Provinces is 142. This includes kindergarten, primary and secondary schools. The actual construction of schools has been quite delayed because detailed assessments have to be redone in 2008, and at least 33 schools are yet to be assessed.

There has been some work progress for 109 schools located in 80 locations, and again a combination of kindergartens, primaries and community high schools and some RTCs. Ngari School on Gizo has completed Phase I for primary and now starting Phase II for Junior Secondary on the construction of two dormitories, one for the boys and one for the girls. Gizo Primary School has been completed under Phase I.

Construction is in progress in the following schools. In Choiseul: Sasamunga Primary and Community High School, Zengunu Primary, Pujivai Community High School, Salakana, Tuzu kindy and Kakaza kindy.

In the Western Province are Kaza Primary, Medina Primary, Ngari Community High School, Rarumana Community High school, Titiana Primary School, Baruku, Buni Primary, Rawaki Primary School, Tambaka Rural Training Center, Iriqila Primary, Kolokolo Primary School and Labu Labu Primary School.

Water and sanitation has been completed at Tambaka Rural Training Center and Goldie College, and the following schools are ready to receive hardware materials. Kuku Primary, Voza Primary and Community High School, Maravari Primary, Olive Primary, Noro Community High School, Madou Primary, Elelo Primary and Community High school and Boe Boe Primary.

The following schools are currently milling timber and so are in the early stages of construction: Varese primary, Supato primary, Parasau kindy, Pienuna Primary and Community High School, Sidoko Primary and Community High School, Obobulu Primary, Mondo Primary and Nusa Roviana Primary, Nusa Hope Primary, Kinamara Primary, Enoghae Community High School, Baraulu

Primary, Banga primary, Kogala primary, Pujivai community high school and Tetemara primary and community high school.

The following schools are ready to receive Lucas saw mills and fuel for them to start that process: Legana primary and community high school, Koriovuku kindy and primary, Kundu primary, Keara primary, Mandali primary, Arara primary, Lauru RTC, Tuzu kindy, Kakaza kindy and Nabusasa Kindy and primary.

The following schools are ready to sign their agreements and to begin the process to start the work: Vonunu provincial secondary school, Vatoro primary, Senbila primary and high school, Sambora primary, Leona primary, Bilua primary and community high school, Tuha community high school, Toumamo Kindy and primary, Pirumeri primary, Nila kindy, primary and RTC, Maleai primary, Koleai primary, Hare Hare primary, Harapa primary, Gaomai primary, Falomae primary, Aleang primary, Patu primary, Tapurai in Simbo, Goldie National Secondary School, Hopongo primary, Baniata primary, Varu primary, Gizo Community High School and Moli Primary and Community High School.

Mr Speaker, I have myself been quite disappointed also in the delays that have happened. As we know our communities down there have suffered a lot during and after the tsunami and seem to have suffered further by the delays in the rehabilitation program. One of the factors in the delays have also been in some of the communities getting themselves ready to be partners in the program supplying materials and agreeing on locations where new locations are required and so forth. But that is the overall picture in so far as the tsunami rehabilitation program is concerned. Thank you.

**Hon. Sogavare:** Mr Speaker, I thank the Minister for his elaborate response. Just a supplementary question, the Minister mentioned that 33 schools have yet to be assessed. Where are those schools from, why are those schools not assessed and whether work is going on to do assessment on those schools?

**Hon. Wale:** Mr Speaker, I suppose what I meant were re-assessments. The initial assessments that were done for all schools firstly, and then in 2008 last year re-assessments were done for most of them and so 33 are outstanding and assessments are going ahead and by about now should be completed. Reassessments are basically to update costs and whether the standard designs the Ministry has which the communities agreed on are costed out properly. That work should be just about completed or completed soon. I do not have a list of those schools, sorry.

**Mr WAIPORA:** Mr Speaker, on part (b) of the question, can the Minister elaborate more on the difficulty with the National Development Planning? What difficulties do they have in halting this project?

Sir, this project is the pride of Solomon Islands, and not only for Makira but for all of us because this is where Queen Elizabeth II first set foot in Solomon Islands and that is why this school is meant to be established there so that it is a national memory for all of us. I want to know why it was put on halt. Can the Minister explain the difficulties why it was put on halt?

**Hon. Wale:** Mr Speaker, I could not agree more with my brother, the honorable Member for West Makira that this is a very important project and is also making us having good ties with the United Kingdom and the proposed site for the school is also a place of historic significance. But I suppose the decision in this whole re-prioritization process in the development budget has been one that comes from the Ministry of Planning, which I suppose was premised or predicated on this global financial situation at the moment. I myself want to go ahead with it because we are hoping it will be a girl's school and I might be the first principal, and so I want it to be completed soon so that we can start working on it. Thank you.

**Mr OTI:** Mr Speaker, supplementary question in relation to part (a) of the question on the various stages this program is undergoing at this time, which the Minister has read to us. Can the Minister clarify that the upgrading program and from the list of activities that he mentioned involved both physical and institutional upgrading of SICHE.

The question in relation to the allocation this year was \$3million for this particular program. How much of the \$3million has been expended to date to address those two issues in particular; institutional strengthening and physical perhaps infrastructure upgrading related to this question. How much of the \$3million is already committed, already spent and so on?

**Hon. Wale:** Mr Speaker, I do not have the exact figures on how much has been expended overall and what proportion has gone for institutional strengthening and physical infrastructure. But I do know that tenders have gone out and that plans have been approved and moving forward in terms of physical infrastructure.

And so I am just of the impression at this stage because I do not have the figures that they may have gotten the funds drawn down. Also the funds allocated in the development budget last year, they were late in making their submissions, however, they did get some funds from last year and so they are

able to start work this year from funds they received last year which went through their accounts.

In so far as the institutional strengthening side of this program is concerned, SICHE is suffering a number of structural and, in my mind, more fundamental problems. And I think those problems are to do with leadership; it is a leadership problem and so we can come up with a sexy, looking nice, beautiful looking, glossy, strategic document, but without leadership it will be very difficult to deliver on those things. But with leadership we are able to come up with plans that probably are realistic. This is a matter for the Council, and the Ministry cannot really dictate to the Council since the Council is independent. However, we have made our views known to SICHE and encouraging them to address these. Part of the institutional strengthening program will go a little bit, we hope, beyond the initial design which was just looking at the programs and curriculum, but it will also look at their own structure. It is an internal process for them and also to look at how we can enter into some coaching and mentoring programs to strengthen existing leadership so that they are a little bit more proactive in terms of how SICHE can move forward. It is important because the thrust of the tertiary education policy will be on skills, education skills training and so SICHE is at the forefront of that. Thank you.

**Hon. Sogavare:** Mr Speaker, I rise to thank the Minister for responding to my question.

### **Rural Electrification Program**

31. **Mr WAIPORA:** to the Minister for Mines, Energy and Rural Electrification: Which Provincial Centres, hospitals and schools have been assisted under Phase 1 of the \$1.5million Solomon Islands Government funded Rural Electrification Program?

**Hon. PACHA:** Mr Speaker, I want to thank the Member for West Makira for this question. The answer to the question is as follows: Procurement of Rokera PSS power generator is completed. Installation will be carried out as soon as logistic arrangements are finalized.

The other projects yet to be completed are Lata Hospital standby generator, Okeaina School Micro Hydro Scheme, Mbaegu/Asifola Constituency solar charging stations. Additional information on that, Mr Speakers, the above mentioned projects are rollover from the 2008 Development Budget. Partial payments for equipments were made for the projects under the 2008 budget.

Completed projects under this funding in 2008 are California, and this is our California at Roroni for solar water pump and Aola Rural Health Centre.

The Mbaegu/Asifola constituency solar charging station is to ensure adequate lighting for homes and for school students to study at night, is the reason for the Mbaegu/Asifola solar charging stations.

The Okeina School is in Masupa village at Taka Taka Bay in the East Are constituency and this is in Malaita Province.

**Mr Waipora:** Supplementary question; with some work program already done, how much out of \$1.5million is still left under this project for the next work?

**Hon. Pacha:** We have spent \$110,000 already out of this money. Still outstanding is Mbaegu/Asifola for \$600,000, Lata for \$490,000, Okeaina School for \$300,000 still to be spent.

**Mr Oti:** Mr Speaker, my supplementary question is like this. Of those priority sites for assistance, in regards to Lata Hospital it is the only one serving the hospital and with the constant breakdown of the SIEA power supply this hospital is totally handicapped because it depends on this one. Can the Minister inform us whether the amount remaining is to rehabilitate, repair or purchase of a new genset?

**Hon. Pacha:** Sir, it is for purchase of a brand new genset.

**Mr Oti:** Mr Speaker, can the Minister confirm in one way or another when will the hospital hope to get this equipment in the light of the very acute power problem by the SIEA?

**Hon. Pacha:** Mr Speaker, my Ministry is working very closely with the Ministry of Finance to fast track this project because of the power problem in Lata. We are fully aware of that problem.

**Mr Waipora:** Mr Speaker, I would like to thank the Honorable Minister for his answers.

*Question No. 37 deferred*

### **Forestry legislation**

40. **Mr OTI** to the Minister for Forestry: Can the Minister inform Parliament what further work has been done or is required to bring the new Forestry Legislation to Parliament?



**Hon. TAUSINGA:** Mr Speaker, I would like to thank the Member for Temotu Nende for the question.

Mr Speaker, I think it was four months ago that I indicated in this House that I would probably bring in the legislation either at this meeting or the next meeting before next year. Unfortunately, Mr Speaker, I am unable to bring the bill into Parliament for debate at this meeting. There is continuing, and I hope a final internal review and updating process and some consultations going on, and as soon as this process is completed, which I believe will be in due course, instructions will then be given to the Attorney General's Chamber for preparation for the Bill to come before the next Parliament meeting.

**Mr Oti:** I thank the Minister for the response. Just a short supplementary question in relation to the process of consultations. I know that this is a bill or an intention which has, over the last few years, already engaged different stake holders in terms of the process of consultation. If there are further consultations what would be the purpose and whether they are new or unheard of stakeholders that were not addressed in the past.

**Hon. Tausinga:** Mr Speaker, the Bill is very, very important and it is a bill that regulates the forestry resources that belongs to the people. I think it is very important that we look at it thoroughly so that when all the thorough work has been done we would be able to put it before the House.

**Mr Oti:** I have no further supplementary question and so I would therefore thank the Minister for his response.

### **Fisheries: pole and line boat project**

43. **Mr OTI** to the Minister of Fisheries and Marine Resources: Can the Minister inform Parliament of the progress made in the implementation of the pole and line boat project for which \$3million was allocated in the 2009 Development Estimates?

**Hon. LENI:** Mr Speaker, I would like to thank the honorable Member for the question.

Mr Speaker, work on the project has already started. The Ministry is working with the Forum Fisheries Agency to research and find out, especially information on whether or not the kind of boats we want can be practicably applied in our waters. There is extensive information and we have done

consultations with the various countries, especially Asian countries because two Asian countries, the Philippines and Indonesia are using the same kind of smaller size pole and line vessels. The size of the boat we want has proven to be successfully operated in these two countries and therefore we envisage that within the next few months, a few months I mean may be in September or October, the FFA would be able to bring in three small size pole and line vessels for a trial pilot project, and when it comes we will trial test them just like we did with the three pump boats that are currently on trial basis in Noro at this time.

Funding for these projects will be coming from the European Union DEFIS Program. We would expect a little bit of funds from the 2009 budget to assist in this funding. When the boats are here and the Ministry is required to negotiate with the provincial bait ground owners is when we will start spending the money. At this point in time we have not spent anything. But we have vired \$1million from this budget allocation to go towards our dolphin assessment project. About \$1million of the \$3million budget allocation for 2009 has been vired to carry out the dolphin assessment project and therefore only \$2million is left in the project account at the moment. This is the information on this. We are still to use our money at this stage. Meanwhile we are using a European Union's DEFIS regional program funds to fund the research that we are currently carrying out.

**Mr Oti:** Mr Speaker, my supplementary question is in relation to the actual operation because it is a pilot program to test out the suitability of that size of pole and line boats. As we all know, we were using pole and line in the past when we were started off what is now known as Soltai in the early 70's and so on. The Minister is saying that perhaps the difference is the size of these boats. For purposes of the trial if there needs to be further trial, and I understand that will have to be done, who will be doing the testing and the piloting? Would it be given to some of the current fishing companies or would it be the Ministry, and what is the capacity and capability of whoever is going to carry out the suitability of these boats when they finally arrive here?

**Hon. Leni:** Mr Speaker, this is a good question. There are several things that pilot testing is needed to be done. The first one is the size of the vessel. When we look at the size of the vessel, in terms of fishing operations it means several things. First, pole and line vessels and fishing vessels for that matter are using different kinds of freezing facilities inside. One way is the use of dry ice with salt and another way is the use of brine. These things have to be tried out. If you are using two separate systems of cooling the product then what we need to know is how to preserve the quality and how long will it take to cool down the

temperature to a point that will contain the quality of the product. If it is a big vessel may be the freezing point is quicker or slower. These are the things we are going to measure. Second is consideration of the number of days of how long fish can last in salt water to preserve the catch so that when it is discharged at the base it still retains its quality. And thirdly is in terms of the sea whether it can withstand rough seas and storms, and of course, taking into account the operational cost, steaming time, fuel consumption used in perhaps three days as the normal time out for our fishing vessels to make a catch. If in three days the catch is less than three tons then maybe it is not profitable for our cause. But supposing the catch is more within three to five days then it is normal economical fishing days in Solomon Islands and then we will also have to consider other things.

On the question of knowledge in fishing, we are experienced in fishing and so it is not a problem. We have many experienced fishermen in Solomon Islands but there are techniques that we need to know on the model of vessels used. Like the pump boats, we have a lot of fishermen here but we still recruit some Filipinos to come and teach us how to use that fishing technique. These are the things that we need to make trial runs on so that if we see they are profitable for our cause then we will pursue the purchase.

We will bring in may be some people from outside and since FFA being a regional body, it might call in people from other regional countries who know how to fish to come and help us or just bring in somebody from Indonesia and the Philippines as fishing masters and our boys here will be crews of the vessels, and that is why we have DEFIS which is responsible of coordinating regional fishing activities in the region within the FFA. These are basically the reasons why we need to pilot those projects bearing in mind, of course, most of our pole and line boats only fish within the central region, and none of them ever fish in Temotu or the Malaita Outer Islands, and so the trial will also go in that direction because it is meant for community based. When we employ these boats it means looking at all the provinces, and so those that are outside like Temotu in the outer islands, we will try and test them out if the smaller vessels can fish in the high seas of Temotu and may be Makira and the Malaita Outer Islands and if they cannot withstand the sea conditions over there, then it would give us another option to perhaps get bigger vessels for provinces that are outside and the smaller pole and line vessels for the inner islands. That is the information I can provide.

**Mr Waipora:** My supplementary question concerns the pilot or the trial runs of the pole and line boats. The honorable Minister also mentioned pump boats, which are also now on trial or on pilot project again. I think it is good to hear

from the Honorable Minister to tell us the evaluation or assessment of the Ministry already because it is now about one year that the pump boats are on trial run. What is your finding on those trial runs or testing at this time?

**Hon. Leni:** Mr Speaker, I think I would like to ask the honorable Member to make a different question and put it on notice because this question is basically on pole and line vessels. But if he wants me to answer his question I can try. Trial on the three pump boats is successful. We have done better than the Filipinos. The highest catch is three days with three tons, which means one ton per day, bearing, of course, in mind that the pump boats are outrigger boats and so stability and floatation needs to be considered. Pole and line is not used but dropping.

One interesting part of this fishing activity is that when you reach the fishing ground you will hop onto another small canoe, a small one man canoe, and it is from there that you fish for tuna this size. That is what makes it very interesting. For one person to pull this size tuna, I tell can you that I have been with Solomon Taiyo for 20 years, and for one person to pull this size bonito is quite difficult because as soon as it dives its head down regardless of how muscular you are it is gone. The skill of pulling this sized tuna onboard in an outrigger pump boat is quite difficult. But the boys did very well on this trial run in that they pulled three tons, which is very surprising to the Filipino fishing masters because they are successful. What we need to do now is that if you look at our development budget, we have struck off the fund we have allocated in the budget to purchase these vessels and so it will appear again next year, and that is when we will buy the vessels and whoever wants to try it can apply through the process that we are going to put in place. But the pilot project has proved to be very successful. Solomon Islands has a very rich fishing ground and the onus is on us to prove that we are skilled fishermen otherwise we own resources but do not benefit from them.

**Hon. Sogavare:** Mr Speaker, it is good to hear that this project is going on very well. I have a supplementary question in regards to money. Mr Speaker, the Minister said that we have not used any of our funds on this project but it is funded by European Union. I just want to know the level of commitment the European Union has and for how long will it be committed to funding this particular project.

**Hon. Leni:** Mr Speaker, that is another interesting and important question. Solomon Islands like most people know, some of our donor partners are channeling funds through some organizations and DEFIS is one of those kinds of

institutions. DEFIS is working very closely with the FFA and the government through our Ministry. We have agreed for DEFIS to take the lead on this project with the FFA and ourselves. The money that has been channeled to them has been used in starting off this project. When it comes to the point of us negotiating with the local bait ground owners we will then come in with our own finances.

**Mr Oti:** Mr Speaker, I have no further question on this but I should like to thank the Minister, especially for the efforts that he continues to put in, particularly for our fishermen and particularly for this resource, a resource that we want to maximize benefits from. I think the initiatives that are being carried out in the Ministry of Fisheries warrant our support, and definitely the MP for Nende supports the initiatives being taken by the Minister of Fisheries. Thank you.

*Sitting suspended for lunch break at 11.22am.*

Parliament resumes at 3.12pm

**Mr. OTI:** Mr Speaker, as the acting chair of the House Committee, I seek leave of the House to make a short statement regarding parliamentary business for tomorrow.

**Mr Speaker:** Honorable Members, the Acting Chairman seeks leave of the House to make a statement on behalf of the Chairman of the Parliamentary House Committee notwithstanding Standing Order 13. Leave will only be granted if there is no objection from Members. Does any Member objects? I see no objection and so leave is granted.

**Mr OTI:** Thank you, Mr Speaker. I wish to inform the House that since there is no private members' motion, private motion set down for tomorrow, Friday 10<sup>th</sup> July and on the request of the Acting Prime Minister, the House Committee has directed in accordance with Standing Order 15(c) that tomorrow be designated a government sitting day and that debate on the second reading of the Counter-Terrorism Bill 2009, be set down for tomorrow's business. Thank you.

## **BILLS**

**Mr NUAIASI:** Mr Speaker, I rise to seek leave of the House to present a Paper. Thank you.

**Mr Speaker:** Honorable Members, the Honorable Chairman seeks leave of the House to table a paper notwithstanding Standing Order 13. Leave will only be granted if there is no objection from Members. Does any Member objects? I see no objection and so leave is granted.

**Mr Nuaiasi:** Thank you, Mr Speaker, before the Minister moves the Counter-Terrorism Bill 2009, I wish to table the Bills and Legislation Committee's Report on the Counter-Terrorism Bill 2009, National Parliament Paper No. 23 of 2009.

### Bills – Second Reading

#### The Counter-Terrorism Bill 2009

**Hon. CHAN:** Mr Speaker, I rise to move that the Counter-Terrorism Bill 2009 be now read the second time. Mr Speaker, I am honored and indeed greatly privileged to present to this honorable House the Counter-Terrorism Bill 2009 on behalf of this government.

Mr Speaker, one of the most important duties of any government is to provide for the safety and security of its people against crimes and threats of crimes from both inside and outside the country. Mr Speaker, the threat of terrorism in our world now is real. Many countries all over the world face threats of and actual acts of terrorism of the different scale and size from any other criminal activity they have faced in the past. We are one step away from the second front on the war on terror.

Mr Speaker, terrorist are very often ruthless, they are often aim to cause mass casualties at gatherings of innocents civilians without warning and to cause mass destruction on their targets. Terrorists have been known to use suicide bombings and there is a real threat that they may access and use weapons of mass destruction, such as chemical weapons, biological agents and nuclear weapons. Terrorist attacks in recent years have shown that they are meticulously planned and well financed and go across borders. They are getting bolder and more vicious.

Mr Speaker, it is essential that we protect our nation from this threat and ensure we have the laws and procedures to prevent terrorist activities of any kind and to bring to justice those people who plan or commit these crimes. The ferocity and complexity of terrorist networks and their actions means there is a corresponding need for law enforcement agencies to act swiftly and to have the powers to investigate and prevent these crimes before they happen.

Mr Speaker, the measures set out in this Bill are precautionary, proportionate and necessary to deal with exceptional circumstances, which all of

us hope will never happen in this country. But we have a duty to prepare for them and to have these powers in place just in case we need them. It is better to be prepared and to have the legislation in the books than to face the prospect of terrorist suspects walking free because the police and the courts have not been given the power to gather the evidence needed to secure a conviction.

Security is like oxygen. We only think it is important when we start running out of it, hence the need to be serious about precautionary measures.

Mr Speaker, the international community has long recognized the need to work together in a cooperative and consistent manner across the world to deal with terrorist threats. The United Nations has highlighted the urgent need to enhance international cooperation between states in devising and adopting effective and practical measures for the prevention of acts of terrorism and for the prosecution and punishment of the perpetrators of these heinous crimes.

Mr Speaker, as a member of the United Nations, Solomon Islands is bound by the UN Security Council Resolution 1373, which calls upon member states to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism. The two conventions that are most relevant to this Bill are:

- (1) The International Convention for the suppressing of the financing of terrorism.
- (2) The International Convention for the suppression of terrorist bombings.

The first convention obliges states to establish mechanisms for the identification, freezing and seizure of funds allocated for terrorist activities and cooperation with foreign authorities in the investigation of suspected terrorist financing offences. Based on chapter 7 of the United Nations Charter, the provisions of Resolution 1373 are binding on states as a matter of international law. The second convention noted the declaration on measures to eliminate international terrorism which encourage states to review urgently the scope of existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter.

Mr Speaker, the Commonwealth Heads of Government also issued a statement in October 2001 calling for a concerted response and resolute action against terrorism and supporting the United Nations Security Council Resolution 1373. The statement calls for enhanced international cooperation to combat terrorism and recognize the need for increased efforts to prevent the use and abuse of the financial services sector by fully cooperating with the International

Community in the tracing, freezing and confiscation of assets of terrorists, their agents, sponsors and supporters.

Further, Mr Speaker, in 2007 Solomon Islands became a member of the Asia Pacific group on money laundering. A condition of membership is that each country must undergo a mutual evaluation by a team of international legal, law enforcement and financial experts of its implementation of the financial action taskforce for the recommendations on money laundering and non recommendations on terrorist financing. Non compliance can have severe consequences for a country's financial sector and economy including closure of its banks.

Mr Speaker, as a member of the United Nations, the Commonwealth of Nations and the Asia Pacific group of money laundering and consistent with the United Nations Security Council Resolution 1373 it is essential that Solomon Islands enact legislation to put in place strong mechanisms to combat, prevent, suppress and detect terrorist activities.

Mr Speaker, this Bill is one of the measures we have taken to comply with our international obligations to make the Pacific a safer region and to prevent it from becoming a haven for terrorist activities. Further, this Bill is one of the measures this government has taken to work towards achieving its policy objective as stated in its policy statements more articulated in expected outcomes in 18.3 and 20.3.

Mr Speaker, let me now move on to explain some of the specific provisions of the Bill. In part 1, the interpretation section provides a definition of terrorist act. The Bill defines a terrorist act as one that is done with the intention of advancing a political, religious, radical, ethnic or ideological cause. This part of the definition cause the Bills and Legislation Committee to raise serious questions about the interpretation of the terms 'radical' and 'ethnic'. There is no clear definition of those terms in our current law. The other terms 'political', 'religious' or 'ideological' are common throughout this type of legislation all over the world and have meanings that are internationally understood. Mr Speaker, the inclusion of the radical or ethnic element into the definition of the terrorist act makes the definition broader and there were some fears expressed that it might be used to characterize actions that happen during the tension as terrorist acts or might be used to stifle legitimate political debate. This may harm the process of reconciliation and nation building that is underway in our country.

Mr Speaker, for these reasons I have moved an amendment to remove the terms 'ethnic' and 'radical' from the definition of terrorists act. I have also removed the words 'under any law' from clause 2 sub section 2(a). These amendments make it clear that advocacy, protest, decent, industrial action and acts relating to ethnicity will not constitute a terrorist act unless they are



deliberately designed to cause serious harm and they were carried out with the intention of advancing a political, religious or ideological cause or intimidating the government or the public.

Mr Speaker, I believe these amendments are necessary to make the main purpose of the Bill clear. They will help ensure that the Bill will not be used to stifle genuine descent and discussion and will not be used to label people as terrorists for political or other domestic advantage. This makes it clear that the focus of the Bill is on the war on terror on the international organizations throughout the world who seek to cause enormous havoc and destruction and destroy innocent lives in the selfish pursuit of their own causes.

Mr Speaker, the Bill will deal with both the real and the perceived terrorist threat. We take no chances when the state has reasonable grounds to believe that terrorist act is eminent.

Mr Speaker, Part 2 of the Bill sets out the offences that are covered and the penalties for those offences. There are offences for engaging in a terrorist act, training or planning for a terrorist act, using property to commit a terrorist act, providing funds for a terrorist act or terrorist organization, kidnapping or taking hostages, detaining, assaulting or threatening internationally protected persons, damaging or destroying vessels of fixed platforms, using, transporting, possession or threatening to use harmful materials or weapons, placing, discharging or threatening to use an explosive biological chemical or radio active device. These offences carry substantial penalties ranging from \$50,000 for financing offences to life imprisonment for terrorist offences causing serious harm to people and property. The penalties reflect the grave nature and possible repercussions of terrorist activity. One of the rationales for enacting these offences in separate legislation is the ability to set high penalties for these offences to take into account the aggravating factors

Mr Speaker, it is vitally important that the Bill creates offences for planning and training for terrorist acts that have not occurred. Generally, the criminal law requires the commission of an offence in order to secure a conviction. In the case of terrorist acts, the most important purpose of an investigation is to prevent an act before it occurs. For this reason there must be adequate offences to charge and convict persons who are still in the planning and training stages when a terrorist plot is uncovered by law enforcement agencies. Mr Speaker, this Bill provides for those offences so that preventative and incapacitating measures can be taken to enhance the safety and security of our country and our region.

Mr Speaker, another important weapon in the armory that is needed to combat terrorism is the ability to identify and outlaw organizations that engage in terrorist activities and that supports, recruits and trains terrorists. Part 1 of the

Bill defines the term 'terrorist organizations' and Part 3 of the Bill provides the mechanisms for identifying and declaring that an entity is a terrorist organization. In order to be declared a terrorist organization, an entity must be engaged in or contributing to the carrying out of a terrorist act or must be an organization that the United Nations Security Council has identified in a decision relating to terrorism.

The Commissioner of Police may apply to the Minister for a declaration against any entity that he believes on reasonable grounds falls within this definition. The decision is subject to scrutiny by the Minister to administrative review by the Commissioner and to judicial review by a High Court Judge. This provides judicial oversight and minimizes the possibility of abuse or mistake. The offences in relation to terrorist organizations are:

- Providing or receiving funds for a terrorist organization.
- Providing or receiving training or recruiting of members.
- Being a member conspiring to commit an offence, aiding and abetting the commission of an offence.
- The penalty for knowingly being a member of a terrorist organization is 10 years imprisonment.
- High penalties of 20 years imprisonment apply to offences for persons recruiting or training members or providing funds.
- Persons who aid or abate the commission of an offence are liable to the same penalty as applies to that offence.

Mr Speaker, the Bill contains important provisions to allow law enforcement agencies and the courts to freeze and seize assets of individuals and organizations that are involved in terrorist activities. The procedures set out in the Bill in Parts 4 and 6 allow the police and the courts to act decisively and expediently to identify, freeze and seize the assets and funds belonging to terrorists. This is one of the most essential and effective weapons in curtailing terrorist activities. Experience from around the world has shown that impeding or stopping the flow of funds to terrorist organizations seriously impairs their ability to function and to plan and instigate attacks.

Mr Speaker, the unique and serious nature of terrorist crime means that we need unique and serious powers to deal with it. Part 4 of the Bill provides our law enforcement and investigative agencies with extra powers to locate and seize evidence of terrorist crimes. It makes provision for obtaining search warrants and for entering and searching premises, vehicles, vessels and aircraft in urgent circumstances where delay could jeopardize safety. It provides an

offence for hindering an investigation which carries out a penalty of up to two years imprisonment.

Clause 24 allows the Minister to direct communications companies to retain, store and provide data. This data could provide invaluable evidence in the detection and prevention of crimes.

Clause 26 allows the police to detain a suspect for up to 36 hours after arrest. There are two factors which make it necessary to insert this power into the Bill. Firstly, there are severe consequences of a successful terrorist attack. This means that police have to intervene at the earliest possible opportunity. They cannot afford to wait for the attack to happen and then to launch an investigation. They may need to be pro-active, to step in very early and to arrest suspects before they have a chance to gather all the possible evidence or interview all the other possible witnesses.

Secondly, there is a clear trend for terrorist' acts to grow in scale and complexity. The activities can involve many suspects and can be spread over a number of different countries. The investigation may involve collecting computerized information, telecommunication recordings, complex financial transactions and thousands of documents. Law enforcement investigators need time to shift through all this evidence in order to frame the correct charges. It is imperative that they are able to hold suspects in custody for sufficient time to enable them do their job effectively.

Part 7 of the Bill makes provision for extradition and mutual assistance. These provisions are complementary to the provisions in the Extradition Act and the Mutual Assistance in Criminal Matters Act. They ensure that information about persons involved in terrorist activities can be shared with other nations who are also parties to the UN Counter Terrorism conventions. They also ensure that persons involved in terrorist crimes can be extradited to or from Solomon Islands by countries who are party to that convention. Most importantly, Mr Speaker, the Bill allows for the prosecution in Solomon Islands, for offenders who are in Solomon Islands but cannot be extradited for trial. The prosecution can occur even though the offence may have occurred in another country as long as the offender is located in this country.

Mr Speaker, the importance of such international co-operation to combat terrorism has been highlighted repeatedly in various UN Resolutions and by the Commonwealth Heads of Government. The Resolutions require all countries to be able to render mutual assistance with respect to investigations and prosecutions relating to terrorism. It is only by acting together as a global community that we will be able to defeat this borderless menace to world peace and security.

Sir, we should be proud of this Bill and the contribution it will make to the safety of this nation and our region. The people of this country should be proud that we have been able to come to a consensus on this issue and to legislate calmly and clearly, on a precautionary basis, to prevent and avert a terrible threat. It may well prove to be a decisive factor in the future security of our citizens and our communities. Should acts of terrorism be committed in our country in the future, at least we have the legal framework in place to deal with such acts and bring confidence and security to our people.

Mr Speaker, with those remarks, I beg to move.

**Mr Speaker:** Honorable Members, the Minister has moved that the Bill be read the second time. Normally the second reading debate should continue but I understand that the Honorable Minister wishes to instead adjourn this debate. I now call on him to take the necessary steps.

**Hon. Chan:** Mr Speaker, the report of the Bills and Legislation Committee on this Bill has just been tabled this afternoon by the Honorable Chairman of the Bills and Legislation Committee, and so to give Members time to read the report in order to contribute meaningfully to the debate, I move that the debate on the Counter-Terrorism Bill 2009 be adjourned until Friday 10<sup>th</sup> July 2009.

**Mr Speaker:** Honorable Members, the Honorable Minister has moved the debate be now adjourned. Unless any Member wishes to comment briefly on this motion, I will now put a question.

*Debate on the Counter-Terrorism Bill 2009 adjourned to the next sitting day*

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

*The House adjourned at 3.39 p.m.*