

MONDAY 29TH MARCH 2010

The Speaker, Sir Peter Kenilorea took the Chair at 9.46 a.m.

Prayers.

ATTENDANCE

At prayers all were present with the exception of the Ministers for Finance & Treasury; Planning & Development; Lands & Survey; Foreign Affairs; Agriculture & Livestock; Infrastructure Development; Communication & Aviation; Fisheries and Marine Resources; Public Service; Forestry; Justice & Legal Affairs; and the Members for East Are Are, Mbaegu/Asifola, Central Guadalcanal, West New Georgia/Vona Vona, Lau/Mbaelelea, Central Makira, Ngella, North West Choiseul, South Vella La Vella, East Honiara, East Makira, North Guadalcanal, Shortlands, West Honiara, North West Guadalcanal, Malaita Outer Islands and South New Georgia/Rendova.

QUESTIONS AND ANSWERS

Home Affairs: Voter registration

1. **Mr WAIPORA** to the Minister for Home Affairs: Can the Minister advise the House if the registration of voters program is on schedule? If it is, what stage is it up to today? I want the Minister to answer this question because today we are in the season of election and so people are very interested to know. I am not asking this question for myself but I want this question to be answered so that people who are watching us today know the answer to it.

Hon.TOM: I rise to answer the question asked by the good and hardworking Member of Parliament for West Makira. I also take this opportunity in thanking him for raising this very important question.

I am pleased to advise this honorable House that despite the ongoing financial constraints encountered by the Electoral Commission's Office, the voters' registration program is definitely on schedule to date. On the question as

to what stage it is up to date, I am again pleased to give this honorable House the overview of what has been done to date.

The overview of the voter registration is as follows: The initial registration period of 60 days is about to end. It is important to note that although the Electoral Commission had initially wanted to start the voters' registration exactly on 25th January 2010, this was practically not possible for those outside of Honiara, due to late payment of operational funds. As such, the actual starting date for the 60 days initial period for each ward was different. This also determines the end of the initial 60 days for every ward as their period of the initial 60 days start counting from the starting date. With these different starting dates, the last ward will complete its full voter registration by 9th June 2010. As I speak, about 80% of wards have completed their Form B and have to date returned them to the Solomon Islands Electoral Office for tabulation. However, we may need a short extension of at least two weeks to allow us to ensure that 100% return of all Form B, and right now the Electoral Office is looking into that possibility.

However, there is a serious point for consideration. While we are currently still very much within schedule and our performance so far can be considered as satisfactory, funding remains our biggest threat as I speak. The Electoral Commission office urgently needs at least \$6million within the next three months to complete the voters' registration and to begin preparation for the election proper in just over four months from now. Finance, therefore, remains the most crucial issue.

I say this because as I speak, a number of disaster assessment teams, at least five, are currently on the ground to assess the possible damages caused by the recent tropical cyclone Ului that has just passed through parts of the country last week. Certainly, people who lost their food and other human securities will need urgent assistance in food, water, shelter and, of course, medicine. Whatever my Ministry can do to help our people depends very much on our ability to respond in terms of finance.

The scenario here is that while the Electoral Office is urgently looking for \$6million which must be available within the next two weeks to complete the voters' registration program, another division of my Ministry, the National Disaster Council is also urgently looking for funds in the regions of \$10million in the next three to four weeks to help our people who have been affected by the tropical cyclone Ului. This is a very difficult situation and I only wish I have the answer.

Hon. SOGAVARE: From the Minister's answer to the question, it would seem that one issue is funds, the \$6million. Can the government assure Parliament

today that this \$6million is going to be priority funding to enable the Electoral Commission fund the processes that are yet to be completed for election to happen?

Hon. Tom: Funding for this is already provided for in the budget but it is the cash aspect that entirely depends on the Ministry of Finance. This \$6million is already budgeted for in this year's Budget, but cash flow depends entirely on the Ministry of Finance.

Hon. Sogavare: It boils down to what is government priority, and we would like to get the government to assure the House that this \$6million is priority above any other conflicting interest or claims of the consolidated fund. We would like to get that assurance today.

Hon SIKUA: In response to the supplementary question by the Leader of Opposition seeking government assurance in prioritizing spending that are required to move the voter registration and other electoral processes moving forward as smoothly as possible, I want to assure the House that the Government has already done its own prioritizing of the expenditures that we need to give priority to in the months between now and the forthcoming general elections, and Cabinet has made the decision.

Yes, I want to assure the House that funds for the moving forward of the voter registration process and the whole electoral processes have been put as priorities on the list of expenditure that needs to be treated accordingly. I want to give that assurance to the House.

Mr Oti: I thank the Prime Minister for that assurance and the Minister for Home Affairs for the response to the question. My supplementary question is in relation to some of the dates the Minister has mentioned. I would like to get confirmation from the Minister and that I am hearing him correctly that 9th June 2010 for some wards would be the last day to satisfy those 60 days requirement for registration. And this was, as he mentioned, because of the delay from the starting date of 25th January and, therefore, giving a leeway of two weeks from 9th January, the conclusion of the registration process in accordance with the requirements of the Electoral Act would be 23rd of June 2010.

Can the Minister confirm that the process should be completed by June 23rd 2010? I want the Minister to confirm from the dates he mentioned that June 23rd 2010 is the date for which registration would be concluded, all the processes of registration? These are from the dates he mentioned.

Hon Tom: The date, 9th June 2010, is for completion of the whole process. The two weeks allowance is to allow time ensure things are done. But really 9th June 2010 is hopefully for completion of all registration processes.

Mr Waipora: This is about financing. How much did you get in your first payment? This \$6million, is it an additional or first payment for the work? What is the first payment? Have you already been paid any amount previously before asking for this \$6 million?

Hon. RINI: The electoral process is a government priority and we are preparing funds for it, and hopefully before the end of this week funds should be disbursed to the Electoral Commission.

Mr Waipora: When is that? The registration of voters started on the 25th January; that is my understanding. From that time when is the time period going to lapse? And then we are going to extend the time to 9th June 2010. Because of 9th June, are you telling us now the general elections would not take place before 7th July 2010 or would it take place in August 2010.

Hon. Tom: I think to clarify matters we budgeted for \$12million in this year's budget to fully support the program. We have already received \$6million and we need another \$3million to complete the process.

Hon. Sikua: The original date for every process of voter registration to be completed, if I can remember correctly, is on the 25th May 2010. The 25th of May is what we have initially put down for the registration process to be completed. The new date mentioned by the Minister is 9th June 2010, which is a request that is currently being considered by the Electoral Commission for the 9th June.

Once the registration process and everything is ready, I am sure that the Electoral Commission will then be in a good position to make a decision on the date for the National General Elections and all the arrangements will flow on from that. We are already aware that the House will rise on the 24th of April 2010, and we also know what the Constitution says, so the last thing the Government would like to do is to have a constitutional crisis in our hands. The date for the National General Elections will be decided upon accordingly, as soon as the voter registration is finalized and everything is then going to be decided in terms of the date of the forthcoming National General Elections. As the Minister has said, we will be making sure there is no crisis emanating from any delay in relation to our National General Elections.

Mr. Agovaka: I heard with great concern what the Minister has stated in regards to financing of the process of registration of voters.

My supplementary question is, in the 2010 Development Estimates under non appropriate funds there is \$12million under (RAMSI) electoral strengthening, has this assistance from RAMSI and Ausaid had any impact on the work of the Electoral Commission in administering the registration of voters or is this funding for a totally different program and therefore has no impact on the work of the Electoral Commission?

Hon. Tom: Funds from Australia is not to cover the election process but it is support towards office work.

Hon. Sikua: On December last year I have written to the Special Coordinator of RAMSI to ask if they could support us with the funding they have under the head mentioned by the Honorable Member for Central Guadalcanal, and they have agreed to spend money to support the office of the Electoral Commission in terms of data processing, printing of forms, data entry, purchase of equipments and things like that. As the Minister has mentioned funds are being spent to support the Electoral Office in terms of equipping the office and stocking stationery and other support the office needs. As the Minister has mentioned it is not really to support the election proper.

Mr. Waipora: I think I do not have any more supplementary questions to ask, but before I thank the Minister I would like to say that information reaching the Opposition Office is that the weakness in the administration of the upcoming elections falls flatly on the Permanent Secretary and his Minister's shoulder. This is not a guess work, and the Opposition has been informed that there are failures in the registration process so far, and this falls flatly on the shoulder of the Permanent Secretary and his Minister.

Honorable Prime Minister, I must warn you that if you do not take command of this work properly the upcoming general election will be chaotic, and that is why I ask this question. With that I thank the Minister for answering my questions.

2. **Mr WAIPORA** to the Minister for Health & Medical Services: Can the Minister explain to Parliament the real arrangement between Australia and the Solomon Islands Government with regard to the ten (10) bed provision for Solomon Islanders in the Saint Vincent Hospital, Sydney.

I am asking this question because, and I am just guessing, but I think it is one of the reasons that cause the swapping over of our diplomats between Australia and Taipei because of a rift between the former High Commissioner and Trevor Garland.

I raise this question as it is very important that the Minister of Health explain to us because this is an international issue affecting those of us in the country. Some of us have been to this hospital and so I want the Minister to clarify the arrangement the Government has made, and if there are any shortcomings, he should also inform us about it too.

Hon. SOALAOI: The question is that the Member would like to know the real arrangements between Australia and the Solomon Islands Government in regards to the 10 bed provision for Solomon Islanders at the St. Vincent Hospital.

Firstly, the agreement is a real agreement, however, it is not an agreement between the Australian Government and the Solomon Islands Government but it is an arrangement between the Solomon Islands Ministry of Health and the Saint Vincent Hospital. The referral of patients to the Saint Vincent Hospital started almost after we gained independence and it was done through private arrangement where people who can afford pay and go to the hospital. It was in 1995 that the Government decided to formalize the arrangement and a MOU was signed between the Ministry of Health and Saint Vincent Hospital. During that time the then Minister of Health, the Honorable Gordon Mara signed on behalf of the Ministry and the CEO of the Saint Vincent Hospital at that time was Doctor Ron Spencer. The arrangement became formal on the 16th November 1995. Before that, our patients used to go there but on private arrangements between people who can afford to pay to go to Saint Vincent and the Hospital.

The other important thing we need to note in response to the question is that this is a 10-bed arrangement and it is only for those patients requiring high level tertiary care, where our Referral Hospital cannot afford to treat here. There are certain criteria used to refer patients to Saint Vincent Hospital used both by the Ministry of Health Overseas Referral Committee and also the Committee on the other side.

What happens is, when you go to a doctor for treatment, that doctor requests your referral to that hospital from the overseas referral committee here. That particular doctor will request from the committee to refer you, and then the committee sits down and considers that request based on the following criteria:

- (i) clinical conditions referred to overseas must only be those that are life threatening, and have a good prognosis for full recovery. This means if

- your condition is not life threatening you cannot be referred. And that you must also have a chance of recovery.
- (ii) Conditions referred must also be those that do not require ongoing high cost and clinical interventions following treatment. What this means is that those we send are those we are sure are going to be treated and can return quickly because it is quite expensive to keep patients long in Australia.
 - (iii) Patients requiring renal analysis therapy, transplant renal dialysis or pulmonary hypertension are not often referred. Those cases I mentioned, some of us might consider as serious, but the committee's criteria is that they may not be referred, then it means our specialist doctors here will look at them until such time they see the need to be referred before they can go.
 - (iv) Late presentations with poor prognosis such as advance cancer referrals are unlikely to be accepted. It means if there is a case that even though is life threatening but it looks like it is already late and the chance of recovery is slim, the patient would also not be referred to Saint. Vincent.
 - (v) Case must be curable and have good quality of life normally five years after treatment. Because we spend our money on patients that go, we also want to ensure that they will be cured. We do not want to send patients that we know will not make it or will die whilst travelling on the plane, the committee might not refer such a case.

If a patient is approved by the Overseas Referral Committee in here, our medical superintendent who is also the chair of the Committee will send a letter of recommendation to the Committee on the other side at Saint Vincent hospital. Not only we in here have a committee but the other side also has a committee which also uses the same criteria that I have already informed you about.

The person that the Honorable Member for West Makira mentioned is our honorary consular in Sydney, and he is the one responsible for patients that referred there. When a recommendation was made, Mr Trevor will submit the letter and clinical notes to the appropriate specialist at Saint. Vincent. When you go to St. Vincent, depending on whatever your case is, you do not go to the general wards, but go direct to a specialist who deals with your condition and works on you. He receives the notes from Mr Trevor, analyzes it and then decides whether to take you in or not. So it is not only our committee here and the committee at St. Vincent, but the specialists who are going to deal with the cases also have a part to play in making the decision whether to send over patients to St. Vincent or not. If a specialist says he can deal with it, he then accepts it and it comes back through the same process and Mr Trevor will advise

our committee through the Chairman, which is the Superintendent of the National Referral Hospital, and the Ministry will prepare the necessary travel documents of the patient to go over, which includes the payment of air ticket, return air ticket, visa, and also must prepare to support that patient whilst there at St Vincent.

Depending on the condition of a patient, the patient is sometimes escorted by a doctor or nurse. When a patient gets to Sydney they are accommodated at a patients' accommodation, which is just next to the hospital where they are continued to be reviewed and assessed before being admitted at the special wards where the specialists are.

I believe that answers the question, unless there are other things that need to be cleared, I am more than happy to continue to explain the arrangement.

Hon. Sikua: The questioner alludes to the transfer of our High Commissioner to Australia to Taipei and the posting of our Ambassador in Taipei to be our High Commissioner to Australia in Canberra. I want to allay any allegations that the transfer of our High Commissioner to Taipei and the Ambassador in Taipei to Canberra has nothing to do with any dispute. In fact, our former High Commissioner to Australia was responsible in solving the ongoing disputes that have been going on for a very long time and the suspicions that have been going on between our honorary consul and some of our people in Sydney.

The transfer of our High Commissioner to Taipei and the Ambassador in Taiwan to Canberra is simply because of the fact that our Ambassador in Taipei has been in Taipei for six years. He was going seven years as of February this year and therefore having been there for that long, we thought it prudent to make that change for him to come to Canberra and switch him with our High Commissioner in Canberra, Australia. That was the reason and nothing more. It has nothing to do with any disputes or argument that could be going on.

Mr. AGOVAKA: If I may go back a bit. I was a student in Sydney and I have had the privilege of assisting some of the patients that were sent over to St. Vincent. My supplementary question is about rehabilitation program. Of those patients that went to St. Vincent Hospital and return to Solomon Islands, is there any rehabilitation program for them. And I will give you a case in point here. The former late Member for Central Guadalcanal who was involved in a traffic accident which left him in a very bad state was sent to Sydney and came back, and I was told by the doctors there that he needs to undergo rehabilitation. My supplementary question is, is there any rehabilitation program for patients coming back from Sydney?

Hon. Soalaoi: The answer is, yes. There is a department in the hospital that looks after rehabilitation. I think some of our colleagues are currently receiving such assistance from the National Referral Hospital, and will continue to be under this program until they fully recover.

In addition, rehabilitation in fact starts from the other side where recommendation is made whether a patient should be under rehabilitation when he/she gets here. If the other side does not recommend rehabilitation then it is up to the patient to come again to the hospital seeking assistance from our doctors there.

Hon. Sogavare: Just for the interest of Parliament, how many people are still on the waiting list to be sent over to Saint Vincent this year?

Hon. Soalaoi: In fact, we still have a backlog of patients waiting to go, and as I am speaking the number I can still remember is 15, and by now I know it is more than that. Even though they have been referred to go, the process that I have explained is really what we are waiting for. When the specialists who are going to deal with you say yes, then the Ministry will just prepare the tickets for the patients to go.

Hon. Sogavare: Maybe for long term planning, I think we cannot continue to send our patients forever to hospitals abroad. Those on the waiting list are people who need urgent medical attention for serious illnesses they might have. In terms of long term plan as a country, what is the Ministry's plan in upgrading our facilities to address the kind of cases that we normally refer abroad?

Hon. Soalaoi: The issue raised by the Leader of Opposition is what the Ministry is working on. One of the things that happen to patients who are waiting to go is that while waiting some have recovered and some of them our doctors continue to work on them and our hospital is improving in terms of service delivery. We have a good number of doctors who have been upgraded and have become specialists in certain areas. Those who are in the waiting list to go, when our specialists returned their names were removed from the list because they are treated here and so the operations they were supposed to do in Australia can also be done here by our doctors.

Also some cases that were supposed to go to Australia did not go because of medical teams that have come to visit us like the medical team of Taiwan, one team from Australia, and recently from the USA. They attend to patients whose names are on the list waiting to go. We are hoping that the upgrading the

National Referral Hospital is going through will eventually see a decrease in the number of cases being referred to the St Vincent Hospital for treatment.

Mr Waipora: First of all, I thank my honorable Minister for giving a true answer to my question that the arrangement is not between the two governments but it is between the Ministry of Health and the St Vincent Hospital.

Whatever corner you might come from the two governments are drawn in. My question is, it seems to me that arrangements are just between the doctors in the Ministry of Health and Medical Services and St Vincent Centre.

You also mentioned that a former Minister of Health signed the contract. Does the Ministry not think that that arrangement is somehow risky because it can be terminated anytime because it is an arrangement between the two authorities, the St Vincent Hospital and the Ministry of Health & Medical Services? This is because the Hon. Minister has already denied that this is not between two governments, but whatever we might say it is the government that runs it. Do you think there is no risk of anytime anything big come out that marriage can break away anytime?

Hon. Soalaoi: I think the question is very important. In fact we are looking into other areas where we can expand this arrangement. The question of whether the arrangement is at risk, we do not want to put this arrangement at risk.

The Ministry even though is acting on behalf of the government always maintains it should not politicize anything involving health. The hospital concerned too has being very understanding that regardless of and despite of what is happening between us whether it be political or of any nature that might put the arrangement at risk, we believe health is an area that should not be jeopardized because of other interests. I do not foresee any risks at the moment because we are talking about expanding the arrangement from 10-beds to say 20 or 30. If anything happens, the government, I believe, any responsible government will want this arrangement to continue and we should not associate it with any other conflicting interests that might come up in the future.

I always say to our advisors in the Ministry that whatever happens I always act on behalf of our sick people. The fact that I as Minister and whatever I do is on behalf of the government, the government would be very supportive of anything that we do in the Ministry that ensures the health of our people continues to be protected in good and bad times.

Hon. Sogavare: Just for the Minister to explain to the House. I understand that sometimes it goes above 10 beds. Who meets the cost of the number above 10-beds?

Hon. Soalaoi: Every year we used to send more than 10 and so that ten is only name. That is why we thank St Vincent for being very understanding most times. The average number of patients we send every year is 20. At one stage we sent 40 and that is the reason why we are looking at increasing the number from 10 to more than 10.

The costs are borne by the Ministry of Health and, of course, aid donors like AUSAID are making funds available for that through the Ministry. Just for your information, when a patient gets there we pay for his or her accommodation, food, local transport whilst there, consultation fees, special tests not done at St Vincent but done by private practitioners, and we pay for those. Sometimes because the hospital works on bookings, when our patient arrives and is a very serious condition that needs to be quickly examined they engage private people to do the test, and the tests are normally very expensive and we also pay for them.

The average amount of money the Ministry spends in looking after a patient in one month is about AUD\$3,000, and that money, as I have already mentioned, includes those things I have already told you. Even though it is a 10 bed arrangement, for your information, every year we send more than 10 patients and there are discussions now to upgrade the name as well so as to match the number of patients we usually send every year, and the highest number we ever send in a year on record is 40.

Hon SIKUA: For purposes of clarification, when it comes to Members of Parliament and constitutional post holders, the cost of sending Members of Parliament overseas is under the Parliamentary Entitlements Regulations, which sometimes, Mr Speaker, I used to send bills up here but if you send it down to me again, then I will just meet it under the Prime Minister's vote.

We must not compete with funds that are in the Ministry of Health for our ordinary people and our people from the villages or whoever is critically ill. We do not compete with funds in the Ministry of Health but funds expended for any Member of Parliament that needs the attention of St. Vincent Hospital comes out of our budget under our Parliamentary Entitlements or under the contracts of constitutional post holders. I would like to clarify that because sometimes people have the thinking that only Members of Parliament are being sent to St. Vincent all the time and therefore using up all the money in the budget unlike ordinary people and other Solomon Islanders. We do not use up the money in the budget that belongs to our people, but rather the budget we have under our Parliamentary Entitlements Regulations which is either under Parliament or the Prime Minister's vote.

I would like to make that clarification so that it is clear to our people because sometimes comments to that effect used to come out on the newspapers but it is not like that. And as you know health and the wellbeing of our constitutional post holders and Members of Parliament is very important, and when requests are put to me, I have no hesitation in making sure that a colleague Member of Parliament must get the necessary treatment, in order for him to come back healthy and continue to fulfill his work, which is running this country.

Mr Waipora: I would like to thank the Honorable Minister for answering our questions and supplementary questions from this side of the House. I also thank the Honorable Prime Minister for helping out in clarifying some of the points, which causes confusion to the public.

Lastly but not the least I would like to thank the St. Vincent Hospital in Sydney for continuing to deliver services up until today. It is not only very encouraging but we are very thankful indeed that we say only 10 beds but it is 40 beds, it is going up to 40. I want to put on record my humble thank you to St. Vincent Hospital, especially the specialists and people working there to save the lives of many Solomon Islanders. With that, thank you very much

Mr Speaker: That concludes our question time for today.

BILLS

Bills – First Reading

The National Parliament Electoral Provisions (Amendment) Bill 2010

Bills – Second Reading

The Protected Areas Bill 2010 (*debate commences*)

Mr KENGAVA: Thank you for this opportunity to contribute to the debate of this very important Bill. I would like to thank the Minister of Environment and staff of the Ministry for tabling this Bill in Parliament. The Minister himself must be congratulated as being the pioneer Minister for raising the importance of environment in this country. I must congratulate the CNURA Government for that as well.

The Bill itself, though very small, is very important for the future of this country. I fully support the five objectives and intention of the Bill. First is the

provision under Part 2, which is to establish an advisory committee and the functions they will carry such as advising the government on policies, advising the government on implementation and monitoring of the intention of the Bill, assist to formulate, develop, approve, implement, and also to monitor and review a national biodiversity strategy, etc. This clearly shows the importance of the role this committee will have to play and therefore the membership of the committee, in my opinion should also have provincial representatives and four other members provided for in Part 4(1)(d). We should consider having four (4) regional representatives from the provinces. The Ministry should look at zoning the country into four regions; environmental zones and have four regional reps.

The advisory committee, in my opinion, is a very powerful committee in this particular Bill if you look at the range of functions and powers it will have. Therefore, the views of provinces should reflect the landowners' environment that the committee will be dealing with.

The second objective of the Bill on the need to provide mechanisms to help government to declare protected areas, in my view, this is well covered in Part 3 of the Bill. I believe if this Ministry had been established some 20 years ago, probably we would have saved a lot of our rainforests and wildlife dislocations, especially from logging operations in this country. I think this Bill is a real way forward to help us save the remaining rainforests in this country, those in the mountains and the ridges, may be the valleys and whatever pockets of rainforest we still have left in this country spared by loggers. At this time when mining operations are now coming into full force, the government needs a lot of money and therefore is opening up mining prospecting, I think this bill comes in at just the right time. Although forest cut down trees but in mining, if it is an open pit mining they will not only cut down trees but actually scrap out the earth or the soil, and so this bill is very important and must be implemented in this country very quickly.

The appointment of the management committee, as stipulated in Objective 3, involving landowners of a protected area is a wise decision. I think landowners must be part of this management committee appointed by the advisory committee, and the advisory committee should provide technical support to the management committee and in this way it is very important, particularly it is a new field of livelihood activities for our landowners or people in the rural areas. I only hope that funding will also be provided for the committee in order to make the establishment of protected areas either it be for national parks, provincial parks or reserves to be successful. Because while we are going to declare certain areas as protected areas, although it might be the wish of landowners, the Government must be aware that declaring an area as a protected area also means that some form of livelihood by landowners from that

area is going to be restricted, especially the selling of timbers, etc. These are the things we must bear in mind. Or if we are going to declare an area a protected area, we must spell out clearly what can be done and what cannot be done in that area, so that a protected area can still allow people to make their gardens, to cut trees for building of their houses but not for commercial use. These are the things we must come out very clearly with so that people will understand what a protected area means. But if we protect an area and restrict it entirely from not only commercial but also subsistence living, then we are going to deprive landowners from their livelihood and, in my view, most people will not be very happy to allow their area to become a protected area.

Thirdly, I think the establishment of a protected area trust fund under the Constitution is a very good move. I think the Ministry is wise enough to do this because an area cannot be protected without funds to protect it. My only strong suggestion is that the advisory committee must try its best to spend 80% of that fund on protected areas and not so much in holding meetings, workshops, overseas travel or used by the Ministry itself for its own operations, which is usually the problem we are facing when we set up special funds. I think the special fund must be spent on the protected areas to make it become a successful undertaking by this country.

Lastly, on the point of biological diversity research and biological prospecting, this is a must move that must be done. This Bill, for the first time, in my view, gives full responsibility to a particular ministry or department to look at these two areas. Before that, from my understanding, I think it is very much clouded in the Ministry of Forestry, the Ministry of Mines, the Ministry of Education about research and all these kinds of work. But now, I think for the first time, we are given a particular ministry to deal with this and this is very good so that it can protect and also helps us.

The regulations are well covered by the Bill but we need the Advisory Committee to decide properly who to give license to for research or for prospecting, such research and prospecting licenses must be done in good faith not only to benefit the researchers and the prospectors but very much to benefit landowners, those owning the environment, rainforests, the rivers, the mountains and also the Government. The Government must also get something in return, and not so much allowing researchers get their doctorate, to get their educational result, but to help in a win-win situation for the country. The landowners must also see that there is benefit in having people coming to do research and prospecting in their environments.

Lastly, the involvement of provinces in enforcing the Bill is very crucial to the success of the objectives and the intention of the Bill. Therefore, I would like to suggest that provincial inspectors need to be established to help the Advisory

Committee and the Ministry. It is not wise and good enough to have people in the Ministry as inspectors, but people right down in the provinces must be the inspectors, like forestry officers living in the provinces to help forestry owners, likewise we must have provincial inspectors living in the provinces to help landowners or people who would like to see their land or area declared a protected area or established areas like national parks and reserves.

In concluding my brief contribution to this Bill, this Bill is not only to protect the environment because if done rightly and properly, it would enable Solomon Islands become a beautiful and attractive country for tourists, anthropologists, researchers and landowners themselves. Firstly, the Ministry must be given the resources, both manpower and finance to implement this Bill starting this year. The establishment of the Advisory Committee should be of priority. Secondly, in my view, each province should be tasked or mandated to at least indentify two to four areas designated as protected areas in a particular province so that this Bill can be meaningful. Protected areas should aim at preserving sites for scenic attractions, like mountains, waterfalls, rivers, and other nice scenic situations right in the middle of the islands. It also should aim at identifying areas to regenerate rainforest and wildlife, especially logged out areas. Identify areas that have cultural and traditional heritage, their roots of our people are areas that should be targeted. Maybe together with the Ministry of Tourism and Culture this can be done.

I think even the war relic sites, especially on the island of Balalae, which has a lot of controversy over it. The Ministry must look at this very carefully together with the Ministry of Tourism and declare that place a protected area so that there is no removal of the last remaining war relics.

I think for Choiseul, an area, I am thinking about that should be looked at very quickly is the Vatsu River and the Kolobangara River rain mountain source. These are the two biggest rivers in Choiseul that come from the same ridge right in the middle of Choiseul. Kolobangara River flows out to the southern part of Choiseul and the Vatsu River flows out to the northern part. I think logging operation now is moving into the direction of those rivers and we must quickly look into this otherwise the volume of these rivers will start to go down and there will be a lot of problems there. These are examples of sites that I think the Ministry must work together with the provinces to start identifying two to four areas to start off as protected areas.

Within a space of two years, in my view, the CNURA Government with the visionary Minister of Environment are now seeing the first fruits of banking our cards on developing the recognition and protection in enhancing environment in Solomon Islands as a future resource of this country. With the above few remarks, I support the Bill.

Hon. SOFU: Firstly, I would like to thank the Minister for Environment for bringing this Bill for us to debate on the floor of Parliament. I also thank the officials of the Ministry for their hard and good work in compiling this Bill.

This Bill is very clear as defined in Clause 3 in this Protected Areas Bill 2010. Our resource owners in the rural areas of our country in Solomon Islands would want to enjoy and get benefits from the natural environment of our country. The livelihood of our people depends very much on our environment, especially our rainforests because people use the forests to get their food and water for drinking. Even the sea, our people also use resources in the sea for food and also sell it to get money to benefit themselves. This Bill is therefore very important for people in the rural areas.

Our country's birthrate is very high; our population is growing very fast, it is one of the highest birthrates in the world so we need to control this, we need to do something about this very high birthrate. Maybe this Bill, we can see its tabling in this House as very late, but for me it is not yet late. I think it is time that we put something in place to help and guide our people to understand the use and care of their resources.

A majority of our people in Solomon Islands depend on subsistence farming where the trend is that they clear the bushes and make gardens for their survival. A lot of our land areas have never been used. Some areas are still untouched by men or by logging operations and so I think it is very important for our people to understand the importance of protecting areas like this.

Our people living at home they hunt and they do things that sustain their lives. Therefore, it is important that this piece of legislation gives them sufficient information so that they keep areas that are special, may be special species are found there too. In regards to development activities that our rural people in the past and the present have been focusing and are still focusing on, the focus is on big operations like logging, the benefits of which our populace enjoy for only a very short time. They are happy with it, but not for long because important places are damaged and ruined. I therefore see this Bill as providing important information to our rural people to understand the importance of preserving their land and environment so that they come up with proper planning on how their lands are going to be used.

We have heard our very own people shedding tears because of destructions happening in their areas. I therefore see it as very timely that the Minister brings this Bill to Parliament. I strongly feel this Bill is long overdue but the Government must see that our rural people come to realize the long term benefits that can bring to them and that they aim to achieve.

We cannot impose restrictions on every resource in Solomon Islands, but at least we come to recognize some potential areas, and with the understanding of resource owners we can actually preserve certain areas. Part 3, Clause 10(1), specifies the type of areas which the Minister may decide to declare the protected areas. Subsection 2 also tells us of the processes of conduct before recommendation for declaration is made. This is very important information for our rural settings.

While we may look at the consultation process in the field that there may not be enough consultation process being taken, I believe when this Bill is passed a lot of work will be done after, where consultations will be made with certain stakeholders. I know that there is a ministry of provincial government in our provinces they will go through to reach the provincial governments and even the rural villages.

Public notice is also part of the process as specified in Clause 10(2)(f), and therefore any progress towards declaration can only be realized if there are no objections. There are requirements that must be met before the actual declaration for protection. I believe it is through the processes that stakeholders would come to realize and fully understand the real situation on the ground and the benefits in the long term. People may ask how protected areas would benefit resource owners and the rural people at home. It is very clear by looking at this Bill that in the long term, our people will certainly reap the benefits.

Understanding the usefulness of the ecosystem and the natural habitat is known by a handful of Solomon Islanders and therefore it would be unfair to our resource owners to decide and protect their resources, without legal support, especially when they face pressures from population explosion, cash dependency or development. As I have said earlier on our people in the rural areas need to know and need to understand their resources. But in the absence of any legislation to guide and give them sufficient information they find it very difficult. Whatever activity, so called developments in the name of development when it comes, it affects and influences the thinking of our people in the rural areas and so it is important that we inform them so that they are aware and can do it to benefit them in the long term.

The benefits are long term in nature and I believe our resource owners will come to realize through consultation the reasons for having to protect and conserve our natural areas. I believe in rural areas throughout this country, some special and unique things are there and those unique things can only be there if we protect the areas those things are in. Let us say special parrots that cannot be easily found are located in a certain area, and those parrots can be there if the area they are in is protected.

As I said earlier, this Bill is long overdue and the best we can do for our people is to get the Bill passed on the floor of Parliament, and I believe that both sides of House, we pledge our support on this very important Bill

Before I take my seat I wish to once again thank you for the opportunity to contribute. I promise to be brief and so I am brief. I have shared my views on this Bill. It is a bill that all of us must support if we really do care for our future generation. With these few remarks I support the Bill and I resume my seat. Thank you.

Hon. RIUMANA: Thank you for the opportunity to briefly contribute on the Protected Areas Bill 2010, and I shall be very brief. In so doing, I join the others to thank and congratulate the Minister for Environment and Member of Parliament for Kolombangā and Gizo and officials who have participated and contributed in the formulation, drafting and compiling of the Bill now before Parliament. Given the current trend of economic development and learning from our past experiences, this Bill comes at a time when we as a developing nation most need it.

I am obliged to contribute on this Bill because agricultural activities, one way or the other plays a very important role on the bill. Agriculture involves removing original vegetation replacing it with complete new vegetation and the process of removing and replacing the vegetation may result in significant impact if our activities are not guided and directed. In my opinion, this Bill is like a compass to guide, direct, shape and mould the future destiny of this nation towards achieving sustainable development that many programs and projects echoed but could not achieve the ultimate objectives.

Solomon Islands, as we all know, consists of gross landmass of about 28,000 sq kilo meters. Over centuries in the past and the future years to come, our landmass will remain relatively constant or otherwise reduced due to soil erosion and wash-offs. Solomon Islands according to the 1999 statistics has about 500,000 inhabitants but with high birth rate our population will drastically increase in the not too distant future.

Increased population upon relatively constant landmass creates pressure that will result in uncontrolled human activities. Land is one of the most important resources, which hosts most of the natural eco-system that forms or provides the basis of all attributes required for by living creatures. Mother-nature created, shaped and mould with beautiful undisturbed natural habitats of living creatures enjoying the ecology and the eco-system. Increased population with improved technology upon relatively constant landmass put pressure on limited arable land and consequently may result in corresponding human activities that could either be negative or positive tangible impacts. All human

activities must be guided, directed and controlled to achieve and realize development that is environmentally friendly and harmonious to the eco-system that in turn supports human existence. On that notion, sustainable development is not only about conservation nor preservation. I think our rural people for ages past have been misinformed of the true definition of sustainable development.

Sustainable development in my context is the proportionate balance between social, ecological and economical values. It is the give and take between these three values based on a win-win situation and not lose-win or win-lose situation. That is, one has to sacrifice social and ecological values for economical gain and likewise, one has to sacrifice economical values for social and ecological gains. I believe the Bill before us manifests these principles.

Let me briefly contribute on logging activities. Many of us have seen and talked so much about the negative impacts of logging activities in the country, but we fail to appreciate and acknowledge the contribution they have contributed to this nation. We fail to accept and realize the fact that logging activities is prerequisite for further economical activities. In agriculture, we cannot plant oil palm, cocoa or coconut under the jungles. We cannot plant sweet potatoes, cassava, vegetables and other root crops in the forest. In order for agriculture undertaking to take place a given land must be clear felled to pave the way for agricultural activities. It is, therefore, our responsibility with the support of our development partners to seriously adopt policies that will enhance total approach by converting logged over areas for further agricultural undertakings so that our rural people can equally participate in economic activities.

Subsistence farming practice, which most of our rural people adopted in ages past has marginalized the ability of our rural people to improve their living qualities. Population pressure has significantly contributed towards reducing the fallow period and consequently resulted in reduced production and subsequently leads to erosion, sedimentation, increasing pest and disease infestation.

Climatic uncertainty as a result of climate change is a great challenge to our farming activities. The unpredictable weather patterns make farming very difficult. Increased pests and diseases due to inconsistent climate conditions is foreseen. Flooding and droughts are likely to happen every now and then and these will have significant impact on agriculture activities and our food security. Efficient and effective use of our limited land resources, promoting proper agronomy and husbandry practices must be advocated and encouraged.

There are indications that we are slowly moving away from conventional farming practices into more commercial and mechanized farming activities. The oil palm plantations, the rural rice program improved vegetable production,

coffee and kava plantations, cocoa and coconut plantations are some examples that have been and soon will be commercialized in the world of economics and technology. The Bill before us will help direct our undertaking. Given our scattered geographical location, all our islands have specific attributes. Our terrain model and land forms including soil texture and structure may vary from place to place. Although our land resources can be improved with improved technology, adopting appropriate husbandry and agronomic practices, let us be reminded that not all agricultural activities is suitable to all land forms and not all land forms is suitable to all agricultural activities. Likewise, there are land attributes that must be protected for ecological and social values and there are land attributes that must be given away for economical gain.

This Bill is the yardstick to encompass us toward achieving sustainable development for not all sites are suitable to all human activities and not all specific human activities are suitable to all sites. With these brief comments, I beg to support the Bill.

Mr NUAIASI: Thank you for allowing me to be very brief in debating this important Bill, the Protected Areas Bill 2010. All of us know that Solomon Islands is one of the beautiful nations in the world, and there are diverse plants, birds and everything in the forests.

Before I speak on this Protected Areas Bill 2010, I would like to congratulate the Minister for Environment and his officials for seeing fit in bringing this important Bill to this House for us to pass so that our forests or our Solomon Islands is protected from exploitation.

The Protected Areas Bill 2010, which will be the first of its kind for the Ministry to have, ensures that it is the custodian of the ministry, will have a lot of effect on our forests and the environment. The Bill will allow the Minister to have his advisory committee to see and protect areas, which they know or they see fitting for Solomon Islands to be protected from other users.

Solomon Islands is a small country that needs to be protected in all its activities. When this Bill is yet to come to Parliament a lot of activities have been going on, and we all know it, some of which destroy the environment of Solomon Islands and some are good for the people of Solomon Islands. The livelihood of our future population and generation is very important at this point in time. I think this Bill comes in at the right time so that we protect Solomon Islands, a beautiful nation with its unique environment and unique natural resources.

The Bill is very simple but very important. The simplicity is in the Bill itself, and reading through it is very clear. However, I stand here to support the Bill because it allows the Ministry and the Advisory Committee that is going to

be established to work together with non-government organizations that have been in place for quite a while now to ensure that our environment is well looked after and well developed for the benefit of our generation.

Having said that, I am also concerned that this advisory committee should also include officials or people in the provinces some of which are landowners and some of which are provincial members so that there is understanding between the national government, the provincial government and landowners.

The Bill clearly covers areas of concern and it is clear enough for us to see the areas that the Ministry will be working on. The amount of input into this bill is alarming because they made a lot of consultations in their own areas of expert and produce this Bill, which is now before the House.

What Parliament needs to do now is not to dispute the Bill, but pass it so that the Minister and his officials can work on it in ensuring the environment of Solomon Island is protected and conducive to the development identified. A lot of our good areas have been exploited, not only in the forestry sector but also the marine resource areas, even our gardening areas, we have been making gardens on areas that should be protected thereby we lose the beauty of these places. This Bill will give the Ministry and all of us to understand what we are supposed to be doing in regards to our forests, our marine resources, etc.

As I have already said I will be very brief, and so having said that, I am here to support the Bill and ensure it is implemented by the Ministry so that areas of concern or areas that have not yet been exploited and conducive for developments that are identified are protected so that we enjoy it in the near future. With these, I support the Bill.

Mr BOSETO: Thank you for giving opportunity and I now rise to share my very brief contribution to the debate on the Protected Areas Bill 2010. I first of all, thank and congratulate the Honorable Minister of Environment, Conservation and Meteorology for his presentation of this Protected Areas Bill 2010 to this honorable chamber.

My very brief contribution will be more focal, contextual and practical within my own island of Luru. On behalf of the Luru people and also Choiseul Province, I fully support the course of action the Ministry has taken in this written legal document. The Luru Land Conference of Tribal Community through its memorandum of understanding with both the Choiseul Province and Nature Conservancy, in our working relationship, has maintained its firm conviction that Luru Island is our household of life, our future.

In its 14 general meeting in Susuka, North West in 1994 the Luru Land Conference of Tribal Community made the following statement entitled, "*Land is the foundation and home for whole life*". This is our understanding of land,

land resources above and under it cannot be just legally separated to the question of land is the foundation and the home of whole life. The life of our individuals and the communities is intertwined within the interrelatedness of life in human beings, in trees, plants, in animals, in insects, in birds, in fish, in reptiles and so on and so forth.

Just last year in October 2009, the Nature Conservancy staff presented its preliminary findings of the Choiseul Conservation Planning exercise to the annual general meeting of our Lauru Land Conference held in Soranamola village. Following the presentation, the Lauru Land Conference participants provided their unanimous support for two recommendations forwarded by the Nature Conservancy and the Lauru Land Conference Environment Committee. The two recommendations are first: establish a Lauru ridges to reach protected areas network. Second, each area committee in Choiseul, we have 12 area committees; establishes at least one marine protected area and one terrestrial protected area within the next two years. It was agreed by the Lauru Land Conference that the implementation of the Lauru ridge to reach protected area network will remain a community driven process that is guided by the Choiseul conservation plan.

I believe there are already similar indigenous bodies existing in other provinces which can be recognized and given legal status by the Government to work with the Ministry of Environment and Conservation and other relevant ministries and non government organizations. The one that comes to my mind is the Isabel Council of Chiefs in Isabel Province and the Isabel Province Natural Resources Management and Environment Protection Ordinance that recognizes customary ownership rights and customary use and occupation of reefs and lagoon waters.

I noted in Part 2 of the Bill, the establishment and functions and powers of the protected areas advisory committee. In my humble opinion, this establishment can become very expensive and more time and papers consuming and will continue to widen the gap that already exists between spoken words and written words and between technical words and incarnate words for the mediation of the policy of rural advancement or bottom up approach.

The contextualization of our human base of our cultural, social, political and racial diversity for our national identity is a living human root of our united and uniting nation building. Therefore, I believe our Lauru Land Conference will continue to actively participate in the policy of bottom up which means development is people centered in order to take care of our mother island of Lauru which is our household of life and our future. With those few remarks, I beg to support the motion.

Mr. WAIPORA: Thank you for this opportunity, and I will only take 10 to 15 minutes. It is very important that the Government comes up with such legislation and the Ministry of Environment should be congratulated for coming up with this legislation.

I will be speaking in support of this Bill but before supporting it I just want to point out some of the mistakes and some of the things that have been overlooked when dealing with this Bill. Do you know what happened when we interviewed witnesses on this Bill? The Permanent Secretary of the Ministry of Provincial Government never answered questions we put to him because he has never been consulted. This Protected Areas Bill 2010 is a bill developed to deal with more than 85% of customary land in this country. When they were working on this Bill we did not see any report on consultation with the provinces and that is why I am concerned. The Minister will tell me what they have already done but if they have not done anything and we have never seen any consultation report throughout the country on this Bill.

If the provincial authorities were consulted as they are entitled to, if the customary people have been consulted on this Bill, it would have been different when it was drafted because they would have been well equipped with information. I know that this Bill when implemented, they would then send people to make consultations on what areas are to be protected. I think that is what they were saying. But I think we should have some respect to consult our people before coming here. Why centralize things in your own views to come up with bills that affect 85% of customary land in this country. This is what we must realize so that we respect our people when dealing with things that are going to affect their lives.

I emphasized this point because Anavon island, for example, in Isabel Province, the people living there, the Kia people would really want to protect that place but they do not know how to do it. They wanted to protect that place. I was their Provincial Secretary at that time and so I dealt with those people. They told me they wanted to do this and that and so we told them that that is possible under Schedule 4 of the Provincial Government Act where an ordinance can be enacted to protect Anavon Island. They asked us how to do that and I told them to meet and consult the people of Choiseul Province as well because they too are also affected by it. The people did that and it came to the Provincial Government of Isabel before we passed the ordinance to protect Anavon Island. That was how we dealt with it.

With this Bill, the national government is dealing with lands of the whole country, but it never consulted the people? What is CNURA's policy on this? I also questioned it? I cannot see any CNURA policy on protected areas, none at all. Although we support this Bill, and I support it on the basis that people who

will be appointed must go down and thoroughly consult with people who own the lands. Those people who are appointed must be honest people too, otherwise they would be just like forestry officers who go to the log ponds and when they are given money they allow the licenses or whatever. Those are the kind of things we must be very careful of.

This Bill is very important as far as landowners are concerned because most of their taboo sites, custom areas, and historical places have already been damaged by the logging operations. And it is only on this basis that I will support this Bill, but it must be dealt with properly because it is affecting the lives of the people of this country. That is what I want to voice out and want to talk very seriously about this because I am talking on behalf of the people of this country because they are the ones who own the lands that are going to be protected. This is not to protect the Botanical Garden down here, no. We are talking about protecting the lands of our people. My colleague here has just talked about the Luru land. Although the Minister will properly answer the concerns that I raised, at least I am talking as a national leader to see that I have concern about the lands of the people of this country, and it is in the preamble of the Constitution that land, more than 85% of land in Solomon Islands is in the hands of the people of this country.

Those are my concerns but I support this Bill and I congratulate the Government for coming up with this Bill. We will never be developed in this country, we will never progress in our development in this country if land in Solomon Islands is not put right, all the lands in Solomon Islands. Taiwan sorted out its land ownership and that is why it is prosperous. I think that is one of the approaches we are going to do to protect our areas in the country. In my own province we are badly affected by logging and so when I see this Bill when we go through it during the Bills Committee, it gives me some basis to talk about the logging operations that really ruined West Makira.

The very important thing when passing this Bill is that when it is implemented, the Provincial Government Ministry and the provincial offices in the nine provinces and the Government must respect our people by working together with them making sure it is thoroughly done in their places down there in the rural villages.

I will be coming back in the 2010 election and I want to see that you deal with this Bill properly in the West Makira Constituency. I will be coming back in 2010 to talk about protecting my areas in West Makira, because some of you here are not going to hear me say this after the elections.

With those few remarks, I thank the Minister and the Government for bringing this bill.

Mr. BOYERS: I too would like to join the other colleagues who have spoken in congratulating the Minister for tabling the Protected Areas Bill 2010. I probably congratulate him for the presentation of this bill, which is 15 to 20 years too late. But it is a step in the right direction showing that our country is moving forward in a more responsible agenda in dealing with our resource and our traditional people and their right to those resources.

The issue that I am concerned about in relation to the report of this Bill is incentives to customary owners. It is not very clear what the incentives are. It sounds more like an awareness program that if they do not protect their areas they are going to lose it. This brings me back to a part of my history as a conservationist at heart when in 1992 I was invited by the people in Marovo to look at the possibilities of logging on Gatokae. I spent a week there with the people and firmly made up my mind that I was not going to go into logging as I believe there is a better way the people could maximize their resource and still have it standing. This led me to a meeting with the Forestry Department, the Worldwide Foundation and other NGO's in the Ministry of Forests where a proposal was put forward by me to them on how they could be partners with resource owners in managing their resources in a sustainable manner still enjoying their traditional privileges without exploitation of the environment. The answer was very clear that if the people do not take responsibility of looking after their own resources they are going to lose it. Ten (10) years down the track as predicted, Marovo has now been logged, when it was zoned as a world heritage site, but now you can see vines and creepers.

The disappointing issue is that if we are going to have true conservation in this country we have to have true partnership, and with partnership there has to be incentives for landowners to protect their resource so that the rest of the country and the world can enjoy its benefits. It is no good telling this to a landowner who is living with no electricity, running water, 20 miles from a clinic and having a little child with malaria and having to paddle that distance to get medicine from the clinic. Our people are more interested in harvesting their resource so that they can have the money to improve their standard of living. There has to be an incentive.

I am talking about protected areas, and this Bill basically reflects what has been happening in Vona Vona and Roviana for the last 7 to 10 years. I think we have more marine protected areas than any other places in the country. And this is because a particular NGO, a professor who has been working independently and very hard with outside organizations created incentives for landowners such as clinics, schools, awareness programs and a management program so that people can manage their resource by themselves. So there you have sustainability as an example of these marine protected areas. I believe it has been

successful in other areas like Marau etc. When we are talking about holistic conservation we are talking about land based, and considering that there are very few places left on the Solomon Islands map that have not been logged. And where it has not been, it is because it is not accessible.

One area that comes to mind, which I believe is the last tropical island rainforest that has not been logged is Mono Island, and the Member for Shortlands should know this. In 2007, the then Prime Minister, Hon Sogavare sent me on a mission to explore the possibilities of how to open economic zones in the far ends of our country, and I ended up in Mono. It is a beautiful Island, called the Treasury Group, of which one is Sterling Island and one is Mono. During the war Sterling Island accommodated 16,000 servicemen, it has two high water lakes, a two and half kilometer airstrip and road infrastructure. Mono is a very large round island that has dense tropical forests with a large mountain in the middle and two or three large streams. I believe this is the last island in this country that has not been logged. If there is a focus on conservation, I believe that should be the first area that is the priority so that it is advertised to the rest of the world as the last tropical rainforest in the world that has not been logged. I think it would create a lot of attention if it is advertised. But when I was there I held awareness programs on how landowners could preserve their environment with necessary incentives. I would like the NGOs, whom I know have spoken on this Bill in regards to creating alternative jobs and so on and so forth. But if they are listening now this is how they should do it. If you are going to give an incentive as an alternative to logging then the Government should go in, send in Forestry Officers to make a full survey of the standing stock, the species, the volume of all the trees, commercially viable trees, and come back with the volume and a piece count.

My estimation of Mono is that there is probably around about 70 to 100 thousand cubic meters standing there, and that reflects between 17,000 to 25,000 trees. An average tree is about 4 cubic meters each, the average royalty per tree would round up to between \$USD30 - \$35 per tree. There is no reason in the world why that island cannot be marketed. Register every tree species, get their comparative values, market them to an international company or individual, sell off individual trees to companies for the royalty value. Have them standing there for the duration of their life and conserve the environment, that resource. That reflects the potential of carbon credit or carbon sink as registered, recognized under this protected areas bill.

I think that is where the Minister is coming from at the end of the day so that we can utilize this resource to first world countries in carbon credits. But it is the immediate position and incentive for landowners, the money that would reflect between \$SBD6-9million as total purchase in compensation for felling of

the trees to reflect the royalty. That would go into a trust fund and every year probably about 5%, maybe \$250 - \$500,000 a year, perpetually going back into the community to help manage the resource, develop it into more a tourist oriented nature or allocate it to health, education and infrastructure development for the people on that Island.

This is something that has been done in other areas and so I do not see why it cannot be done here. If we are going to have NGOs as partners let them, and I noted in the Bill a particular person talking about the difficulties over the last nine years in this country when it has already happened with other NGOs nine years ago. I do hope the intention of this protected areas bill is genuine and the fact that it is sustainable and incentive outcome for resource owners. It is just not playing an NGO conservationist program. It has to create incentives for the rural customary owners to want to manage it because of the initial alternative incentive to logging.

If you are talking about resource conservation in this country, you are talking about logging, and secondly you are talking about mining. We are not talking about anything else. The incentive, of course, its long term tourism, biodiversity or scientists coming and run around looking for butterflies and insects trying to get their names and named after them having being discovered and of course people coming to see an unspoiled natural environment. I can tell you that Mono is one of the most beautiful parts beside Shortlands in this country that I have ever been to. I do hope the incentive is directly for landowners. I want to see awareness programs of how you need to protect your environment because it is your future.

Overseas, when you walk into a house you switch on a light, turn on a tap, there is a flush toilet, everything is there. Put an NGO in a village for six months and I can tell you he will immediately want to get out of here. It is not an easy thing living in a rural setting where you spend half of your time in the garden and another half of your time trying to make income out of a cash crop to send your children to school, buy necessities like kerosene, soap and whatever, so that you can have a reasonable standard of living. And to me that is not reasonable. There has to be an incentive similarly to what they are doing in my constituency and with the guidance of Professor Shankar where you go into a community and tell them this is what is going to help the people, this is the breeding ground for this, this, and this, and we are going to protect it, it is not going to be opened, other areas are opened and shut at specific times of the year for people who want to do that in the light of the economic pressures we have. There has to be initial incentive and that is why there are schools built, clinics built, community halls built, and small programs funded in the community as the initial trade-off incentive to get people to develop and protect their own

environment. This is what needs to be explained very carefully to the people, maybe that is why the trust fund is getting set up to help promote that. But at the end of the day it has to be home driven with the people managing it and a direct benefit for them.

In closing, I would like to thank the Minister. I think it is a job well done and I just hope we are not too late, but better late than never. With those words, I support the Bill.

Sitting suspended for lunch break at 11.54 am until 2pm

Sitting resumed.

Hon TOZAKA: Thank you for according me this privilege to speak on the Protected Areas Bill 2010 on the importance of this Bill to our people and the country.

At the outset, I join the other colleagues in thanking and congratulating my colleague Minister, the Minister for Environment, Conservation and Meteorology for his good work and the Ministry in bringing this very important Bill for consideration and enactment by Parliament. I would also like to join the Minister in acknowledging with thanks and appreciation the contribution of our donors and the non-government organizations for their contribution through the Ministry in the processes of preparing this important bill.

As alluded to by the Minister when introducing this Bill, the bill is a milestone in the history of environmental protection and conservation in our country. As other Members have alluded to, this Bill is also timely and perhaps a bit overdue taking into consideration the current threat that our country is facing in its natural environment. Therefore, this Bill might be seen as coming to Parliament with certain shortfalls in its consultation process, but I think it is important that we have to pass this principal legislation to give ourselves a good start in protecting our country's biodiversity. Of course, during the implementation of this Bill, we can change it or take some appropriate amendments to it, which can be made later on in the process of implementation. This Bill too does not come out of the blue, but it is a bill that is in line with the policy of the CNURA Government, the commitment of the Government in its policy of protecting our environment and also the commitment of the Government in introducing this legislation hence this Bill this afternoon. I would like to congratulate the Government for this very important policy for introducing this Bill through the Ministry responsible.

This Bill will benefit our resource owners, especially and our people in the rural areas. The focus of the Bill, as I see, is to directly engage our resource

owners in the management of the environments and their resources in their respective areas. You can see in this Bill that in the long term the Ministry or the Government will devolve powers and functions through the Provincial Government system to our landowner or resource owners to own them. In Section 7 of this Bill, you can see there is an opening there. There is allowance there for the Government to negotiate with the Provincial Government through an agency agreement, perhaps, to reach our people so that it can go through or pass it through or devolve certain authorities it sees fit to be devolved to the provinces, and the provinces in turn can pass it down to our landowners and resource owners so that they have the authority to manage their own resources. In that way, I can see there is allowance in the Bill itself for our people to involve eventually when this Bill is implemented. But the most important task for us is to pass the Bill, it is very important that we pass this Bill now. And I am very happy that we can do this at this point in time.

Our diversity, as the Minister explained, includes our rainforests, which at one point in time, as he said, we are ranked as globally outstanding, meaning our country has many species of trees, some of which are native to our own islands, which cannot be found in any other countries but only here in our country.

It was also found that our country is a hotspot for many bird species. Where I come from in Vella La Vella, for example, I am very happy that a bird was found there in my island that is very unique. It is unique in the sense that this bird is only found in this part of our country, and is categorized as a unique bird species in our country. As you know in other places in our country, we have uniqueness of our own species in our own environment. And this is what we need to protect and our people need to know the richness of our biodiversity both in the bush, the forest and also in our seas.

By reading about our diversity too, I also found that in terms of the mammal category, for example, there are 53 known species in our country comprising things like opossum, bats and rats. With rats, it was found that of the eight (8) species of giant rats in the world, four of the rat species are only found in our country. I was very surprised to know about this.

The Minister also asserted in the marine sector that Solomon Islands is ranked the second highest coral biodiversity in the world and was recently included as a part of the Coral Triangle. Also on flora and fauna, the undersea divers have awarded our country as one of the top three dive destinations in the world. There are many good records about our biodiversity in our country.

I also have access to this national biodiversity strategic action plan, which was circulated to us and it has a lot of this information, very new information. If you look into this information, you will find the signatures of all our Provincial Premiers in it. They have all signed to say that they are happy with this bill; it is

their affirmation of this Bill. It shows that our provinces are not ignorant about this Bill; they are really in support of it, and so I am happy with that. However, despite of these good news, good records it was also found out, as asserted by the Minister in his introduction, there is a decline in our biodiversity, for example, our country has been listed as one of the 10 most threatened eco-regions in the world. We know very well what is affecting or causing this problem. Besides natural disasters, overexploitation of natural resources is said to be responsible as the cause of the decline to our biodiversity. Of particular concern is the current exploitation of our sea resources, marine resources, and just to name one that is also under control right now is the sea cucumber or bechedemer as we commonly called it. We need to address things like that.

The benefit of this Bill for us to control is quite substantial. For example, our ngali nut oil and coconut oil have been found to be of very high value for export production and domestic use.

What I am saying here is that we have indeed awakened to the importance and urgency of conserving our biodiversity. We have woken up now and we wanted to start looking at these things. Perhaps, it is rather late in some areas but not too late in other areas. I see this Bill is going to address in a small but very meaningful way to help our eco-system, our household and safety in order for our children to see and enjoy in the future.

I am also happy that this Bill will now recognize our resource owners for the first time and will give responsibility, and not just recognizing the resource owners, but they will be given responsibilities to control and manage their resources in a meaningful way that will benefit them now and in the future.

Finally, I would like to once again join my colleagues to thank and congratulate the Minister and his administration for this Bill that comes here right on time, and I accordingly support it. With this very small comment, I support the Bill.

Mr. ZAMA: Sir, I read through the Bill and also the report by the Bills Committee, and reading through it there is absolutely nothing new in this Bill. In fact, whether this Bill is introduced now or in the past, it would almost have no effect or impact on the traditional practices that my people or our people have been enjoying in the past and up until now. In fact they do not have a bill before in Parliament passed by Parliament but they still enjoy and look after their environment and what they have in the constituency.

The objects of this Bill are very noble and well set out. If you look at the object of this Bill which is to protect environment, it stems from the traditional practices that people have in their own constituencies and how people have looked after their protected areas in their own time from time immemorial.

This Bill, as I have said, is just another bill by this Government, and this will add to the number of bills this Government has passed which will total up to the total number of bills, I do not know I have lost count. This government has definitely made history in the number of bills it moved and passed on the floor of Parliament. If we dare to take a cost of all the bills this Government has passed, it would be in the millions. Because all these bills once passed become laws and are intended to be implemented, and once they are implemented all of these Bills will have costs attached to them.

Interestingly, this Bill also seeks to establish an Advisory Committee which will consist of a chairperson, a deputy chairperson, four members representing the non-government organizations and four other members. It would be interesting to know how much these people and the committee would cost the government or future governments. This Parliament has been denied the opportunity to know at least some of the costs involved in terms of implementing bills that we continue to pass in this Parliament.

But I very much salute the Minister and his Ministry for all the hard work and seeing it fit to come with a very noble Bill to try and protect the environment and protect areas in our country. But one needs to look a little bit further that apart from just passing this bill on protected areas, what are the benefits that people who are directly close to these localities will gain out of these protected areas? I ask because it has become a global thing these days that because others are doing it worldwide, let us do the same. But what does Solomon Islands in return really gain out of all these bills, especially in regards to protected areas we are trying to pass in Parliament? Take, for example, I think there is a missing link in all the bills that we are trying to pass. This Bill is purposely for the environment and all sorts of things to be protected. Protect an environment, for example, Rennell and Bellona is under the world heritage and so it is protected. But what benefits do we get out of this? Apart from just passing this Bill to protect areas, I think there has to be an interlocutory connection between the different departments, like the Minister for Environment must work with the Minister for Tourism, for instance, that apart from protecting areas there is need to align all the different sectors so that there is meaning to the protected areas and what we are trying to achieve through all sorts of bills we pass in this House.

Whilst this is what I see, there is still something missing because if this bill is to be a standalone bill just for the purpose of protecting areas but there is nothing to connect these protected areas with other sectors like tourism, agriculture or fisheries, this could be a bill for the sake of a bill but in terms of benefits and connecting it to other sectors, I think that is where we need to look a bit outside and broader. We need to make connections between the different sectors that we need to protect.

We are going to pass this Bill, but I think the Government needs to really work a little bit harder in terms of awareness to people, and especially in my own area there is one particular island in the whole of Solomon Islands and the whole of this world that is called Tetepare. That is the only island in the whole world to have some of the beautiful and undisturbed places that need to be protected.

I thank the Minister truly for coming up with this bill so that this island is protected. Yes, it will be protected but firstly there needs to be awareness with people in my constituency otherwise this bill becomes law and you make my people become criminals if they go to this island because this island is very important to them as it is their livelihood. Thank God, the Minister is from the same locality and so I think there needs to be more awareness to our people before we can make these places to become more protected. This is because we will be touching on the livelihood, the nerves and the social interaction of our people.

Whilst looking at this Bill, I can see that it is trying to control the activity of the people; what they need to do in those places and what need not to be done. However, I fail to see one thing here taking Tetepare as a case in point. This island is unique, and there are lots of wild feral pigs on this island. If we are to protect this species so that they become a nuisance, they will become dangerous to flora and fauna, and there needs to be another legislation for that kind of thing to be controlled. If that is what we are going to do by passing bills. But I think the noble intention of this Bill and its passage is a requirement for Parliament to do.

Not only that but also in other parts of my constituency, we have one of the biggest conservation of marine life and protected areas, and people are now realizing the benefits. I would really like to encourage other Members of Parliament and people in their constituency where things are fast depleting to make awareness to the people because the population in Solomon Islands is growing at a very fast rate, and this bill is to protect things. If there is no awareness, I really call on the 50 Members of Parliament to start looking at some of our constituencies to really see the impact and the beauty that some of us have in our constituencies.

But that said, this is a very straightforward bill with very noble intentions and so my only call and appeal to the Ministry and the Minister is to go down and see our people so that there is more awareness because if there is no awareness before passing of these regulations people are going to resist causing disturbance and all sorts in our places. That is the only plea I have for the Ministry and the Minister, otherwise it is a straightforward bill with good and

noble intentions, and so it is a straightforward pass. With this short contribution, I support this Bill.

Mr. TOSIKA: Thank you for allowing me time to talk on this Bill. This Bill is something we do daily. The sea and land are things that people depend on very much for their daily lives. Long ago when this earth was created, God provided us with resources such as fish and things that we depend on. This is not a new thing because in the olden days when our forefathers did their conservations, they did it in such a way there is control in the harvesting of sea resources, even harvesting of ropes and materials for making houses; they have control over. They ask you only to harvest what you require to use for that day or when at sea you only harvest what you can eat in a day. Conservation to the environment is not something new, it is something we have been living with for such a long time.

The advanced countries that are doing these things found that they miss the power of protecting their environments and that is why they came up with this law. This law comes about from an international union for conservation of nature. When I look at this Bill, the six points in the objectives and aims very much resemble what is in the international union for conservation of nature. It almost reflects that, as there are also 6 points in that area.

For me, I can see that we have protected areas already in place before these laws are put in place. I think the mistake is that because our people were not civilized in those days, they been harvesting their resources in a careless way by not seeing the importance of conservation. Now they are seeing that conservation is very important to them and so they came up with laws to protect countries that still have rainforests, still have seas with plenty of creatures inside and still have lands that are untouchable that we can live in.

This law is very good so that we do not develop our country to the stage where at the end of the day our life is not sustainable. If you look at other countries today, you have to drive about three to four hours to parks just to sit down under a tree or be in a scenery that is green to see the environment that is supposed to have been like that a long time ago.

This law is going to help us, as I have said, so that you do not just live in your house but you actually go and live in those places. In other countries they do not have any forests, and today here in Solomon Islands we still have a lot of forests. But we are also becoming careless in the harvesting of our resources because of money. A lot of people are saying that they want to harvest their resources because of money, and that is why under law, the heritage conservation sites which are governed by international conventions, are not respected by people at this point in time because they see their tree as having

monetary value on it, and they need money and so and they engage logging companies to log those sites. Take, for example, the Marovo Lagoon, one of the largest lagoons in the world, if you fly past the Marovo Lagoon you would see the sea and the environment becoming brown. I flew over the Lagoon three times and I saw roads everywhere, even one small island which is very narrow, a road was cut through the middle of it to pull logs from its two sides for export. This is exactly what is happening to our environment.

We are also talking about places where the law governs and declared as heritage sites. Today those heritage sites are becoming places where people go to exploit for their own ends because of money. At the end of the day if we want to protect these areas are we going to compensate the people who own those places? Because if not, the people will not care because they are the owners of the protected areas, and so they can do whatever they want with the resources that are inside those places. That is the fear we have here. If we want to protect those places, we must support the people who own those places. Take for example one group of marine mammals who go to people in the northern region of Malaita and told them they are going to assist them if they do not sell dolphins to this person at the Gavutu Educational centre. They told the people there not to export dolphins, all the traditional hunters there were told not to export dolphins because they are going to give them assistance.

What I am trying to get at here is that assistance from original donors must go direct to resource owners, and not through middlemen. Many times it was the middleman that comes and says they are going to give us money, and when consent was obtained he goes and finds someone overseas telling them that he has people here in Solomon Islands who would want to protect their resources and so you fund me. When that person overseas funds him, let us say out of the \$1 given only 20 cents was given to resource owners or sometimes it was not even 20 cents but maybe 10 cents or less than that. At the end of the day some people are making money out of the resources of people here in the country in the name of helping people. A lot of aid donors are doing this. A lot of non government organizations are doing this.

Today, instead of funds coming for a specific purpose, people go to aid donors telling them they are going to use their money to help the people here. When that is done, the management team normally gets the highest salary, and so funds that are supposed to come to develop the people those funds are intended for did not reach its destination. At the end of the day, we do not realize the funds that were sent, people do not see any difference to their lives and so on.

What I am trying to say here is that we need laws and laws must help our people that own the resources to know it is their resources and that they must

receive what is truly due to them, and not somebody coming in between trying to use our people's resources to get money and only give them the bones.

As I mentioned earlier on, this law has seven parts. It is a very simple law with seven parts and 26 sections. The trust fund is what I would like the Minister responsible to explain to us when he winds up the debate, whether this fund is going to work in favor with people that own the resources and that you want to protect their areas or is it going to be given to the Ministry to administer those areas other than giving some kind of help through this trust fund to assist people we would like to protect areas they have ownership on. With these few brief comments, I support the Bill.

Mr TANEKO: I intended not to contribute on this very important Bill but after hearing those who have contributed to this Bill, I feel like contributing briefly to this important bill.

There are many good bills similar to this bill, one of which is the War Relics Act. One of the problems I see with the War Relics Act is that very lately war relics from the protected area in Balalae were exported and are all gone and up until today, on behalf of my people, I do not know what are the benefits of that export or who benefitted from those war relics that have been exported, which is banned under the War Relics Act. This bill is similar to the War Relics Act that we are talking about.

The object of this bill, I see, is very interesting and I support it. There are few areas in my constituency that I want to be regulated in regards to logging activities in my area. Our taboo sites where plants, stones and things like that should be protected, but at the end of the day landowners were brought to Honiara to negotiate and make agreements with them for their lands, the landowners would finally agree and within a period of short time they lost their protected areas which is their livelihood, their custom, traditions, their nature which should be protected in a cultural way were all gone.

One experience we had in Shortlands is that after logging operations for 50 years plus, one thing that I seem to notice is the disappearance of the flying foxes. There used to be millions of flying foxes flying around our place every evening. When I was a small boy I used to see them flying around, hanging on trees from top to bottom, flying around the sea, drinking sea water, but today they are no longer there. And so I asked, what has happened which led to the disappearance of those flying foxes? They have all disappeared. We are the cause of their disappearance because of the decisions we make. When logging comes we think it is good for money. I believe if we are not careful, the same thing is going to happen with this bill.

On protecting certain areas, I can see this Bill giving strength to resource owners to protect their areas. A lot of things we used to see in the past have all gone. Someone has mentioned that bechedemer, trochus, turtles and so on that we could hardly see these days. We have some islands in the western part of Shortlands where turtles used to go ashore during the day. Many people know this island called Ausalala where even until now it is in tons. I am happy with this Bill as it is going to help us very much to stop exploiting the under sized turtles.

Under this Bill, committees are going to be established. One thing I see here is that the committees that will be formed will become advisory to protected areas. I only wish landowners are included in the committees as well. Landowners must be involved in making decisions to their protected areas. In terms of the management part of this Bill, in one of the clauses here, indirectly we will be promoting products in our protected areas both overseas and locally. People outside will come in as tourists or they will come in to do research or to study based on their interest in a particular area. A lot of people will come in to visit our protected areas.

I only wish the Minister has some better ideas on what to do with the trust fund so that it assists our people and students on biodiversity. It should not only help outsiders but it must help our people and students to enable them visit other parts of the world as well; it must be a give and take situation. People come in and see what we have here, they do their research here and we also do the same by going out to do our research in other parts of the world that we have interest in. I see this Bill as very important.

One point I raised about Balalae is that today the Zero 1 bomber planes are almost all gone. The question is, what are we doing to stop this and who benefits? The Ministry needs to look at this, strictly speaking. Who benefits from the planes that have been exported? Those of us who own the island have not seen any benefits from the export of those relics. When the planes were on the island, a lot of people coming in to visit give small tokens of appreciation to my people when they took them for bush walking, sightseeing and the people enjoyed some form of benefit in doing this. The War Relics Act is similar to this Bill, which gives protection, but at the end of the day when some people come and influence in front of us, load it at the Point Cruz wharf and ship it, that is not on and is not right. I feel that is not doing justice to our people. We pass laws and we ourselves too break it by putting those things in the plane, in the container and ship them, and then we did not see any benefits, we do not know what the reason is and what happened to those things. That is not good. It is not good that we pass laws in here and then we ourselves do not see the necessity and the need of protecting our people that if somebody comes to influence us just

to take those war relics out, and we did not do anything, then that law is not appropriate or relevant for us. I do not think it is doing justice to our people.

One thing about Sterling Island, and I heard the Member for Vona Vona mentioned this. I just want to register this for the Minister to hear so that he can take down some points and look into it. Sterling Island is a rocky island with very strong solid foundation. If you go to places like Sydney and Singapore, their international airports are built on reclaimed lands. If Sterling Island is a protected area for war relics, the rocky island and walkways, we can be able to boost tourism. I mentioned this many times in here because the foundation of the island is solid rock. Americans cut the rock there and if an airport is built on that island today, it will not cost big money to develop it. That rocky island can host an airport that is able to land jumbo jets, air buses, 737 planes bringing in tourists to go and see the war relics. I just want to register this for the Minister to take note of. Sterling Island can be a transit island, which can be used to fly to Japan, Cairns, and the others, all connected, an inter island connection.

Bougainville Island has a population of about 250,000 people and if these people want to board an international flight they have to fly to Port Moresby which is two hours. If they fly from Buka to Sterling Island it is only 45 minutes. Make use of this accessibility, this route of accessibility. It is not because I am from Shortlands that I am saying this, but we are talking about economic development and we should not only look at this bill one sided but we have to look at both sides of it. What sort of economic development would it bring if these areas are protected? What are the benefits we can get in passing this Bill?

Mr Minister, thank you for this Bill. I want you to note that Sterling Island is a place that you can protect. You can protect the whole Sterling Island and make tourists to go and visit it, and that is your economy. Importing, you have to know this. You have to know that importing human beings from the United States means bringing in US dollars into the country. You bring in a Canadian you are bringing in Canadian dollar into our country and that is healthy to our economy.

I am mentioning the other part of this Bill which some of you Members do not see. I just say this in support of this Bill. When we protect it, other parts of the world become polluted. If you go to Geneva, Switzerland and other places there you cannot see the bottom of the sea and you cannot see any fish in the sea because of pollution. We have beautiful islands here in Solomon Islands. Our islands are beautiful with white sandy beaches and everything.

The Member for West Honiara mentioned that we still respect our cultures and our chiefs. When the chief gave the order not to dive trochus on a particular island for six months, our people are not allowed to touch that island for six months. If the order is for three months not to harvest fruits from a

certain place, our people comply. Culturally from the beginning of our history, this bill is already in our culture. But today, when modern system comes in, we do not adhere to all the cultures that we have. That is one area of concern. We have unauthorized people traveling to an island that is not theirs and do whatever they want without permission. This is happening everywhere in Solomon Islands today. People doing anything they want without permission.

In the past I am not allowed to do anything on another person's land. A person from this tribe cannot travel to another island unless he/she seeks permission from the tribal leader before he/she goes to that island to harvest fish, to harvest trochus and to harvest whatever. That is already in the law, the same law that you people are talking about culturally is already in the system. This is the Westminster system we are talking about. You have to look at it carefully. We are bringing in the Westminster system and tailor it to suit who? Is it us, is the question I would like to ask?

The Attorney General is taking note, and it is good he is taking note of what I am saying because culturally we already have it. It is already in the holy book that our culture is our law so when are we going to put it in the white paper. We are passing laws, but for whose benefit? It is for the benefit of our people. It is not for you Members in here because you are going to be finished from here. Some of you are going to come back and some are not, but we are passing laws for others to enjoy later. Otherwise when we leave and look back, for some it will be a good place to look back because there is a hell and there is a heaven. Maybe those in heaven will look down and say my children are suffering because in Heaven the Bible says you will be at home all the time.

I am happy with this Protected Bill and I thank the Minister and his staff for bringing this Bill here. I only wish there are more benefits, more when this bill is passed here, assented to and gazetted and becomes law, so that it benefits us. But there is more to talk about, something good to talk about in this bill. Everywhere in Solomon Islands where logging operations have taken place, we have lost our taboo sites already. Bulldozers crushed the rocky places and everything, why, because landowners go to hotels and sleep one week there where loggers give them money and so they forgot about the good things they are supposed to be protecting. This is a fact.

When a person in the village is given food and everything in a hotel, you are color blinding that person and so he does not know what he is going to approve. That is what is happening. We can laugh about it but it is reality because we even do not help him and so the poor old man says yes. But after saying yes, in the Shortlands, there are no longer any flying foxes just because somebody says yes without any concern for the taboo places where it is not supposed to be touched or the big trees are not supposed to be cut down because

they are resting places of the flying foxes. Somebody did not tell them this and so they are not aware. That mountain is a taboo place where flying foxes normally rest and hang from. That man does not care about the flying foxes because when he is shown a fifty dollar note and a one hundred dollar note he forgets about the flying foxes. This is the truth. (The Minister of Fisheries is shaking his head). But if we really talk about the truth, the biodiversity that we are talking about, the reefs, the fish and everything have been destroyed. The use of dynamite is not our fishing style. Our method of fishing that I know of is the use of cane, the one with the teeth where it is held up and hurled into the sea, which is a nice way of fishing. You put bait on the cane and the fish is hooked and caught. That is sustainability. I do not know who taught them to use the dynamite which is killing all the fish, the good ones, bad ones, small ones, breaking the stones and everything is damaged. That is the reality of the use of dynamite. Some people come and taught them how to use the dynamite and that is it.

Anyway, I thank the Minister for this very important Bill. Its objects and reasons are very straight forward. It is similar to some of the laws we have, and one of them is what I have mentioned, the War Relics Act for the protection of our war relics. Those of us in Balalae are starting to lose the relics and I only hope that it does not continue. The next government that comes in must be serious with this bill that we are passing now. With these few remarks I want to thank the Minister for this very important Bill for 2010 and with these remarks I support the Bill.

Mr. AGOVAKA: First and foremost, I would also like to register here my thanks to the Minister of Environment and his staff for coming up with this very important Bill, one that encompasses all sectors of our lands in Solomon Islands. I was expecting the Minister of Forests and his counterpart, the Minister of Fisheries to come up with a bill to protect our environment. In fact, I was expecting a marine biodiversity bill to be tabled here. Anyway, I will not take much of our time but I will just point out one or two points before I sit down.

Let us take heed of the global call for a more harmonious relationship between people and nature. It is important that we correlate these two so that our world, a world that is now concerned about climatic changes and environmental damages.

We are all concerned about the devastating effects of climatic changes to our environment and we cannot over emphasize this fact. As you would have heard from the many meetings around the world, the people of this world have come to realize that our planet earth can no longer take any more of these climatic changes.

For Solomon Islands, our contribution to the present effect of climate changes and the changing environment is perhaps through this Bill, the Protected Areas Bill 2010. We are really concerned about our environment and we are serious about conserving our biological diversity and other protected areas related matters. Part 2 of the Bill establishes the functions and powers of the Advisory Committee. The establishment of the Advisory Committee as the Deputy Speaker mentioned earlier in his debate is important for us to take note that the inclusion of provincial members or provincial governments as well as landowners is a must because after all this Bill is about our resources, our environment, our lands and our seas.

I note that the functions of the committee are well established and I can see it is well organized as well. But perhaps the powers of the Advisory Committee, in particular I question the powers of the Advisory Committee in Clause 6(2). I really do not understand why a confidential part of a report produced by a NGO under this law should not be disclosed. As far as I am concerned this Bill should be transparent as far as possible because it is the people's bill and it is really about their environment and their resources and nothing should be confidential that should not be disclosed. Again Clause 3, I do not understand how somebody contravening Section 2 commits an offence. Maybe later the Minister in his closing remarks would be able to answer me or even the Attorney General during the committee stage.

Central Guadalcanal has a very diverse biodiversity from the Lungga area, the sea coast right up to Mounts Popomanseu, Tatuve and Latinarau. Under the clause on the declaration and protection of protected areas, Central Guadalcanal is fully qualified. Why I said so is because at this very moment as we speak there is a logging activity that is going on in up at Central Guadalcanal that is causing a lot of biodiversity problems, not only to the rivers but the land as well. I think it is about time that this area is protected. As I said, Central Guadalcanal is qualified under the declaration and protection of protected areas in this law.

As you know, there are big developments going on in Central Guadalcanal. Mining is going on, alluvial mining is going on, and the Tina hydro will soon be set up, it has set up an office to do feasibility studies and after the feasibility studies the project will take off from there. And so it is important that this Bill protects some of those areas that not only heavy industries or heavy developments are currently going on there but future developments in my constituency of Central Guadalcanal.

It is also important for the Minister to take note of the fact that there needs to be more consultation process with the people so that they understand what this Bill is all about. In fact, that consultation should have been done before

presentation of this Bill to Parliament. There needs to be more awareness and educational programs for our people to know what this Bill entails and how it will affect their resources and land.

I would also like to draw your attention to Clause 12. Clause 12 stipulates the Advisory Committee appointing a management committee for the protected areas. Whilst the function of the committee is stipulated in this Bill, it does not say anywhere in here what their powers are under this Bill hence I am not too sure what this management committee will do. Is it just mainly managing or does it have powers also to enforce any aspects of this Bill? Maybe the Minister in his closing remarks or the Attorney General during the committee stage would be able to explain to me what their powers are and how they would function under this Bill.

There are other things I would like to question but it would be more appropriate for me to wait until the committee stage to ask as we go clause by clause on this Bill.

I know that everybody appreciates and supports this Bill and I know it will be passed. In closing I would like to say it is important that the Ministry takes into consideration the composition of the Advisory Committee, and also takes into consideration the need to make people aware in the rural areas as to what this Bill is going to do in regards to their resources and their land. With that, I support the Bill.

Mr. OTI: I too would like to join colleague Members of Parliament who have made very good interventions and contributions to the debate on the Bill moved by the Minister for Environment, Conservation and Meteorology. I congratulate the Minister on that score for this Bill and also for his staff for the work they have put in, which resulted in the Bill now before Parliament.

Like others have already said, with a lot of different perceptions on the Bill, and not so much on the intentions, the intentions are noble and genuine, but the timing, some good things come at the right time, there are those who think it comes a bit too late for the purposes to which this Bill is trying to regulate. But I think what we have in mind in so as bills of this nature, particularly in terms of resources, let us remember the saying that we do not inherit anything from our ancestors and we are only custodians and trustees for future generations. So while we are passing through let us make sure what we do now is not only for us, late might it be, but what we are trying to pass legislation on and for which a policy of the Government is going to pursue to address is not for us. That is the one way of looking at it. On the other, also since Rio de Janeiro in 1992, we have come a long way and different parties to the conventions have progressed through environmental concerns in each individual sovereignties based on their

capacity and situations they are placed in, and some of the issues that need to be addressed in terms of their biodiversity, both terrestrial and marine life.

There have been other legislations that are trying to address this concern, and I can recall two particular legislations, of which one is the fisheries one which also came to Parliament at that point in time. Other legislations are the Environment Act, 2008 and the Wildlife Protection Act 2008, which is part of the obligation of Solomon Islands as a signatory to the Rio convention to make sure it meets its obligations under that international convention on biodiversity. Slowly over time, we continue to take one step at a time.

Very interestingly, there were other legislations that did not look at the environment and the conservation of the environment as such, but were basically exploitative legislations geared towards making sure that people get maximum benefit out of their resources. If you look at the forestry sector in this regard, the Forest and Timber Utilization Act is particularly one of those.

Although we are trying to mainstream environmental concerns in our development over the last two decades, you will find, and I hope this does not happen with this Protected Areas Bill, but the Environment Act, for example, has taken another 10 years since 1998 for it to be implemented because of the lack of commitment, political commitment by governments because conflicting legislation that would have otherwise be in conflict with the Environment Act and during those periods we would rather make money out of the resources than protect them or harvest them on a sustainable basis, which was the intention of the Environment Act 2008. That resulted in the delay for the regulation not coming into force, 10 years after 1998. The regulations were only made to come into force in 2008. I hope this would not happen to this Bill because there is scope for the Minister in this Bill to make regulations to enforce certain provisions of the Bill.

I mentioned this because the law in itself will not address those issues, unless there is commitment, spiritual commitment and also political commitment. This is so important in this type of legislation where the competing demands from various sectors are so critical, particularly when it comes to environment. For example, the Environment Act 1998 says that any law in conflict with the Environment Act, the Environment Act takes precedence or prevails over that. If you look at what has been happening, there have been exploitations that do not take due regard to the requirements of the Environment Act to do with enforcement of that Act. I hope time has changed that we recognize this. This Bill will now come under the umbrella and protection and forcing how we administer our environment through the Environment Act and through the Wildlife Protection Act 1998.

In noting the consultations that have taken place and documents that have been referred to in the preparation of this Bill, it is quite comprehensive, which means this Bill has taken into account all those factors. And I want to quote from what the Ministry provided so that we do not see this Bill in isolation of other legislations like the Constitution, the Environment Act, which are laws that have been consulted and which formed the basis of this particular law. The Wild Birds Protection Act, the Wildlife Protection Act of 1998, the Fisheries Act of 1998, the US Tuna Treaty, Cap 39, the Continental Shelf, the Mines and Minerals Act that governs mining, Petroleum Exploration, Ports Act, the Shipping Act; all these legislations are part of this process. The Forest Resource and Timber Utilization Act, the National Parks Act, the Rivers Act, the Environment Health Act, the Lands and Titles Act, and I do not see the war Relics Act, but it is also important for this purpose.

This legislation, yes biodiversity is one aspect of it, but it will extend into perhaps the non-living, for example, the War Relics Act, Protected Sites and so on and so forth. That calls into question what we can do in terms of the powers by the Minister under this law. How would those powers be implemented? And at this time, I would like to particularly thank the non government organizations that are already out in the field; they have been out in the field for the last 20 years, and now what this law will do is barely and merely regulate and come up with a common focus, so that we as a country have a common focus on the area of environment and conservation.

I would like to thank those organizations that are already out in the field, their experiences are already there, for purposes of implementing parts of the programs, and perhaps this is where we can look at cost cutting measures. Actually, some of the activities will be carried out by these non government organizations, and they should be encouraged in this regard.

For the first time the activities of these different NGOs that are out already in the communities will be regulated so that the Minister can have a common focus and vision of where they are going and what sort of assistance ready to be given, and also whether or not they are bringing about the desired benefits that a lot of colleague Members have brought up, particularly on the area of protected areas in this bill, you are bound to fall right into customary landowners and customary users of this land. This is where it is so important the consultations that are going to take place must reach where it is intended for.

Finally, one particular point I want to note in this Bill is the delegation of the Minister's powers to the provinces because of the need to get closer as much as possible to where resources owners are and to where the areas that are going to be declared are. I particularly note in one section, I think Section 7 of the Bill makes mention of the advisory committee being able to delegate some of its

powers in this law if the Minister agrees for this committee to delegate it to the provinces. I think this is back to front; it is the wrong way around. If you look at the Provincial Government Act, you will find that the statutory powers belong to the Minister and only the Minister can delegate that authority to the provinces, and no other bodies.

I am just wondering where this comes from, particularly some of these are going to fall from Section 7, Schedule 4 of the Provincial Government Act, which says on legislative matters it is already there, in terms of environment matters, these are matters that provinces can legislate for, on historical remains it is protection of wild creatures. On agriculture and fishing you will see protection, improvement and maintenance of fresh water and reef fisheries.

On Schedule 5, which is the statutory functions that provinces can empower on culture and environment matters, you will find the Wild Birds Protection Act, the functions given to the Ministers at that time can also be given down. Just be careful on how this advisory committee will come because these are the powers of the Minister that cannot be delegated to the provinces through another body, except as required by the Provincial Government Act. I hope this can be explored further so that we do not create something that will conflict with other legislations. That is the standpoint I would like further investigation and clarification into by the Minister.

This is a good legislation. As I said it is for the future to preserve, conserve, protect, and perhaps not only to protect and conserve per se, but to become sustainable in terms of what it can bring to those who own the resources. I will not dwell any more on the issues of where, how, and who should do it because I am more concerned about the practical legal application of the provisions of this Bill and how it will work, otherwise legal impediments can actually slow down and defeat the purpose for which this Bill is intended.

With those comments I support the Bill and the motion by the Minister for Environment.

Hon. Lilo: I would like to thank colleagues who have contributed on the debate of this Bill. I am encouraged by the words of wisdom, advice and in some instances criticisms of the Bill.

Yes, I noted the points that have been made that this Bill may have come too late, but I think the important thing to note is that we have this Bill now and this is a good sign of responsibility that we have taken the responsibility of making a change now. We have changed the direction in which we have managed our biodiversity, manage our natural environment for the future of our children.

As alluded to by some of the speakers, since Rio, we have various legislation that have tried to encompass, in particular one very important aspect of the Rio Declaration, and that is conservation of our biodiversity. In fact there is a convention as stated in this Bill, which is the Convention on Biodiversity that every country that is a signatory to the Convention has to come up with mechanisms within the country to conserve and protect our biodiversity.

One fundamental thing we have to understand about our biodiversity is that it is that biodiversity that we convert into our GDP. Our biodiversity in forestry, fisheries, agriculture are some of the things we converted, unless we think we need to open up the door for the public to hear the debate, the door here is still open.

(The Speaker called on the Sergeant-at-Arms to close the door to the Chamber)

If we continue to exploit our resources and devoid of sound management practices that do not take care of the very important message that our biodiversity is also being depleted, and we come to a stage where our biodiversity is completely depleted. Some of them are now near extinction, some as I have stated in my speech, are endemic here in Solomon Islands; native to this country, native only to this country, for instance, one species that some are still running around trying to export is the tubi, which is native here, not only in the whole country but only in certain locations, and that is why it is very endemic. It is only in some parts of Choiseul, and not the whole of Choiseul and only in some parts of Isabel, not the whole of Isabel. These are our biodiversities, and if we are not careful because of the increasing pressure we have been facing as a result of increased economic development we forget about all these diversities.

Our biodiversity is like a bank account. If our biodiversity account runs out, we are fast down into the line of poverty. That is what it is. That is why the importance of this Bill. And I really appreciate the points, the words and sentiments that have been echoed by our colleagues in contributing to this Bill, except I could not understand West Makira and Rendova/Tetepare who did not see the essence of this Bill. I suggest they read the policy statement of CNURA that was published on January 2008 and they will see the commitment of CNURA Government in coming up with the protection of our biodiversity. The gazette made by the Prime Minister also shows that one of the very important functions of the Ministry of Environment is the protection of our biodiversity.

We have been working very hard ever since this CNURA Government comes into power. For two years we have been carrying out consultations throughout the provinces, even though we did not have the capacity to do it. We have been entering into partnership with other stakeholders like the NGOs,

community based organizations and even communities themselves too. The Tetepare Development Descendants Association that both of us Rendova/Tetepare are part of it. We are heavily involved in consultations.

In Lata/Temotu we actually had consultations there. Maybe that time my friend the Chairman of the Environment Advisory Committee and MP for Temotu Nende may have had some responsibilities elsewhere and so he did not join the consultations there, but we did consultations there. The consultations that culminated in the production of this Bill involved various reports we have tabled in this House. The state of environment is a requirement under the Environment Act where every three years the Minister has to produce the state of the environment of the country. It is an important requirement.

The first ever state of environment report was produced by CNURA Government. People should be clapping on this. We are not trying to score political merits here, but these are some of the important tasks that have been produced, and part and parcel of these produced this Protected Areas Bill. The state of the environment report, the National Adaptation on Climate Change report, and the National Biodiversity Action Plan, which is the key document, a very document because our Biodiversity Action Plan sets out the framework within which the government sets out how we are going to tackle the conservation of our bio diversity, and all the provinces have been consulted. The nine premiers signed up to it. We presented it at the Premiers' Conference in Tulagi and nine Premiers signed up. We had consultations right down to the provincial level, and this is the product of those consultations, this Bill that is now on the floor of Parliament. It is a bill, in our view, worthy to be considered as a bill that has gone through very good consultations, consultations that involve all other stakeholders that ought to be involved in this exercise.

The rights of resource owners have been taken care of too in the consultations. The way the Bill has been drafted, there is a very elaborate process one has to go through in consulting landowners, resource owners in educating them of what is going to be involved. This Bill is not saying no to exploitation of resources. No, it does not say that. This Bill is saying here is the resource you have, these are the information you know of because it will also endanger the availability of that resource, if you want to get that advice this is what you cannot get. It does not even say you are totally banned you cannot do anything. It is also providing ecological balance to what can be harvested and what can be preserved or it provides a way or a pattern of harvesting in those protected areas. All of these will be discussed through the process of consultation when an application comes. And you know that applications have to come out from the communities. That is what it is. It does not come out from the Ministry so that you go down and say we are going to declare this area a

protected area. No, no, it is not like that. It has to be generated out of the communities, the request and application before it comes to the Director. The process of doing it is there, and this process, another key principle you have to note about this particular Bill is that there are provisions there that are deliberately designed to ensure a proper due diligence exercise is carried out; due diligence exercise. For instance, the powers of the Minister where in the event that the Director or the Minister refuses it or the advisory committee refuses an application for declaring a particular area to become a protected area, anyone that is aggrieved can actually make an appeal, and when an appeal is made to the Minister, you will find in Section 23 or 24, the Minister can appoint a panel consisting of legal practitioners and some others to conduct an inquiry and make a report and recommendation to the Minister. It is very much an improved process to what we currently have where anyone who appeals, appeals direct to the Minister and only one person makes the decision.

In this Bill we have made a lot of changes so that we avoid all the problems we have been facing right now that gave rise to people branding us corrupt people. This Bill has made a change, it has made a change. In fact, one area here on the involvement of resource owners, for instance, the power and I think the Member for Temotu Nende has interpreted this particular section wrongly because it is the powers of the advisory committee, and not the powers of the Minister.

The advisory committee conducts certain inquiries and advises the Minister. In fact the advisory committee can recommend to the Minister that it should be delegated to the provincial government to do it. So in an instance where it is carried out by the advisory committee, it is not doing it, but as recommended by the advisory committee the Minister can delegate that by notice and it will be published in the gazette. Right now any delegated thing is not required to be gazetted. This Act explicitly states it has to be done like that. This is a much, much improved transparency process.

Why is it going to be done like this? It is because we are talking about our environment, the fragility of our environment and that is why we have to do it that way so that we are not suspicious about politicians making decisions when it comes to an appeal made to politicians. This is very improved. I suggest that all other legislations that fall under other ministries should take this model. Why are you quiet? You should be saying yeah, yeah! Take this model so that we can avoid all the blames that are on us. This Bill is very modernized and we are trying to ensure in the carrying out of those functions, the benefits, the confidence, the authority and the mandate legitimizes what the people really want.

Other issues that have been raised, I think more better if those issues are raised again at the committee stage, like the point on the advisory committee, if I can just go through the points I noted down here, yes, the design of this legislation provides for that so that provision for representation at the provincial level is given. But as you know, we cannot have all the nine provinces to be represented in this advisory committee. In some ways there has to be a representational kind of notion that we will have to give into this, and maybe the best way is what the Deputy Speaker has suggested today that it is zoned into four zones and representation is made there. We are talking about environments that are interrelated.

The rights of resource owners are well covered and canvassed in this bill. It is a very elaborate process, and a process we hope will fully encompass all other concerns our resource owners would normally have, including, for instance, that if in the event a decision has to come that a particular side will have to be declared, there has to be proper publicity about it, and the Bill stated that it must be published in the newspaper. So the director has no option but to publish it, it must be published. Such is how transparent this process is.

Talking about the deprivation of the rights of resource owners, one thing we have to understand is that the biodiversity we are talking about is a biodiversity created by God and not those of us who are occupying these places. Is this true? It is God that created it. And as you can see, one of the objectives of this Bill is that in the event the ecosystems are under threat and we know that that ecosystem is very much central in the way the whole environment of this country by nature is structured like that, then we say forget about the rights of landowners, let us continue to exploit it. That environment is totally destroyed and it would also affect the whole ecosystem it is dependent upon. What would happen to us? The landowner we say we are going to protect in the first place cannot recreate another ecosystem. That is why the importance of this Bill.

It recognizes the fact that what humans, whatever we put into the environment out of our own demands, our needs that we just throw out devoid of sound management and environmental practices that we continue to do depleting the whole environmental system. This Bill is going to protect that. You have to see it on that angle. The environment we are living in, the rich biodiversity we are living in is not created by us, the humans because we are only occupying it. When it is gone, are we going to go back to it and say, 'boss, can we create the environment again that has gone? No, we cannot do it that way, and that is why we have to take a human approach to it to ensure a proper management strategy is put in place and, therefore, the need for this Bill. That is the essence of it.

It is wrong for us to say this Bill will totally and out rightly ignore or deprive the rights of resource owners. No, in fact in the long run that very nature occupied by somebody but also it is that very nature that also contributes towards a wider nature that we have, if we put a proper strategy to manage it, as intended by this Bill, our future generations will continue to enjoy it and this country will also enjoy it too. Of course, all these practices have been practiced by all of us, but as we have all alluded to, we practice it but when we say protect it, currently somebody that has that economic power behind him comes in at night time and steals it, what is going to be left for a poor person in the village to try and enforce power to control it. There is nothing and that is why this Bill will help him in the enforcement. This Bill is going to help him. It is not going to punish him. No, it will help him; it will enhance all those cultural practices we have on conservation.

I will tell you an example, and luckily West New Georgia is not here because it was almost two years but he never declared any protected area in Roviana. It is CNURA that declared that area a protected area. But he gained credit to it. The whole of Roviana Lavata was declared a protected area and then in the night when they were sleeping some people went to that protected area and dive using bottle from the other side and get fish from the protected areas. They paddled over to stop him but they could not stop him because he replied saying, "where is your law to stop me, the sea belongs to all of us". And he was right. The guys who were looking after the protected areas were also right because they wanted to conserve their area. So that right in here and that right over there makes nothing good. That is why we need this Bill to give an order, it is a new order that every one that has the mind to pursue the kind of a sound sustainable development in our communities can follow.

I think we all understand that we have come to the stage that there is need for us to take serious action on how we develop our natural resources. Now the increasing pressure on mining is emerging; we have just opened up the mine site, we have been very slow in granting development consent to this mine site, but finally we gave it, and that gave comfort to the insurance and the financiers, but it shows how we have thought about and have taken a strong and keen interest in the protection of our biodiversity. This Bill stands for that and it stands for the future of this country.

I will leave the other aspects of what others have raised because I think those can be best in answered when we look at the specific clauses of the Bill at the committee stage. But I think let us put it this way: The bank account of our biodiversity in this country is running low, biodiversity that exist in terms of forests, marine and the agriculture sector, these are running low. If we do not take action now it will drive this country into poverty, it will drive this country

down the poverty line and all our talks every time on our aid dependency will continue. Look at this Bill in that context because this will conserve us so that we will be able to protect the biodiversity account of Solomon Islands. With those remarks I beg to move.

The Bill is passed.

BILLS

Bills - Committee Stage

The Protected Areas Bill 2010

Clause 1 agreed to.

Clause 2

Hon. Sogavare: The interpretation of biological resources also includes traditional knowledge. That is quite broad and we take it that this is traditional knowledge in relation to the way our people look after or protect resources or protect their environment. Is this the case or is it a broad usage of traditional knowledge?

Hon. Lilo: Are you saying that traditional knowledge is not the same as resources? I think it is traditional knowledge in relation to a particular biological resource and its use. I think that is basically what it is.

Attorney General: The usage of the expression 'traditional knowledge' must be used in the context of how the word or the expression is used in the Bill. As an example, if we can refer to Clause 3 paragraph (c) on page 8, which is the clause dealing with objects, it says 'to regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas with a view to ensuring their conservation and sustainable use'. We can see here how the expression of biological resource is being used in the Bill and that is how it is being used in the objects.

Clause 2 agreed to.

Clause 3

Hon. Sogavare: Object (c) which the AG just made reference to, and this phrase 'whether within or outside protected areas', I want the Minister and the AG to clarify to us as to how this fits into this law. I asked this question because I thought the rationale is that the committee can only have authority over an area if it is declared a protected area. Part 3 went through to the pain of actually outlining the processes of actually declaring areas to be protected areas. The object of this bill seems to suggest that it can also be extended outside of the protected areas. Can the Minister explain this?

Hon. Lilo: Yes, that is very true, the biological resource may be outside. That is what it means, it can be outside but it is affecting the biodiversity inside the protected area. That is what this object relates to. So in a case where you might have a particular resource that maybe is slightly outside a particular protected area but it does have an influence on the biodiversity within the protected area then there has to be a proper regulation on how to manage that.

Hon. Sogavare: Probably it would be clear in the regulations. So the same process will apply in terms of consultations with people when this resource is not inside the protected area, but you come to protect our resources that are outside of the protected area, I take it that the same process of consultation will also apply to people outside of the protected area.

Hon. Lilo: The notice itself on the protected area notice will clearly specify some of those technical and scientific information that are so crucial to the protection of a particular biodiversity within that protected area. Proper information will have to be supplied in terms of the relationship of the population and so forth; their migratory movements and so forth.

Clause 3 agreed to.

Clause 4

Hon. Sogavare: I want the Minister to clarify here that the advisory committee, I understand, exists well before the coming into force of this act. Under which law empowers the existence of the advisory committee that is already in existence, as I understand it?

Hon. Lilo: We are talking about two acts here. Under the existing Environment Act it provides for the establishment of what is called the advisory committee as

well. That is a separate committee from this. This Bill is prescribing the constitution of a separate committee altogether to that.

Hon. Sogavare: I just want to get the Ministry's position on the suggestion as carried in the report of the Bills Committee report that NGOs may be over represented in the committee.

Hon. Lilo: You will find that that is not the case because it is 4/6 in ratio; NGO versus six (6) others appointed by the Minister. The four (4) NGOs anticipated here are in relation to their areas of specialty. You will find also that the definition of NGO here does not say that these NGOs are either profit oriented or charity. It just basically says NGO so it could also include other corporate entities that are involved in the research of biological resources.

The prescription of four (4) NGOs here are in terms of the areas of specialty; some in terrestrial some in marine. You would look into other range of diversity that are involved in terrestrial and marine, some on marine and mangroves and some in deep sea and so forth.

Mr. Tosika: When you talk about the four members, which organizations will these four members come from?

Hon. Lilo: The qualifying part is sub clause 2, which says the Minister shall take into account the experience and skills in resource and conservation management, and representatives from fishery and forestry industries. That is what is going to be looked at.

Hon. Sogavare: So are these four members appointed in person and not in terms of organizations? The Minister is going to appoint the names of the people.

Hon. Lilo: Yes, because even the four other members there does not say members. I think the definition of members here does not include body corporate and so it must be individuals because we are talking about individuals that have skills. Entities do not have skills and so it has to be individuals that have skills and experience in a particular area. When we refer to scientific things it must be close to the person that does the job.

Hon. Tosika: So does this means that even if I do not work for fisheries or forestry but I am employed by the private sector and I have the necessary skills in those areas, I can be considered to become a member of this committee?

Hon. Lilo: Yes.

Clause 4 agreed to.

Clause 5

Hon Sogavare: Clause 5(f), the phrase 'any other written law' is carried through in a number of clauses on this Bill. We take it that 'any other written law' refers to the laws that the MP for Temotu Nende listed that the Ministry has consulted in the process of formulating this Bill. So it relates to any functions that those laws are giving straight to this committee. In terms of how these powers will be given is what I want the Minister and the AG to explain to us. Probably it will need amendment to those laws to make specific reference on this new committee because it just exists, but the laws that we made reference to are laws that have existed already and might not make reference to this advisory committee.

Attorney General: The phrase 'other written law' refers to enactments that Parliament has made or any appropriate regulations made under any enactments made by Parliament.

As we can see, the advisory committee here will be first established under this bill. When Clause 5 says that the functions of advisory committee includes the performance of functions given to it by other written law, obviously and unless we amend any other related laws, this advisory committee does not take upon itself that function as yet. Just bear in mind that today is the first time for this body to be established, unless there is any transitional amendment and we have a transitional clause towards the end, in Clause 26 which refers to the Research Act.

Clause 5 agreed to.

Clause 6

Mr Agovaka: I stated earlier in my debate today that I am going to ask a question on Clause 6(2). If the NGO produces a report under this sub clause, what sort of confidential report do you expect not to be disclosed in reference to the report produced by the NGOs regarding this Bill?

Hon. Lilo: As you will know, Clause 6(2) relates to Clause 6(1)(h) where NGOs or non-government organizations, as I stated earlier, by definition it does not

necessarily say whether it be NGOs incorporate charitable trust or even the Companies Act are involved also in research activities on biological resources. They maybe reports that will require careful consideration because it will have some commercial values to some of those reports or commercial information on resources that might have commercial interests in it. This provision provides for an avenue for the advisory committee and that particular NGO to sit down and decide on the relevance of the parts of the reports, and an example is the ICLARM or World Fish, now it is changed to World Fish. We have been involved in research and piloting on commercialization of pearl farming in Solomon Islands, for instance. That report, right now we do not have an arrangement that will allow both parties to sit down and negotiate on how information can be released and so forth. With this bill coming into force, it will give that process. Or even any research that is done that has some significance on pharmaceuticals and things like that.

Hon. Sogavare: On commercial interest, whose commercial interest is this? Is it the NGO or the government and people of Solomon Islands?

Hon. Lilo: The AG is going to explain this but if you read the text there it does not say the interest of the NGO or whoever. It just simply says it is confidential. So confidential for the time being until such a time the advisory committee and that particular NGO sit down and properly screen and scrutinize the actual body of that particular literature that has recommendations in that report. In here it does not put ownership on anyone or even the interest of who and who.

I think it just basically shows that in the process of giving a permit to any work for, for instance a biological prospecting to happen, you know things like that will arise by various values, traditional values, commercial values can arise out of those biological prospecting. This provision allows for that process of further consultations. But from a policy perspective, that is what we envisage. It does not state whose interest it is, it is confidential for the purposes of how that information is disclosed.

Attorney General: Just to add onto what the Minister has said, there can be situations where NGOs maybe doing competitive research work and there maybe a need for whichever NGO is doing the research to protect research secrets and things like that. This kind of clause will be useful for that kind of situations where there is competitive research done by various NGOs and there needs to be a copywriting later in the research. But the question asked by the Leader is an important question also, but it can be balanced by looking at the function of the advisory committee in Clause 5(c) which requires the advisory

committee to formally develop a national biodiversity strategy and action plan in collaboration with NGOs.

In making the national biodiversity strategy and action plan, the advisory committee will do well to take note of the kind of point raised by the Leader of Opposition to ensure that research work is not overly protected at the cost of the country or landowners or resource owners. So as in paragraph 5(d) as well which gives the advisory committee the function to develop standards and code of NGOs dealing with matters relating to the Act. It is a code of conduct that is going to be developed by the advisory committee so that is an important thing for the advisory committee to put in place to ensure research work is not overly protected.

Hon Tosika: If I make an application for protection of a particular area in a community, any research done on a place I think I have the total right to receive the report from the person doing the study or research in that area. But in here it is protected unless with consent of the advisory committee or you have to seek legal court order before you can be provided with the report.

At the end of the day, it looks like if the place where research or study is carried out, if what the Minister said, it has commercial potentials of some kind of resources that exist in that place, if I am the landowner or person who applies in the first place for protection of that area, I am denied the right to know about the resources in that particular protected area. I am denied the right to the resources. That is my concern here because whilst I allow my place for research or study to be carried out, I think that I must also be privy to the report of the research or study that was carried out in my place.

Hon Lilo: The power of the advisory committee under Clause 6 can be delegated by the advisory committee to a management committee of a particular protected area under Clause 12. When we come to Clause 12 you will see what I am saying. The same power that can be accessed here can also be accessed by the management committee of a particular area. It would also have access to that particular report in that way. Like what the AG has said in 5(d) and so forth, all the functions that are required of the advisory committee in Clause 6 are also replicated in Clause 12(3) as functions that can be exercised by the management committee of that particular protected area. When we come to that clause, you would be able to imply that to what sort of functions can be exercised by the management committee who will be resource owners of a particular protected area.

Mr Agovaka: In the case where a report is produced and there is an arrangement between the NGO and the resource owners, the landowners, and somehow landowners leaked out the confidential information, going back to this legislation on Part 3, it says that a person who contravenes subsection 2 commits an offence. The landowner commits an offence. Is this what this law is saying?

Hon Lilo: When dealing with research work, it has to be carried out very confidentially, like what the AG has said about the secrecy of research. In a case where the advisory committee assigns that responsibility to a management committee, which obviously will have to be landowners involved in that. The advisory committee will have to take upon itself the responsibility to properly explain to the management committee this task so that an environment of confidence can be provided to the NGOs that we are dealing with.

Let us not see this thing in a way that it will be just a free hand and anyone who is there is going to do it. It has to be construed in a more confidence and trust way where we would like to build with all stakeholders that are involved in an area; it is a new area to us but it is an area that has very high potential for commercial and economic development for Solomon Islands.

Hon Sogavare: This law is going to be enforced now after Parliament passes it. So where are these reports this time, and are they confidential so that the coming into force of this law is going to make that illegal? This time the reports of the NGOs, where are they, and is the confidential requirement adhered to as well on the reports.

Hon Lilo: I think Clause 26 is the transitional clause in here than that refers to Cap 152, which is the Research Act under the Ministry of Education. I do not know what really the reporting arrangement there is, but I would presume they have the same arrangement like what is in this Bill. What we are doing now is a very ad hoc arrangement, and that is we required all NGOs involved in conservation, research and environmental research to report to us. We have been receiving their reports and some have been performing very well in producing their reports and some have not, but now they are starting to feel that they have to take on the responsibility to be able to report back because of the coming into force of this Act. It has actually kicked start a change of behavior on the NGOs as well. But the researches that are under the research, I would presume that the reports are also submitted to the Ministry of Education for that matter.

Mr Chairman: Honorable Members, it is now 4.30pm and the proceeding of the committee of the whole house is therefore interrupted.

Parliament resumes

Mr Speaker: I understand that the honorable Prime Minister wishes for the business to continue. I now call on him to make the necessary arrangements.

Hon Sikua: To allow continuation of the business of the House, I seek your consent to move a suspension of Standing Order 10 in accordance with Standing Order 81.

Mr Speaker: Leave is granted.

Hon Sikua: I move that Standing Order 10 be suspended in accordance with Standing Order 81 to permit continuation of the business of the House until adjourned by the Speaker in accordance with Standing Order 10(5).

*Standing Order 10 suspended to enable continuation of the business of the house after
4.30 pm*

Committee Stage (resumed)

The Protected Areas Bill 2010

Clauses 6 & 7 agreed to.

Clause 8

Hon. Sogavare: Just for interest and for the information of the House. Clause 8(1) says that it is mandatory that the Advisory Committee shall meet at least once every three months. What about if the committee meets less than that number, is it liable to committing an offence or not?

Attorney General: It is mandatory except that offence is not stated on that particular section. I am just trying to look at the general power dealing with offences but there seems to be no provision that can impose penalty against advisory committee in failing to meet at least once every three months.

Hon. Sogavare: So as it stands, that is a very powerful language we are using but it cannot be enforced and so it is really up to the Ministry to ensure these people meet once every three months.

Hon. Lilo: Yes, that was the intention so that a situation where the chairman tries to delay any meeting or whatever is avoided and therefore is prescribed so that it must meet. It is simple logic that if the committee is not meeting then obviously you can send them a general letter saying whether they are still interested or not.

Clause 8 agreed to.

Clause 9

Hon. Sogavare: It talks about prescribed allowances, and so this is many types of allowances. How many types of allowances are you going to pay these people?

Attorney General: Yes, it is in plural but it is up to the time of prescription. When the Minister prescribes the allowances he will decide what kind of allowances to prescribe, but it does mean he has to prescribe many at the same time. That is to allow for any increase in the number of the kind of allowances they may collect.

Clause 9 agreed to.

Clause 10

Hon. Sogavare: I want to get the Attorney General and the Minister's clarification on how sub clause (1) and sub clause (6) are linked. Sub clause 1, again on recommendation, may declare by order in the gazette and in Clause 6, again the same, 'the Minister shall declare any area proposed under subsection (4) as a protected area, again on recommendation by the Director to the Minister, and then it refers to some subsections there that the recommendations have to comply with. How do we read these two sub-clauses?

Attorney General: In sub clause (1) of Clause 10, the word 'may' is used there because the result or conclusion is still not clear as yet because there are certain steps yet to be carried out and certain requirements yet to be satisfied, and that is why the word 'may' is there. This is because it depends very much on the recommendation of the Director, and if we look at Clause 2, the Director himself shall conduct meetings or do all those things under sub-clause (2) from (a) to (f) and that is why the word 'may' is used in sub clause (1).

In sub clause (6) the word 'shall' is used there because it refers to an earlier sub clause, sub clause (4). Sub clause (4) is where the owners of an area themselves initiate the process for declaration of the protected area. What it also says there is that after that is completed we then come to sub clause 5, and sub-clause 5 says, 'when the Director receives an application under subsection 4, the Director shall follow the procedure set out in subsection 2(b) to (f). So it goes through that process again.

We have sub clause 4 where landowners themselves initiate the process and when we come to sub clause 5, which requires the Director to follow what is set out in sub-clause 2, and if that is satisfied then that is why sub clause 6 uses 'shall' because the process is completed, and so as 7, but sub-clause 7 has some qualifications there and that is why the words 'may' are used differently in different sub clauses.

Mr. Oti: The powers of the Minister to make declaration under Clause 10 has been explained on the recommendation of the Director, most of which in sub-clause 8 'the Minister may on recommendation of the Director amend, vary, suspend or revoke the protected area by order in the gazette according to prescribed procedures'. On the one hand the procedure for declaration is here, but where is the prescribed procedure for removal from the protected area as required under this sub clause. I was trying to look for it otherwise it is in the regulations under 24 but it is also not there.

Hon. Lilo: I would have said the same thing too on that question. In relation to that it would be sub-clause 8, sub-clause 8 provides for where the Minister on the recommendation of the Director can amend, vary or revoke the protected areas.

Mr. Agovaka: I am just thinking ahead here. Part 3 is declaration and protection of protected areas. In a case where an area is declared a protected area, but suddenly one landowner goes and sells this area, and the Minister of Lands demarcates the land, puts up the notices and the land is on sale. What is going to happen here? Which law precedes which one?

Hon. Lilo: I do not know but this landowner must be a very confused landowner if he does that. If a landowner or an owner of an area expresses interest for a particular area to be protected area under sub-clause 4, the process that will have to be applied or the criteria for doing that is to start all over again where the director will have to conduct it from subsection 1 downwards. The director has to ensure that all those significance, the biodiversity significance must exist in that area before he recommends to the Minister to declare that area.

In doing that, we must be absolutely certain that, that particular owner must not do what you have said, because it will then be similar to those who are selling land everywhere. Let us hope it does not happen, but if it does happen then obviously he will have to contravene himself. I do not know whether it can extend to members of the tribe taking action against him. That could eventually arise anyway; that could arise. But the intention here is a very straightforward and thorough consideration where the resource owners have made a decision, agreed together, properly authenticated that that request they put to the director for a particular area to be declared as protected area cannot be touched. That is the intention here.

Mr. Oti: That was the essence of my first question that this is a one-way traffic that if it is declared it is embedded in stone. You either declare it or remove it from being a designated protected area.

On what grounds can the director recommend to the Minister that an area is disqualified to be defined as a protected area under this law? It must be specific, for example, if suddenly there are disputes arising that disturb the work and other aspects within the area, would that not be ground for revocation by order under sub-clause 8 by the Minister?

Attorney General: The expression prescribed procedures means that will be done by regulation later. The Member when he stood previously referred to Clause 24, because he looked at the list there and said there is no paragraph there connecting sub-clause 8 that we are looking at now. Really, we should look at the opening sentence in Clause 24, which says "A Minister may make regulations to give effect to the provisions of or for the purpose of this Act". And then it says "and in particular" so it is only particulars that are listed down there but the general part of Clause 24 allows the Minister to make the regulation even under Clause 10(8) for the procedures as to how and when a recommendation of the director may be amended or revoked so that the protected area is removed from the list.

Clause 10 agreed to.

Clause 11

Hon. Sogavare: Maybe this is for Minister to take note that probably the word 'to' is missing in sub-clause 2, on the fourth line between the words 'relating' and 'forestry'. Maybe the word 'to' is missing there.

Attorney General: I confirm that the word “to” is missing from that part between ‘relating’ and ‘forestry’.

Hon. Lilo: That is probably the only one we have missed out when we went through the Bill. We are absolutely sorry for that.

Mr Chairman: I did not touch what you said Attorney? I was saying we deal with it under 58(2), but you were saying something else.

Attorney General: Yes, we can deal with it before third reading or under section 58(2), but I was just confirming the missing word.

Clause 11 agreed to.

Clause 12

Hon. Sogavare: Just that this clause took the pain of differentiating these two groups of officers; public officers and provincial government officers. Which officers are public officers and which officers are provincial government officers? I thought they all serving the public.

Hon. Lilo: Provincial Governments do recruit officers directly. I am not too sure whether they fall under the public officers’ category that would normally be under the General Orders, the Public Service General Orders. These are provincial governments’ direct recruited officers. This is just to be specific on the selection of officers to execute the orders, otherwise we might face the issue of reporting, line of reporting of those officers. Like in provincial governments, there are also certain public officers that have been posted to positions in provincial government level and some are directly recruited. That is where that distinction comes from.

Mr Oti: Just for the Minister to confirm the intention of this clause, and indeed it talks about management committees. There is a management committee for every declared protected area, in so far as this definition is concerned. It is just that the implication of sub clause 5, “the members of the management committee are entitled to prescribed allowances” and therefore to confirm that how many protected areas there are, there will be one specific management committee for it. If there are 10 protected areas in the West, it is 10 management committees. In Temotu you have five protected areas and so you will have five management committees. It is just its implication on sub clause 5. Just for the Minister to

confirm whether every protected area has its own management committee. This is for you to confirm or otherwise.

Hon. Lilo: The ideal situation so as not to blow up the recurrent cost is only for the advisory committee to be responsible for all the protected areas. But on Clause 10 you will find that there are two kinds of distinct categories of protected areas, one is where the resource owners ask for it themselves and the other one is, for instance, they have passed through the merits under the Conventions on Biodiversity where the Director recommends to the Minister to declare that area as protected area. In that instance, it would be the advisory committee that takes control and even there could be a flexibility of a management committee to be established. Where it is recommended in here for members of the management committee to be entitled to prescribed allowances, this is one mechanism we thought would give incentive to the communities to be able to take on the responsibility of managing their very rich biodiversity areas that is good to be under some sustainable conservation development. That is what this is. But the picture that what about if the number is in tens and everything will not be right is what we also need to look into.

The criteria under Clause 10, I think, will be able to give way, give an opportunity for us to really consider which areas are of biological significance and they pass the criteria for them to be declared as protected area and therefore we avoid ending up in just one small area but we go asking whether this is a protected area or not just because people wanted to get allowance. I do not think we will end up with that.

Hon. Sogavare: Maybe the Minister has already touched on this, but how many people are going to comprise the management committee?

Hon. Lilo: It will be up to the advisory committee to decide what would be the right size because it is the advisory committee that has the responsibility of managing the protected areas to recommend the management of protected areas. Why we are doing that is that we are taking it at arms length away from the Ministry; the advisory committee, highly technical people, skilled people to manage the protected areas. You give it to Public Service and everything will not work. It would be really up to the advisory committee, depending on the size of a particular protected area.

Hon. Sogavare: The Act went through the pain of mentioning the number of people who should be in the advisory committee. This is a committee closer to the government, and the management committee is right in the village. Would it

not be wise if the Act actually states how many people should be in the committee so that there is no dispute otherwise a whole tribe wants to be in the committee and we will be in trouble, and probably it could be the cause of dispute there.

Hon. Lilo: We are not saying this system here will be free of dispute. Obviously, it will be just another process that we will have to face a lot of disputes, especially when dealing with land resources that is closer to the people. You will never get through any process free of disputes, just like that because dispute is sure going to happen.

I think the part on what would be the size of the committee, these are matters that can be prescribed under the regulations so that it can be looked at more carefully. But why it is left flexible like that is because we do not know the size of protected areas, the unique nature of the protected activities and so on, because the notice will have to really prescribe the activities to be carried out in that protected areas. Otherwise we might appoint one person but the work that is supposed to be carried out there is a very skillful work. Those are aspects we also need to look at.

Mr Oti: Just on the scenario painted by the Leader of Opposition and also in relation to the first point I made. I am just wondering if the Minister can inform us because once this legislation comes into force, there are now communities or undertakings that have made progress and can be immediately considered as protected areas for which the NGOs have taken part or engaged in, for which there is already an arrangement in place in terms of how the community is organized.

Can the Minister inform us as to avoid duplication, otherwise the NGOs are doing one thing or the same thing and we come up as well? What are the current arrangements that are already there that we could use as bases, otherwise we could potentially take the whole responsibility out of them or we duplicate or they become both. The more management arrangements there are for the community and individuals, the better it is for them. I am just wondering whether some of the existing ones, some of the management arrangements that are currently being practiced in these communities, have they been considered and whether or not what we are putting here will not duplicate what is already happening on the ground.

Hon. Lilo: We have to look into all the arrangements. It will be up to the advisory committee to look into all the arrangements that will ensure there is no duplication, there is no overlapping or that we are creating new processes that

are too costly for communities to manage the protected areas. These are considerations that will have to be considered very carefully.

I have alluded to the due diligence processes involved here that it will be carried out in such a way by the advisory committee to ensure that there is a proper system in place that will qualify. Protected areas now are flagship for conservation or sustainable conservation funding. Where a protected area passes certain requirements, it comes with good incentives too for funding by donors and so forth. We would expect the advisory committee to ensure all arrangements do not create unnecessary confusion in the way the protected areas are managed.

Clause 12 agreed to.

Clause 13

Hon Sogavare: I just want to express a view, and this is a follow up of the concern raised by the Deputy Speaker this morning in terms of money coming in for managing of the protected areas, the trust funds. I note that a lot of NGOs are going to be involved here, and there are NGOs that specifically come in to look at areas like that. And funds that the NGOs are using are funds that come from their governments. I do not know but maybe some understanding needs to be reached with some of the NGOs that specifically deal with those areas so that the funds they bring in, some of it goes into the trust fund to manage those things. We do not just want bodies but their money that is supposed for this work must also go towards this trust fund. How do we get that to happen?

Hon Lilo: Those are some of the requirements that the advisory committee will have to prescribe in the way that a particular protected area has to be managed. So it is not only managing the technical or scientific aspects of protected areas, but it will also be managing financial resources that comes inside, because without financial resources you would not be able to have a proper or an effective management of a protected area. These are some of the matters that would have to be prescribed. When you go to Clause 15 it explains how the advisory committee is going to go about using the funds, it is not the ministry it will be this advisory committee that will be responsible for that so that the government is kept at arms length from touching the trust fund. That is on that.

But it is true we have tried to discuss it to find one other best way of doing it and this is what we thought would be. It is used in Palau, the Micronesian Conservation trust fund and is also used in some other places and so we are just basically following that same process here.

Hon. Sogavare: So in Palau, are funds from the NGOs also go into the trust fund.

Hon Lilo: I think so. NGOs do not raise funds anyway, they go around fishing for funds too. But like here, the NGOs that we are applying for here are not only restricted to the ones registered under charitable organizations, but it also includes some other private companies. You could have a mining company that would be interested in a particular research on biodiversity. And there are lots of mining companies that are also involved in bio prospecting. Where they would want to be involved in bio prospecting, we will require them to follow the processes here which means they would have to put fund into these trust funds.

Clauses 13 agreed to.

Clauses 14 & 15 agreed to.

Clause 16

Hon Sogavare: In terms of property rights over any research carried out without the intellectual property right still not clear in here where the property right is going to be. In here it regulates how the researches are going to happen; the intellectual property right over research.

Hon Lilo: For us nationally, there would be the next stage of the law that we will be working on from these protected areas. You have to do things logically, you move from one to the other. And given the limitation of the technical capacity that we have, we have been working on this Bill for two years so the next thing is to look into certain specific outcomes that would come out of this particular legislation, and one is intellectual property rights, patent rights, copyrights and things like that. But in the absence of that, under the Convention on biodiversity because we are a signatory to it, it would apply as it is currently as to how we are going to deal with intellectual property rights on research work that comes out in the field of biodiversity, prospecting and research work.

I had a look through it and it is a very complicated one, but those who are lawyers would be able to understand it. But that is where it is at the moment. That is our safety net at this time.

Clause 16 agreed to.

Clause 17

Hon. Sogavare: I want the Minister to clarify our doubts about Clause 17(2), “any bioprospecting research permit and other relevant agreements mentioned in Clause 18(5)(b) requires the prior endorsement of Cabinet. Probably we can understand why, but maybe the Minister could confirm to us the policy rationale behind involving Cabinet on a matter that is clearly defined inside the Act as to how we should do it. This agreement here is to be endorsed by Cabinet and the AG. I take it that this agreement is not with the government but with landowners.

What they need is probably an independent legal advisor or something like that to help them. The rationale of Cabinet’s involvement is what I would like to know. I understand that legal agreements with government go to Cabinet for Cabinet’s approval and endorsement because the government is a party to the agreement. This is just for the Minister to clarify to us because my understanding on this agreement as I take it is that it is with the landowners.

Hon. Lilo: Any biological research work and any prospecting work that proves to be of some value to it is obviously there will be intellectual property rights issues involve, patent rights issues if proven to be of commercial value, and these are sovereign rights that will require Cabinet’s endorsement. Of course, they are signed with the landowners but when it comes to talking about IPR, patent rights and so on, all these are sovereign rights and it is the state that must get the benefits to that. But obviously it will have to be shared equally with the country. That is the policy rationale of having Cabinet to sight the agreements so that our resource owners who allow their resources to come under certain bioprospecting and research work are not led blindly, but are guided by technical help from government to ensure that matters of significance in regards to intellectual property rights can be well protected and guaranteed by the state.

Clause 17 agreed to.

Clause 18

Hon. Sogavare: Just 18(5)(a) the use of the written consent of the owners of the customary land or fishing areas is attached to the application. I do not know but we see many landowners being taken to hotels to sign all sorts of agreements and so on. I do not know but probably we wait for the new constitution to come to Parliament that actually requires everyone to consent to anything that happens on their land. I would just like to express a view here. What is really required

here are properly recognized owners of lands recognized under the land tenure system of that area. Because there is a very big problem we are having with this one where just about anyone can go and sign anything out on this one. I think it is recognized under the new constitution that we are still waiting for it to come, and that is because land is jointly owned and everyone must consent to whatever happen on their land. I just want to express that view and maybe the Minister would want to express some views on it too.

Hon. Lilo: That is very true, but as it is right now this is the best. In terms of drafting this is the best way we can express it. If we say it has to be recognized then it will demand some kind of recognition under certain laws that will provide for that kind of recognition, but as it is right now, you sought consent from owners.

In here, what we are expecting owners to show is some kind of meeting, general meetings of tribes that shows they all in full in support of it, documentation like that is what is expected here, which in a way will kick start the process, but of course as you go on, maybe a proper way of legitimizing who is to sign so that nothing happens once they sign their right of access, it will come in. This is just basically to show that there is some kind of necessary document that shows they have conducted a proper meeting and that they have all agreed to a particular activity like that to happen on a particular land. That is simply what this is about.

Mr. Kengava: Still on this particular clause, would it be possible for the Minister to come up with a prescribed form to help landowners to sign, etc.

Hon. Lilo: We may look into that in the regulations, in some ways to raise the authority of that consent; the level of that consent. Maybe in the regulation we can feature some things like that.

Mr. Tosika: Just a general observation. How are you going to address issues like access areas where permit is needed from forestry to go into certain areas to make contract with landowners and the contractor to extract logs? I think you would need a permit here, prescribed fees for permit. How are you going to deal with this, because protected areas maybe is covered here in this Bill and also the Forestry Act legislates some aspects of the forests? I only want the two permits, where a permit is required for felling of trees under the Forestry Act and another one is here. I want you to explain the difference of these two.

Hon. Lilo: The permit in here is for entering a place for some kind of bio research, which also includes forest resources, bioprospecting that includes forest resources and so forth. The forest license is for commercial harvesting and it is not for bioprospecting, so there is a clear distinction between these two particular permits.

In Clause 11, you will find that the consent of the Ministry of Fisheries and Forestry are required to recommend any particular area to be protected areas. There will be collaboration between these two Ministries. But in this particular case when you talk about permit for bioprospecting it also includes the forest resources.

Mr. Tosika: I asked that question because a lot of areas that we might want to protect have been logged already and if we allow such, then we are not going to have any protected areas. That is my concern because whilst we want to achieve the purpose of protecting the environment and doing conservation, one of the acts must be downplayed. Like maybe now we should reduce the harvesting of the forests, and maybe we should put in here the forests that would help people, for instance, we depend on the forests for oxygen and rivers depend on the forests to catch water to go down there; things like that. My view is when we want to put the protected areas in place at the same time we should do away with the harvesting of logs, so that it achieves the purpose of protecting the areas.

Hon. Lilo: There are two things here; one is protected area and this particular part deals with biological diversity or bio-prospecting. Bio-prospecting is doing research on the biological resources that exist in a particular area and the research might come up with some kind of finding that certain species there, forest resource species there have certain commercial values that can be used for pharmaceuticals and things like that. In doing that they can enter into an agreement where they can clearly specify how a particular finding can be used for monetary benefits. In that instance, obviously the choice would have to be made between, decisions will have to be made where resource owners will have to make a trade off, trade off in the harvesting of logs or continue on with bio-prospecting that has more sustainable commercial value return to the communities. That is what is expected here.

Currently, forestry is doing that. I think if you go up to the Ministry of Forestry, you can see all sorts of leaves around that office. They are doing research work on those leaves from everywhere, and those leaves are good for medicine. You can go and ask the officers there because the Minister is not here

but you can ask them. Oh, the former commissioner of forests is here too and he can confirm what I am saying.

Clause 18 agreed to.

Clause 19

Hon. Sogavare: Clause 19(1) in regards to the appointment of inspectors. As it appears now, this policy is optional to the Minister. Just a suggestion here: should it be a permanent part of the establishment because this group is doing an important work. Or how often is the inspection required and may be what level of competency is required of a person to be appointed as an inspector.

The other thing that is missed out there is that I understand public officers are going to be appointed, and so these are salary paid people, but it is silent on the question of allowance in the performance of extra work. Is the intention here not to pay allowance to the inspectors?

Hon. Lilo: All environment officers are inspectors by virtue of this Act and also the provisions of the Environment Act; they are already environmental inspectors, all of them, they have taken oaths at the magistrate and they are environmental inspectors.

In the event that inspectors might not have time or there is a pressing need for a particular inspection to be carried out in Anavon, for instance or Tetepare or in Makira, or somewhere in Marau because we also have some MPAs, then an officer from the provincial government can be assigned to do the job for that purpose and it has to be done properly so that after it is done, the temporary identification is given to him, he shows it and enters the place and comes back then he has to return that card.

On the question of allowances, any other public officer that is assigned any additional responsibilities, under the GO, public officers have prescribed allowance for additional allowance that they are entitled to. So there is no need to prescribe that allowance in here.

Hon. Sogavare: That will also apply if somebody is a public officer and is appointed as advisory in the advisory committee; the same thing will apply. The allowance that is prescribed here does not apply to him because he will be entitled to allowances in the GO.

Hon Lilo: Yes, it will be like that. We are not looking very much on public officers to serve in this advisory committee. Like for instance in the case of the

current environment advisory council or committee, there are no public officers serving there. People with skilled qualification in a particular area are accepted, except for the chairman, but that is a sector wide selection of the composition.

Clause 19 agreed to.

Clause 20

Mr. Agovaka: Clause 20(1)(d). I understand an enormous task this committee would be required to do is to search any persons or vessels, vehicles, etc. In a situation where the Indispensable Reef is declared a protected area, is there any plans by the Minister or the Ministry in implementing 20(1)(d)?

Hon. Lilo: Yes, we can for instance appoint police officers or the captain of the patrol boat to do that, to carry out a particular inspection, for instance. It can be done because in here you can appoint any public officers to do the inspection work.

Clause 20 agreed to.

Clause 21 & 22 agreed to.

Clause 23

Hon. Sogavare: This is just for the Minister to clarify the appeal process there. Who can appeal, and whose decision can we appeal against? That clause only provides for anyone that is aggrieved against the decision of the advisory committee in Part 5. What if people are not happy with inspectors, the director and management committee in regards to any decisions they have taken? What process will they have access to if they are not happy?

Hon. Lilo: The appeal provision in Clause 23 is in relation to any application declaring an area a protected area and also any permits. That is in Clause 23. Where an inspector carries out his work, I think the only recourse would be in court, you go straight to court. It is imposing a penalty there and so the only way to stop that is to go to court. That is what is in Clause 23. Any decision of the advisory committee that you are aggrieved about, you have to appeal to the Minister. But I mentioned something where in here it is different from other Acts. We have sub clause 2 where the Minister can actually appoint a panel consisting of a legal practitioner and not more than two other members to hear

the appeal and to make a report to the Minister, and they will make a recommendation whether to withdraw or vary that appeal. The Minister is not alone here, unlike other Acts where you go and see the Minister himself in his office. In here, it is not like that, as it is well protected. Just like the case on the Environment Act where it is the advisory committee that advises the Minister, he cannot act alone and once the advice is received it is finished, the Minister cannot act otherwise.

Hon. Sogavare: Thank you for that explanation. In terms of inspectors and the director, I think one notable clause that is missing here that is also in other Acts is an indemnity clause. These people actually have direct access to the public and they exercise powers, and the other Acts as was mentioned, even if they exercise their powers even if it is illegal but it is done in good faith they are not breaking the law. My question is inspectors and directors as public officers. I just note the absence of an indemnity clause here, which certainly appears in other Acts that come before Parliament.

Attorney General: Yes, that is noted, and in those Acts that have indemnity clauses, they were specifically designed for those clauses. But in absence of any indemnity clause in this Act, reliance would be made there on the Crown Proceedings Act, but I am just trying to find that particular clause to refer to. But there is a defense for the crown and its officers under the Crown Proceedings Act. That will be the reliance.

Mr Agovaka: Clause 23(2), in the event where a person is still aggrieved by the decision of the panel, can he take it further to a higher authority, say the magistrate or the court in trying to resolve the issue he is aggrieved about?

Attorney General: Under the general administrative law, one can but one needs to see a lawyer for that course of action to bring an action under general administrative law.

Clauses 23 agreed to.

Clauses 24, 25 & 26 agreed to.

Mr Chairman: Honorable Members, there being no preamble or consequential amendment to the long title, this brings us to the conclusion of our deliberation on this particular Bill. The Committee of the Whole House is now dissolved and the Minister will report to Parliament when the House resumes.

Parliament resumed

Hon. Lilo: I wish to report that the Protected Areas Bill 2010 has passed through the Committee of the Whole House without amendments.

Bills – Third Reading

The Protected Areas Bill 2010

Mr Speaker: Honorable Minister, this is where you refer us to the corrections, and if you can still remember the correction is under Section 11 (2) where there is a missing word 'to'.

Hon. Lilo: I wish to report to the attention of Parliament that there is an error in Clause 11(2), fourth line, that the word 'to be inserted between the words 'relating' and 'forestry'.

Mr Speaker: The honorable Minister has reported the correction to Clause 11(2).

Hon LILO: It is my privileged to move that the Protected Areas Bill 2010 be now read the third time and do pass.

The Bill is passed.

MOTIONS

Mr Speaker: Honorable Members, on Friday 26th March 2010 the Prime Minister moved that an address in reply to President Ma's address be presented in the following terms:

'We, the National Parliament of Solomon Islands here assembled, wish to express our sincere gratitude and appreciation for Your Excellency's visit and address to Parliament on Thursday 25th March 2010 and for the assistance the Republic of China on Taiwan continues to provide to the Parliament, Government and people of Solomon Islands.'

Debate on that motion was adjourned on the same day to this sitting. Today, we continue with the debate and Members may now speak on the general principles. In so doing, I kindly remind Members to comply with the rules of debate set out

in our Standing Orders and to please confine speeches to the subject matter of the motion. The floor is now open for debate.

Mr NUAIASI: Thank you for allowing me to speak on this very important motion moved by the Honorable Prime Minister for us to debate in relation to the visit of the President of Taiwan. I wish to thank the Honorable Prime Minister for moving this motion for us Honorable Members to debate in this Honorable House.

First and foremost, as the current Member of West Are Are Constituency, I would like on behalf of my people, to thank the government of the Republic of China on Taiwan for its continuous support to Solomon Islands since the establishment of relations between the two countries. The people of West Are Are Constituency have enjoyed various funding assistance provided by ROC. Through the RCDF Taiwan had openly and kindly contributed towards education, social services, implementation of projects in agriculture, cocoa and copra in West Are Are Constituency. It has been very kind on the part of Taiwan to the people of Solomon Islands.

The people in the rural areas of West Are Are Constituency have experienced Taiwan's financial assistance through a lot of things like sea fares, financial assistance towards education, bride price, contribution towards dead bodies, and payment of other things, even just to keep people in Honiara when they are in the hospital, and the list goes on. Some people may have alleged that the money has been misused. That allegation has no substance at all because the money given by ROC to Solomon Islands is fully utilized by Members of Parliament. The assumption by people, some of whom are intending candidates should wait for their turn and should not jump to the conclusion trying to assume that the money has been misused by Members of Parliament.

I am very grateful that the allegation of misused funds is a non issue. But to the government and people of the Republic of China, Taiwan they have helped us very much. In fact, Taiwan brought us peace to Solomon Islands because of its understanding and foresight. The Republic of China, Taiwan has been helping us with a lot of financial assistance and it has brought us light during our darkest hours. During the ethnic tension, Taiwan was the only country that openly showed its hands by helping us and lifting us from the dark room. This is a country that is a real friend indeed.

As a Solomon Islander, I am proud of the Republic of China for pouring in much money to our country and today Taiwan's assistances are experienced ploughed into areas like agriculture, manpower assistance and so forth. Much has been said about Taiwan by other countries, but let me tell them that the Republic of China has done her best to ensure that Solomon Islands is a peaceful

country and at the same time enables it to grow economically to meet all her aspirations.

The visit of President Ma to our country recently is historical and a milestone for Solomon Islands. I want to say here on behalf of my people that we are proud of the people of Taiwan who have helped and are still helping us in many ways, not only through the RCDF and Micro funds but also many other projects that we applied for.

With these few remarks, I fully salute the President, his people of the Republic of China and the people of Solomon Islands for their cordial relationship. I beg to support.

Mr Speaker: It has been suggested that I adjourn Parliament now and so debate on the motion is suspended until tomorrow.

Debate on the motion adjourned

Mr Tosika: Point of order. I was going to say that as well because we have sought leave for our Committee to deliberate on the Protected Areas Bill. I just thought that when we concluded the Bill in its third reading you should just adjourn the meeting.

The House adjourned at 5.46 pm.