

NATIONAL PARLIAMENT OF SOLOMON ISLANDS
8TH PARLIAMENT – 1ST SESSION – 4TH MEETING
DAILY HANSARD

TUESDAY 14TH AUGUST 2007

The Deputy Speaker, Sir Kemakeza took the chair at 9.30 a.m.

Prayers.

ATTENDANCE

At prayers, all were present with the exception of the Minister for National Reconciliation and Peace, Provincial Government & Regional Development and Members for West Guadalcanal, East Honiara, Small Malaita, Ranogga/Simbo, North West Choiseul, North Malaita, Maringe/Kokota, South Vella La Vella, North Guadalcanal and South New Georgia/Rendova.

Mr Speaker: The Bills and Legislation Committee needs to consider the three Bills now before the House, namely the Magistrates Courts (Amendment) Bill 2007, the Correctional Services Bill 2007, and the State Owned Enterprises Bill 2007. The Government has agreed to the Committee meeting this morning to consider these important Bills.

Before I suspend Parliament I would like to acknowledge the presence of visiting parliamentarians from the United Kingdom, the Commonwealth Parliamentary Association Branch who are currently visiting Solomon Islands. Honorable Members, please welcome the Rt. Honorable Michael Howard QC, MP who is currently the Vice Chairman of the All-Party Parliamentary Australia and New Zealand Group and is also interested in the United States. We also have with us Baroness Golding who retired as MP in 2002 and was ennobled to become a member of the House of Lords.

The Speaker will host lunch in honor of our guests at 12 o'clock this afternoon and with this I invite all honorable Members of Parliament to attend this lunch and have

informal discussions with our friends from the United Kingdom CPA Branch.

(applause)

The House is suspended until 2.00 p.m. in the afternoon

Parliament resumes

PRESENTATION OF PAPERS AND OF REPORTS

- Report of the Public Accounts Committee on its Examination of the 2007 Supplementary Appropriation Bill 2007 (National Parliament Paper No. 38 of 2007)
- Solomon Islands College of Higher Education 2006 Annual Report (National Parliament Paper No. 39 of 2007)

QUESTIONS AND ANSWERS

Question No 1

Finance: GM of Earth Movers

Mr Gukuna: Since conceiving these questions, I have received information directly pertaining to the issues that have been questioned, after consulting this information and having consultation with the Minister responsible, I have decided to reword my question. With that intention I have decided to defer my question.

Question No. 1 deferred

Employment: signing of labor arrangement at Taipei

2. Mr GUKUNA to the Minister for Commerce, Industries & Employment: Did the Prime Minister sign the Labor Arrangement

during his last visit to Taipei? If so, what is the status of this arrangement?

Hon AGOVAKA: Mr Speaker, in answering the question raised by the MP for Rennell/Bellona, I would like to inform Parliament that the Prime Minister in his recent trip to the Republic of China, Taipei did not sign the Labor Cooperation Agreement with Taiwan.

Mr HUNIEHU: Can the Minister explain why the Prime Minister did not sign this agreement, and when will the Prime Minister sign this agreement if it is government policy to pursue this program?

Hon Agovaka: There are other issues that needs to be looked at such as regulating issues like health insurance, facilitation of passport application, visa requirements in Taiwan, tax payments, repatriation of over-stayers, work place agreement, training needs of our people here in the country, and of course the cost of return airfares to Taiwan and who is going to pay for this. These are some of the regulating issues that we need to sit down and look at thoroughly before we can sign the Labor Cooperation and memorandum of understanding. But it will be soon, hopefully by the end of the year.

Mr GUKUNA: Mr Speaker, the reason I asked this question is because prior to the departure of the Prime Minister to Taipei, there were a lot of media reports that he was actually going to Taipei to sign the agreement.

As well explained by the Minister, there are still a lot of things to cover. The Prime Minister's travel to Taipei to sign that agreement was ill-reported. I do not know where that comes from but I think the Minister has well explained this question and I am satisfied with it. With that I would like to thank the Minister for answering the question.

Hon SOGAVARE: Mr Speaker, the visit to Taiwan is not only to sign the Labor Agreement. There are other bilateral matters that were discussed. Those matters will be placed before the Cabinet. We went there not only to sign the Agreement. There are some indications that

before we left, we were told that that agreement would be ready. When we get there as the Minister said there are other issues that we addressed. But there is commitment on both sides that the agreement will be signed.

STATEMENT OF GOVERNMENT BUSINESS

(Statement read by the Prime Minister)

BILLS

Bills – Second Reading

The Magistrates Courts (Amendment) Bill 2007

Hon TOSIKA: Mr Speaker, I beg to move that the Magistrates' Courts (Amendment) Bill 2007 be now read the second time.

Mr Speaker, the Magistrates Courts Act (the principal Act) now Chapter 20 of the 1996 Revised Laws of Solomon Islands, which this Bill seeks to amend was first enacted in 1961. It provided for the Constitution of Magistrates Courts, appointment of Magistrates and other officers of the Magistrates Courts, regulation of their duties and jurisdictions and for appeals from Magistrates Courts.

The principal act, amongst other things, provides for the constitution of three courts of summary jurisdiction in Solomon Islands, namely the Principal Magistrates Court, Magistrates Court of the First Class and Magistrates Court of the Second Class. While Principal Magistrates are appointed for the whole of Solomon Islands, Magistrates First Class and Second Class Magistrates are appointed to one of five court districts.

Magistrates' courts in the districts operate independently of each other and lack internal judicial authority structure. It does not provide for the positions of Chief Magistrate and Deputy Chief Magistrate, as we know today. These two positions are administrative setups only. The civil limits to the jurisdiction of the Magistrates Courts were last set in 1976 and do not now reflect changes in the value of money and qualification and experience of many magistrates of recent times. It is now considered necessary to bring about changes in light of

various developments taking place since the enactment of the Principal Act.

Mr Speaker, my Ministry and the National Judiciary are aware of the desire of people to see more improvements to the delivery of court and judicial services throughout the country. Improving the delivery of judicial and legal services will help to rebuild and maintain public trust and confidence in the rule of law. Rebuilding and maintaining public trust and confidence is not only dependent on an effective and improved criminal law enforcement regime but also on an effective civil law system which also brings important social and economic benefits to the wellbeing of this country.

Mr Speaker, the Magistrates Court deals with the bulk of minor civil and criminal cases in this country. Mr Speaker, one way of improving the delivery of judicial services throughout this country is to improve the effectiveness of the magistrate's courts. It is not the only way though. In fact my Ministry is now working on improving other formal and informal mechanisms to improve and sustain the delivery of formal and informal judicial services and access to formal and informal justice in this country.

In this regard, to improve the delivery of judicial and legal services through the magistrate's courts, we consider that we need

- to improve the administrative arrangements in the magistrates court including reforming the magistrates court as a unitary court of record with three levels of magistrates and ensuring all the three levels of magistrates given jurisdictions throughout the country.
- to strengthen the internal judicial authority structure by providing for the statutory posts of Chief Magistrate and Deputy Chief Magistrate and their functions to ensure judicial resources are managed to ensure efficiency, accountability, sustainability and integrity in the Magistrates Court Jurisdiction; and
- to substantially increase the civil jurisdictional limits of magistrate's

courts to provide greater access to legal remedies in the provinces, ensure civil cases are dealt with expeditiously and to provide litigants a more convenient forum where their cases can be dealt with expeditiously with less cost.

Mr Speaker, this government too recognizes and is supportive of the need to improve the delivery of judicial and legal services and access to justice and has come up with specific policies in its policy framework document which supports the independence for the judicial arm of the government. Some of these policy statements include the following:

- to ensure that the court system operates at various levels of the society is given all the support it requires to carry out its functions,
- ensure the capacity and safeguard the independence of the judiciary and
- ensure equitable and easy access to legal and judicial services throughout the country.

Mr Speaker, this Bill seeks to:

- (a) create a single magistrates court for Solomon Islands, which is to be called the Magistrates' Court of Solomon Islands. It will replace the existing three court divisions of Principal Magistrates' Court and Magistrate Courts of the First Class and the Magistrates Court of the Second Class.

Mr Speaker, the creation of a single magistrates' court for Solomon Islands will ensure there is effective internal management of judicial resources of the magistrates' courts across the country which will bring about efficiency, sustainability, accountability and integrity in the in the magistrates court jurisdiction.

- (b) create the positions of Chief Magistrate and Deputy Chief Magistrate. Their offices are currently administrative set ups only and so have limited authority over the magistrates' courts districts

which at present operate with a high degree of autonomy. Creating the two positions as statutory posts will provide statutory recognition to the two posts and delegate to them the power and authority to supervise the work of the magistrates' courts including delegating to them some of the powers vested in the Chief Justice.

- (c) to substantially increase civil jurisdictions of magistrates' courts which were last set in 1976. The jurisdiction limits were set in an historical setting when many magistrates courts were not legally qualified. They were also not updated to reflect changes in the value of money. The jurisdictional limits of the magistrates' court also set the threshold for the jurisdiction of the High Court. Cases not within the limits of the magistrates' court must be taken to the High Court if they are to be heard unless the party seeking relief agrees to abandon that part of their claim in excess of the limit.

In this Bill say, we seek to increase the civil jurisdiction upper limit of \$5,000 for magistrates' court second class, \$20,000 for Magistrates Court First Class and \$50,000 for Principal Magistrates for both general claims and landlord and tenant matters. A greater upper limit for Principal Magistrates of up to \$100,000 apply in both general claims and landlord and tenant matters where the parties agree.

Mr Speaker, while the Chief Justice can, under the Principal Act by order increase jurisdiction in civil cases and matters by named magistrate, it is considered more appropriate to increase the civil jurisdictional limits of the Magistrates Court across the board in a substantial way by statutory amendment.

- (d) As a consequence of the amendments, this Bill also provides transitional and saving provisions to allow for the continuation of serving magistrates as if

they are appointed under the new provisions in this Bill and allow pending appeals from the Magistrates Courts to continue with such qualifications, modifications and adaptations as may be necessary.

Mr Speaker, I will now turn to the specifics of this Bill. Mr Speaker, this Bill seeks to amend sections 3, 4, 7, 8, 9, 10, 19 and 38 of the Magistrates Court Act (CAP 20) by repealing those sections and substituting them with new sections 3, 4, 7, 8, 9, 10, 19 and 38. The Bill also seeks to amend the Magistrates Court Act by inserting new sections 10(A) and 48 and 45(A) to the Principal Act.

Mr Speaker, Clause 1 of the Bill provides the short title of the amended act and how it is to commence.

Clause 2 of the Bill repeals section 3 and 4 of the Principal Act and substituting therefore new sections 3 and 4.

Clause 3, the new clause 3 establishes a single Magistrates Court for Solomon Islands and provide for three level magistrates namely the Principal Magistrate, Magistrate First Class and Magistrate Second Class, ensuring the Chief Justice has overall administrative responsibility for the magistrates court and establishing the magistrates court as a court of record.

Section 4, Mr Speaker, the new section 4 empowers all the three levels of magistrates to sit an exercise jurisdiction throughout Solomon Islands. This is intended to strengthen and improve the efficiency of the magistrates' court and to give flexibility to allow magistrates to sit in any magistrates' court throughout Solomon Islands.

Mr Speaker, Clause 3 of this Bill seeks to amend section 7, 8, 9 and 10 of the principal Act.

Section, 7, the new section establishes the offices of the Chief Magistrate, Deputy Chief Magistrate, their appointments by the Judicial and Legal Services Commission and their powers or functions. This ensures the two posts will no longer be administrative set ups as is the case at present.

Section 8, the new section 8 validates the appointment current serving magistrates in the view of the repeal of section 7 of the

principal Act under which warrants and which empowers them to hold their respective courts were made. This should ensure current serving magistrates retain their warrants and levels when this Bill comes into force after each passage.

Section 9, Mr Speaker, the new section 9 provides the Chief Magistrates the power to assign magistrates to a particular district or transfer magistrates from district to district. This provision provides the Chief Magistrate management and administrative responsibility and flexibility in the posting and movement of magistrates throughout the country thereby improving the delivery of judicial and legal services to the people of this country.

Section 10, Mr Speaker, the new section 10 empowers the Chief Magistrate to assign a replacement magistrate for a magistrate who cannot hear a case due to personal interest in the matter or other sufficient reasons. This would reduce delays in the listening and hearing of cases.

Mr Speaker, Clause 4 of this Bill seeks to add a new section 10(A) after Section 10.

Section 10(A), the new section 10(A) obliges the Chief Magistrates to collate returns of each magistrate court and report annually to the Chief Justice ensuring accountability on the part of the Magistrates Court in their operation.

Clause 5 of this Bill seeks to amend Section 19 of the Principal Act and substitute it with a new section 19.

Mr Speaker, the new Section 19 increase the upper limit for both general claims and landlord and tenant matters of \$5,000 for Magistrates Court Second Class, \$20,000 for the Magistrates Courts First Class and \$50,000 for the Principal Magistrates Court and a greater upper limit of \$100,000 for Principal Magistrates Court where the parties agree.

Enlarging the civil jurisdictions of the magistrates court provides greater access to legal remedies in the provinces and relieves the pressure on the High Court to deal with cases; ensuring civil cases are dealt with expeditiously using the capacity of the magistrates court to provide a lesser formal forum and provide litigants a more convenient forum where they can expect their claims to be dealt with expeditiously with much lesser expense than the High Court.

Clause 6 of this Bill repeals Section 38 of the Principal Act and substituting instead a new Section 38.

Section 38, Mr Speaker, the new Section 38 provides for the transfer before judgment by the High Court to the magistrates court of any civil cause or matter either entirely or in respect of any part thereof by way of an order by a judge of the High court, which order can be conveyed electronically which shall have the same effect and validity as if it was the actual order. Where a case is transferred, pleadings filed to the point of transfer shall be taken as validly filed.

Mr Speaker, Clause 7 of this Bill seeks to add a new Section 45(A) with the Principal Act. This would come under Part V of the Principal Act which deals with appeals from the Magistrates Court.

Section 45(A) Sir, the new Section 45A is a transitional and savings provision in relating to pending appeals from decisions of the Magistrates Court when this Bill becomes an act and comes into force. In such instances, the appeal would continue as appeals subject to such qualifications, modifications and adaptations as may be necessary.

Mr Speaker, most new sections in this Bill retain much of the provisions in the repealed sections to give clarity.

Sir, this Bill seeks to enhance the effectiveness of the Magistrates Court to provide and deliver better and improved judicial and legal service to the people of this country. It would enable the magistrates court to properly manage court resources and provide greater management flexibility, give it the capacity to administer itself, permit more efficient case management practices to be adopted and hence the judicial independence of the magistrates court.

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

(The Bill is open for debate)

Mr HUNIEHU: Mr Speaker, I would just like to briefly contribute to this very important Bill, the Magistrates Courts (Amendment) Bill 2007. Before I do so, I wish to thank the Minister for introducing this important Bill to Parliament to address at this particular time of the year.

Mr Speaker, as I understand this Bill has been in the pipeline since two or three years ago, and I think it has come to Parliament quite late.

The Bills and Legislation Committee had just looked through this Bill a few hours ago and I wish to express my apologies that our report is still not ready for the information of Members of Parliament. I hope in future, important bills of this nature must be considered by the Bills and Legislation Committee in good time before Parliament deliberates on them.

This not only happens to this Bill, Mr Speaker, but a number of important bills tabled in this Parliament were not considered by the Bills Committee in time before they were deliberated on. I hope that in future bills come early for the Committee's deliberation. I raised this concern many times but I have not seen any improvement. Mr Speaker, I hope we will improve on this particular issue this time.

Mr Speaker, this issue is about capacity building of our magistrates and our legal system. Mr Speaker, as society grows, population increases and therefore what is needed most in this country is improvement to the legal system. At the moment our legal system is too centralized. In other words, most of the decisions made and most of cases heard were done in Honiara. I see this Bill as decentralizing part of our legal system to provinces throughout the country.

I would like to take this opportunity to thank our development partners for making funds available for the implementation of this Bill. Be it RAMSI, Japanese Aid or whatever it is, I would like to take this opportunity to thank you all for making funds available to implement this important policy. We need court houses and if the government does not have funds to build court houses, we have to depend on our development partners to do it for us.

Mr Speaker, by decentralizing legal services to people in the provinces, more cases will now be heard in the provinces. I hope the Minister has enough officers to be deployed after this Bill is passed. I also hope that as soon as this Bill is passed he immediately starts the implementation process. No excuse that there are no funds. Funding is made available and therefore the process must begin as immediately as possible.

Mr Speaker, as all of us know the court system in this country used to function much better during the colonial times than what it is now. This is because governments then placed the role of the judiciary and the legal system most important. Court houses were built in most district centres throughout the country. This is not something new for us to argue about in this Parliament. It was done before, unfortunately the magistrates and the legal system in this country were left to deteriorate. I see this as the beginning in the process of the bottom up approach.

(hear, hear)

I hope you mean when you say 'hear, hear' because nothing positive will happen in this country without setting up a proper legal system.

I said that this bill was conceived in year 2003 or 2002 when there was no bottom up approach. It was conceived at that time, and it is good that the Minister has seen it fit to present this Bill right now. I hope that more magistrates, qualified magistrates are pushed to the rural communities to provide legal services to our people.

We understand, Mr Speaker, that many of our people are training in universities as lawyers. I hope they will come home as men of integrity, men of honorability, men of respectability to provide legal services to people of Solomon Islands. That is where we need to go, Mr Speaker. And it must not just stop there because this is what I called the formal sector of the society. The informal sector of our society which comprises 80% of our people is yet to be addressed – the customary sector.

The legal systems to be designed for villages throughout the country must be part and parcel of our legal system. This is just about the urban centers. We need to start thinking very seriously about how people in the villages should be able to have access to legal advice in the villages because they do not have money to travel to Auki or to Honiara to hear their cases. No, Mr Speaker. That is one of the problems we are facing with our legal system now.

Sir, it is costing people money to come to Honiara for their court cases, and normally the government does not help these village

people who come to plea their cases in Honiara. I hope my good Minister who is listening should devise a formal approach and a formal plan to extend legal services to village communities.

It is a good beginning to address legal issues in the urban areas - it is a good start. By doing this, the High Court of Solomon Islands will decentralize a lot of issues to magistrates in the provinces, and he will have more time to deal with big cases that we want decisions to be made quickly on. I hope this Bill will lessen the burden of our court system here in Honiara. That is why I am very happy with my good friend who introduces this Bill right now.

Sir, I said earlier that we must appreciate our development partners that help us in this development. I understand this is a RAMSI Project. How many times do we criticize our development partners without realizing the good and positive things they are doing for this country? Without their support to capital projects nothing will happen because we are not generating enough money to pay for such projects.

Never mind the Minister of Finance talking about the 6% growth. That is not enough money to pay for all our infrastructures. There are people supporting our infrastructures and we must appreciate what they are doing for this country, Mr Speaker, if I may say that. You might laugh at what I am saying but that is the simple truth.

I do not need to bore Parliament on the details of this Bill because the Minister has clearly explained it in Queen's English or Queen's language and I think all of us know the contents of the Bill.

In conclusion, Mr Speaker, this Bill is about capacity building of our court system in Solomon Islands. This Bill is about providing legal services to people in the villages. This Bill is about justice for this country. This Bill is about the future happiness and prosperity of our country.

May I say as a final word in my conclusion that it must not stop here. It must continue right down to the village level so that Solomon Islands should be seen as a more legal society at the end of this century or perhaps at the end of the term of this government or whatever that day would be.

With those few remarks, I wish to thank the Minister for introducing this Bill and I wish to thank the government for this Bill. I would like to encourage my good Minister that we pass this Bill now and you look for money to implement it because I can see that you are given the absolute power to implement it.

This Bill says: *The Act may be cited as the Magistrates Courts (Amendment) Act 2007 and shall come into force on such date as the Minister may appoint.* If the Minister thinks it should be implemented in year 2010, I am sorry. That is after the general election and you never know whether you will be coming back and so you better start implementing it right now. Thank you, Mr Speaker.

Hon FONONO: Thank you, Mr Speaker, for allowing me to contribute briefly to this very important Bill before the House. In doing so, Mr Speaker, I would like also to register my thanks to the Honorable Minister on behalf of the Government for bringing this piece of legislation that is very important to the judicial arm to enable it continue to function as provided for in the Constitution.

Sir, I would like to thank the Justice Consultation Committee for carrying out this reform and seeing it fit to bring this piece of legislation on the magistrate court so that its work can be effective.

Mr Speaker, I would like to register my disappointment that this Bill was only distributed in our pigeonholes yesterday and it appears on the Order Paper today for debate in its second reading, and go as far as the committee of supply and third reading as well. I think that is not a good way of bulldozing, if I may use that term, Mr Speaker, legislations in this Honorable House. Members of Parliament need time to look through very important legislations like this so that they could contribute positively to the debate and also raise questions.

May I suggest that in future the government should use the consultative mechanism where consultation goes out to the Civil Society, the NGO's and provinces? Members of Parliament too must be given ample time to contribute in the process of consultation. After all we are lawmakers and we need to

contribute positively to any piece of legislation that comes before this House.

Sir, I am raising this point because when a bill comes through there is very little change that we can make during its debate or even at the committee of supply stage. Wider consultation needs to be done so that leaders contribute positively to legislations. Therefore, I see bulldozing of bills to parliament as an injustice.

I am a member of the Bills and Legislation Committee and we just went through this Bill this morning. I am not surprised if ordinary Members and others do not have time to look through this very important Bill before its debate now. It is very important that in future, I would like to remind my good Government to give ample time to Members of Parliament to look through very important bills before Second Reading.

I can remember some countries that have very important piece of legislation like this that do the first reading of bills in one meeting of Parliament, they go out to the people for consultation and then the next meeting they do the second reading and third reading of the bills. That in a way creates a very good input not only from the public but also from lawmakers to enable them contribute positively to bills.

The same could apply to the bill we will be debating tomorrow - the Correctional Services Bill. Very little time is given for us to study the bill, and the bill is quite large. I think a sky rocket scientist would look through such a bill and understand it.

There is no justice in the way this Bill came through giving very little time for Members of Parliament to indulge into the contents of the Bill and understand its intention. However, Mr Speaker, as I have said I thank the Government through the Minister for bringing this very important Bill to the House.

The Bill has noble intentions as outlined in the objects and reasons at the back of the Bill and so I do not want to touch on that. As alluded to by the Minister when introducing the Bill, it is very important that the Bill tries to improve the efficiency and the effectiveness of the judicial system in the country, especially the lower courts - the magistrate court.

Sir, I have seen magistrate court houses in the rural areas, in substations, not only in

suburban centers that have been lying idle and not utilized over the years since independence. This piece of legislation after its passage, its implementation by the Ministry will strengthen its capacity so that magistrates are posted to provinces and further down to substations so that the court system is felt by people in the rural areas.

I am also led to believe that this piece of legislation will also cater for capacity building in the magistrates as it will create posts such as the Chief Magistrates and the Deputy Chief Magistrates on which the line of command will be exercised so that they do their job effectively throughout the country.

Sir, I would also like to reiterate the point raised by the MP for East Are Are on the need to look at the physical development of courts in our provinces and substations so that it gives a total picture of the development of the judicial system in the country.

I understand there are plans now to improve the Auki court house, the Gizo court house and other provincial center court houses. That is a start in the right direction because the court house in Auki has been there since independence with no improvements done to it at all. The physical development that needs to take place in court houses throughout the provinces is a step in the right direction. I look forward to the government allocating funds for that purpose so that it is seen to be doing it and not just talking about it.

I also would like to register my appreciation in recognizing the role that development partners play. Without them, Mr Speaker, there is not going to be any physical improvement to the court system. With that I pay respect to AUSAID through RAMSI for continuing to improve court facilities, not only here in Honiara but also in provincial centres like Auki and Gizo.

Mr Speaker, as was also raised in our committee meeting today, in future the judicial system should look at, may be, establishing family courts under the magistrates court because most of the cases that magistrates deal with now are family problems of broken up marriages - the 02 business thus giving a lot of challenges to us as lawmakers. I think a family court should be taken up by the Ministry so that

it caters for family courts in the process so that the magistrates is broken up into different court systems to look at problems our nation is facing at the moment.

I would like to raise in this general debate that in future I would like the Ministry to look into a family court within the magistrates court to address the growing family problems nowadays. Whether we like it or not it is a growing problem where families are broken up ending up in court. The court system needs to take this into consideration and therefore it is important for us as legislators to look at such a legislation or bill to be brought to Parliament.

Mr Speaker, I shall be brief because this piece of legislation, although it was just distributed yesterday, is important that we say amen to it so that the Ministry can implement it and get the judicial system especially the lower court system to effectively carry out its role.

With those few comments, Mr Speaker, I support the Bill.

Mr KENGAVA: Mr Speaker, I want to also register my appreciation for this Bill. I thank the Minister of Police for bringing this very important amendment in order to bring forward the functions of the Magistrates Courts.

Mr Speaker, I want to stress the point that this amendment is an example of the need to bring to this House laws that are long overdue. Many of our existing laws are very much laws made before independence. Because of that Solomon Islands has been slow in progressing because we have been depending on conservative laws. Therefore, I must commend the Government for bringing up this particular Act for its amendment and updating. Because if we were following the Magistrate Courts since 1961, then for the last 46 years we have been following a law that is really outdated. Therefore, I think this is a way forward for this country. We must move on and look at other laws that are needed to improve and update the law and order situation in this country to be in line with present situations.

Sir, I think our attention must now very much focus at improving law and order, and this law is an example of a machinery we can use to bring about great improvement to our law and order situation in this country.

Sir, whilst commending the government for bringing this amendment, I would also like to encourage us to look at other courts in this country that must work together with the Magistrates Court, especially the Local Courts and the Customary Land Appeal Court. These two courts are the most common courts operating in the villages or the rural areas, especially the Customary Land Appeal Court in its consideration of logging and businesses. In other words, there are other laws that need to be brought to this Parliament to keep up with changes that are taking place around us.

Now that we have this Magistrate Courts Amendment Bill, which I am sure will be passed, there is also the need to bring in the Local Courts and the Customary Land Appeal Courts for the three to work together.

Mr Speaker, as I have said this is a way forward for us, especially for the development of the legal system in our country. I think this present Bill simplifies the structure of the Magistrates' Courts in this country, and I am sure it will bring about a better and effective administration of the court system, especially in the running of courts in remote provinces like my province of Choiseul and Temotu.

I think this Bill needs a lot of support from this House upon its passage. There is need to look at other factors to come in by way of manpower as there will be need for more lawyers and by having more lawyers there is also the need to improve their conditions of service in order to attract new lawyers to work as magistrate in the rural areas.

We also need finance to fund the work of magistrates so that they do not stop carrying out the people's needs on outstanding cases, both civil and criminal cases in the provinces.

Mr Speaker, also alluded to by the MP for East Are Are and the Leader of Opposition is the need for physical structures to be improved. They refer to physical structures like in Gizo and Auki but let us not forget as well that court houses in the villages are also important so as to be seen by people that law and order is right amongst them because it is very expensive for people of Choiseul to go to Gizo or for people of Temotu to go to Kirakira. We must bring down such facilities right to the people in whatever

way we can through the new changes we are making.

Mr Speaker, I would also like to raise here that whilst we look at changing the levels of courts for improvement or making it better for us, let us not forget to look at what role chiefs in the villages play in the court system. During the colonial days we have the headmen and the chiefs assisting the lawmakers and the law implementers. That is why things were running very smoothly those days. We must not neglect the role of chiefs. They probably need to come in somehow within the structure in order to assist the magistrates' courts, the local courts and the customary land appeal courts. This will enable chiefs to know better their customs, norms and lives of people in the villages to be able to bridge the relationship between the constitutional laws of the country and the customary laws in their particular areas.

Mr Speaker, in conclusion I would like to thank the government for making this particular amendment to the bill. Once again, I think it is a sign of progress towards changes that we are having. I am sure all of us are encouraged to see more of such bills come into this Chamber.

With those few comments, I support the Bill.

Mr HAOMAE: Mr Speaker, I shall be very brief. One of the reasons for being brief is that I would not be repeating the points already made by other honorable colleagues who have contributed to the Bill, and the other point is because I have just received a copy of the bill yesterday and I have not studied the bill deeply.

Mr Speaker, this is an amendment and hence I shall restrict myself to the clauses and sections that are being proposed in this amendment.

Mr Speaker, the amendment seeks to make adjustments to certain sections of the principal Act, which you may say have outlived their usefulness or like a coral insect having done its job and is now ready to die in the hands of the Minister for Police and National Security and Justice.

Let me start, Mr Speaker, by paying tribute and thank the parliament then that passed the principal Act way back in the 1960's. The

sections that will now be amended have served this nation quite well although they are now due for amendment and they should be amended as proposed in the amendment bill.

Mr Speaker, inherent in the bill is two fundamental points. The first point is that people are now becoming more aware of their rights and are therefore bringing adjudications on a variety of matters. That is a positive development. Hence in order for a justice system to keep abreast with those developments, relevant legislations must be adjusted because people are now becoming aware of their rights and even resorting to courts.

I had discussions with a chief from Small Malaita before I came here, and he said that even the ants now have their lawyers. It means that throughout the four corners of this country everybody is becoming aware of their rights. That is good. I think that is a good trend making everyone in the country knows their rights otherwise you go and tell lies to them, like what you did during the campaigns.

Deputy Speaker: Can the honorable Member withdraw the word 'lies'?

Mr Haomae: I apologize and withdraw that word, Mr Speaker.

But that is a welcome development. As the population is becoming more educated we are going to see them exerting their rights, and that is a welcome and positive development.

The other point that is inherent in this amendment bill is that because the country is developing there will be more crimes. That is the negative part of it, and that is why this bill has to come.

Like the Member for East Are Are alluded to today as well as the honorable Leader of the Opposition, this is for capacity building to enable the courts deal with court cases piling up because of increasing crime. That is also expected. As the country develops and progresses we will see all sorts of crimes coming up - white collar, blue collar, pink collar and all sorts of collars. That is the inherent part of it that is negative. Hence the judicial system wants to keep abreast with developments and adjustments happening in our society. That is a welcome development and a change.

As some honorable colleagues have alluded to, this Bill has been long overdue in the Justice and Legal Affairs Department, and it is good that it finally comes to the floor of Parliament for us to debate.

Sir, because the judicial system is centralized it is costing people in the rural areas a lot of money coming to the centres for their court cases. The Magistrates in Honiara instead of telling people of Small Malaita to go to Auki they will tell them to come to Honiara for their court cases. I am not saying this is going to happen but it provides the opening for that to happen. At the moment this is not the case because it is in the districts and so any magistrate court in Malaita must be heard within the precincts of Malaita Province, Central Province, Isabel Province or Temotu Province respectively.

That is inherent in this bill meaning the jurisdictions of the magistrates are national which means even if they live in Honiara they can hear a case from Temotu or Malaita. They will tell people ready to go to court to come to Honiara. So inherent inside the bill are financial expenses that will be incurred.

The government will meet the hotel bills, food, drinks and traveling expenses of crown witnesses. But the defense or the accused, since it is a requirement for them to attend court cases it will be a bit heavy on them. That is the point in this amendment I want to point out so that in the administration of this bill, our judicial system takes into consideration this particular point so that as much as possible if the court case is in one province it must be heard in provincial headquarters or somewhere closer to people in their substations or even in the villages.

Aside from that, Mr Speaker, I do not have any problem with the amendment Bill, and I thank you for giving me the opportunity to record and point out the inherent or the implicit points in the amendment, and I resume my seat. Thank you, Mr Speaker.

Hon TANEKO: Mr Speaker, I would like to thank the Minister for Police and Justice, and I would also like to thank the government of the day for this very important Bill.

I think the bill speaks for itself. We have just celebrated 29 years of our independence and so it is very timely for such a bill to be brought to Parliament as section 59 of our constitution allows us to be lawmakers of this country.

If we are to ask a question in this House, Mr Speaker, since independence, which is about 29 years now, how many bills have been introduced to make legislations that will suit and cater for fellow citizens of this country? I thank the government of the day for this very important bill now on the floor of this House today.

I for one, Mr Speaker, representing my people, the only way forward is for such a bill to come to this House. Many times we come into this house debating all sorts of bills. This is the legislating body that looks at bills that will suit and cater for the development of this nation of Solomon Islands. I thank the government of the day and the Prime Minister for this very, very important Bill.

The Bill is very straightforward in its objects and reasons. All it is asking for is flexibility of the management to strengthen and improve the magistrates courts or the judicial section of the courts and repealing sections 7,8,9 & 10 and strengthening them.

The geographical setting of this country is such that there are nine provinces and some of us live far away at the border. When we ask ourselves how many court cases are pending, the poor people continue to suffer because their court cases could not be heard. Here is a bill that will provide and cater for this under our laws.

I support the Bill because of its timeliness. We are going to celebrate our thirtieth year of independence next year and therefore it is about time to bring to this legislature bills that will cater for the betterment of Solomon Islands and the way we are going to live for tomorrow in our nation.

We have been empowered by our people. The laws that we pass in here and the bills that we pass are to make sure our children and fellow citizens enjoy their livelihood and to cater for them so that we can be law-abiding citizens under our constitution.

I thank the Government for this bill because we have been under the order of the

Westminster System too long. We have professional academics in law and law graduates in our country. There are more graduates and more lawyers coming and this is the area they are going to look in to see what sort of laws can be accommodated in our constitution to cater for the future of this nation.

Law is something good. All of us are so called Christians and the law is like that. It shows us the light so that we can proceed and follow what the Constitution and our law says to enable us do right. This Bill is just to strengthen the administration of the courts.

Mr Speaker, one thing I would like to mention here is that this government will continue to look at strengthening our culture and our chiefly system. We will empower them through such a bill like this so that they can demonstrate their leadership as chiefs in the villages. Some sort of strengthening power under legislation must be made so that we can be enlightened and move easily with the bill we are passing.

Some cases are very small that elders and chiefs of the villages can address the case rather than bringing them to the magistrates. When you realize such a bill and its administrative set up, you have to take into account the courts as well. I am sure passing this bill will strengthen and empower our traditional cultures. I am sure the government of the day in promoting the bottom up approach is going to empower the judiciary section as well. That is a big step of this government. This is what I can see.

Mr Speaker, the nation of Solomon Islands belongs to this House in here. This is where we make laws, amend or increase laws. That is what this is all about. If we want to repeal the law or whatever not suitable for Solomon Islands, this is the House to bring in such a law, and that is what this Bill is doing.

With these few remarks, Mr Speaker, it is about time to bring in more bills so that we can promote what is suitable and tailored for this country, Solomon Islands. I support the Bill.

Hon SOGAVARE: Mr Speaker, I too would like to speak very briefly on the bill. The other side of the House supports this bill and so there is no need for us to debate it.

Sir, we just had the report of the Bills and Legislation Committee, and the only issue the Committee raised is in relation to the provision in section 1, and I quote Mr Speaker, *“the Committee has previously raised concern of the open-ended nature of this provision. Currently, the bill comes into force at such a date as the Minister may appoint by notice publish in the gazette”*. The report went on to say that, *“The committee is concern that this discretion may lead to unintended players and intents to monitor. We must ensure that bills passed by Parliament will come into effect in the shortest possible time following assent”*.

Mr Speaker, this section appears in every bill that comes before this House. In fact I find it a problem to understand the reasoning of the concerns raised by those who have already spoken. In fact this is the only mechanism that the Minister or the Government has to make sure every preliminary and prerequisite matter that needs to be taken into account are completed before an act is brought into force. It is not something new. It is something that appears in every bill that comes before the House. In fact that is the only substantive matter the Bills and Legislative Committee raised about this very long bill.

We take note, Mr Speaker, of the fact that this Bill went before the Committee in a very short period but this is not new too. Those comments are very interesting and it depends on which side of the House you are on. If we are in the Opposition we are going to raise those kinds of comments. But that is not an excuse. We take full note of the concerns raised by that side of the House.

We have a little problem, as you know with the Legal Draftsman’s Office and so we are unable to bring in bills in time for the Bills and Legislation Committee to look at in good time before we deliberate on the bills. But we are committed to rectify that. In the next sitting we will have to make sure that bills that are going to be presented to the House should be ready in good time so that the Bills Committee has time to consider the bills before Parliament is ready to debate them.

Many other issues were also raised, Mr Speaker, and I think as a Parliament we have the privileges to raise our thinking in here. In fact

parliamentarians are supposed to be thinkers coming up with new ideas.

I was saying before that the focus of our political office is to get debates that come out of Parliament on issues that come before Parliament for analyzing in order to improve our policies. We are supposed to be thinkers.

The things we say in here should not fall on deaf ears. Strictly speaking, the Government should take note of every point raised by Members of Parliament.

Mr Speaker, the court is a very interesting thing. I guess in addressing the reality of the situation and the environment in the society, if you look at it properly, the existence of more courts, and going down that direction shows that we have failed in some ways because the courts address people who cause problems. In fact we should not encourage people to go down that direction. We should be addressing the cause of problems that give rise to people resorting to court. We should be addressing the cause of the problem.

We appreciate the concern raised by the Leader of the Opposition in regards to family courts. There are other ways of encouraging families to stick together and that is why we have the churches. This country professes to be a Christian country and every individual in Solomon Islands is a member of a church, and the sanctity of family units is something that all of us believe in.

The fact that a lot of these problems are happening shows there is failure in those organizations. May be we have to start looking seriously into why there is a lot of family problems. Resorting to court, I think is the last resort. If there is something we cannot sort out before we can go to the courts.

Sir, the existence of courts is basically an indication of a failure of some other courts in the society. As thinkers where are we directing this country? Do we want a more legalistic society or do we want a society that is more understanding, accommodating and able to forgive? These are very important principles we believe in as Christians.

May be as thinkers we need to think where we are directing this country. This boils down to the kind of policies we adopt. I guess it boils down to emphasis being more on

development, giving more opportunities to people so that they are busy and do not commit crimes.

A lot of fingers point back to the government because we are now on this side of the House and privileged to lead the government. We must think along that line, thus the emphasis on development - making people busy, emphasis on youths and that is why the Ministry of Youth and Women was established to specifically address areas like that. I guess it is making us to think.

Okay we are living in the real world, I guess and so we may need to have courts because the courts provide some kind of guarantee that when people commit crime and offence there is a place to go and get justice. To me court basically boils down to the issue of justice and justice can be obtained in other ways too.

Mr Speaker, we take full note of everything that colleagues on the other side have said and we are happy they support it. I think the Minister will wind off the debate to allow us proceed to the next part of the agenda.

Mr Speaker, with that I support the Bill.

Mr GUKUNA: Mr Speaker, I do not quite know what to say about the Prime Minister's contribution whether he was debating the Bill or saying something about the Bills and Legislation Committee. The Chairman of the Committee is not here, but I am a member of that Committee and so I would like to say something in response to his comments.

I am not saying something about the Bill but in my opinion whether I will say something inline to his debate.

Mr Speaker: This is a general debate of the Bill and the Prime Minister was referring to comments made by other speakers earlier on in relation to the general debate. If you would also like to say something in regards to that then this is the general debate of the bill and so you are allowed to say something on the Bill and not outside of the Bill.

Mr Gukuna: Mr Speaker, I would also like to join my colleagues in thanking the hard working Minister of Police and Justice for bringing this

Bill in this House. I would also like to thank your staff for working hard in putting this Bill together. Of course, we all agree, no one disagrees with this Bill we all agree with it, and I think it is timely.

I would also like to emphasize the point raised by the MP for Small Malaita that the Bill that existed before this Bill was not there for nothing. Even though it has been there since 1961, as someone has said, it has served our purpose and we should not jump up and down here condemning it as not good. It did serve our purpose and we should pay tribute to the people who came up with that Bill.

Let us not forget that this House has also been here for the last 29 and half years and no one ever bothered to do something about it. Since this Bill is brought in here, I would like to thank the Honorable Minister again for bringing this Amendment Bill to this House.

Central to this Bill is justice. This Bill simply deals with the mechanisms of how justice should be delivered. As well as dealing with the mechanisms, the product desired is that justice must be of a quality standard. I think that is what this Bill is trying to achieve.

This Bill came to this House and the Bills Committee had very little time to look into this Bill. As stated by previous speakers the Bill was just given to us yesterday. We as members of the Bills and Legislation Committee should also be given time to study this Bill.

As stated in the relevant orders of this House, our responsibility is to give MPs some idea about bills presented in this House. I am surprised the Prime Minister was saying that we may be using it for political gains.

The reference to the use of this clause, Section 1 page 5, is something we just pointed out. It is not our weakness but it is our job to bring it to the attention of Members, and we are simply doing our job. As a member of that committee I feel the Prime Minister had unfairly brought this issue. Earlier last week the PAC was also attacked for doing its job.

Anyway we all agree with this Bill, no one disagrees with it. This has side of the House supports this Bill and so it is going to be up to the administrators now to ensure it is timely implemented to achieve the objectives of this Bill.

As I said that all good points and all relevant ideas have been stated, I once again wish to thank the Minister for bringing this Bill.

Mr Speaker, I support the Bill.

Hon Tosika: Mr Speaker, before I wind up the debate I wish to thank the government for its policy paving way for this Bill to be brought to Parliament.

I want to thank Cabinet Ministers for supporting this Bill when it was presented to Cabinet for its endorsement. Mr Speaker, I also want to thank the consultative committee of the judicial sector - the Chief Justice, Magistrate Court, the Law Reform Commission, Legal officers, stakeholders and the Community as a whole.

This Bill has been widely circulated to stakeholders to contribute towards the amendment which this Bill seeks to address.

I want to also thank the Bar Association for its contribution to this amendment and also the Churches. As I have said this Bill has been widely circulated before it was presented to the Cabinet and then its subsequent presentation to Parliament.

As others have said, this Bill is in three folds. One is to unify the magistrates' court jurisdictions throughout Solomon Islands, and second is to create the Chief Magistrates and Deputy Magistrates which are in place at the moment administratively. The third part and important part is to increase the jurisdiction which the Second Class Magistrate has only power to decide on cases up to \$500.00. That is now increased to \$5,000. The First Class Magistrate is on \$2,000 and now it has been increased to \$20,000 and the Principal Magistrates which now has been on \$6,000 has been increased to \$50,000 and a maximum of \$100,000, as I have said in my speech.

One of the things mentioned by others, which I want to refer to, is infrastructures. My Ministry has been bidding for funds for infrastructure in 2008 for which some of the infrastructures are now in place under the current development plan of the government. For example, the Auki Magistrates Court has had its ground breaking ceremony and funds are there to build the Magistrates Court in Auki.

In relation to chiefs in regards to the comment made by my colleague for Small Malaita, we have employed a person who is a provincial coordinator to look into formulating some kind of regulations to be passed so that chiefs and elders in the villages can listen to some cases in the rural areas or in our villages.

Mr Speaker, the government is mindful of all these concerns, and a person is now working in my Ministry to coordinate that activity.

In respect to the Magistrate Courts, in the report of the Bills and Legislation Committee although it is centralized when there is a call to hear cases a magistrates can be sent down to respective jurisdictions for hearing. The good thing is because of the increased powers and jurisdictions more cases will be heard in the Magistrate courts in the districts or provinces rather than coming up to Honiara for the cases. Because of the increases, there will be fewer expenses for our rural people and also people who are committing offences.

Sir, I wish to stress here that there is another bill coming up tomorrow which is a sister bill to this one. When judges are giving judgments to people who are committing offences, there is a bill coming to correct the behavior of those persons. Sir, these two bills come together because they are interlocked, they facilitate each other and they are like twins in this case.

Sir, the intention of the Government in bringing this Bill even in short notice, is for a good cause. It is for a good cause. Because of the need for this Bill to go to the Printer there was delay in bringing this Bill to the Committee before it is tabled in Parliament, for which I want to apologize. But our intention is very genuine and very honorable in this case.

Without holding much of your time, I beg to move.

Bills - committee stage

The Magistrates Court (Amendment) Bill 2007

Clauses 1 & 2 agreed to

Clause 3

Hon Agovaka: Just a clarification on Clause 2. Does it mean it also covers all those sub clauses?

Clauses 3 to 7 agreed to

The Preamble agreed to

Consideration of the Magistrates Courts (Amendment) Bill 2007 in the committee stage concludes

(Parliament resumes)

Hon Tosika: Sir, I beg to report that the Magistrates Courts (Amendment) Bill 2007 has gone through the Committee of the whole House without any amendment.

Bills – Third Reading

The Magistrates Courts (Amendment) Bill 2007

Hon Tosika: Mr Speaker, I beg to move that the Magistrates Courts (Amendment) Bill 2007 be now read the third time and do pass.

The Bill is passed

MOTIONS

Hon Sogavare: Mr Speaker, I beg to move that this House do now adjourn.

The House adjourned at 4.00 p.m.