

**THURSDAY 28<sup>th</sup> AUGUST 2008**

The Deputy Speaker Hon. Clement Kengava took the Chair at 9:55am.

Prayers.

**ATTENDANCE**

At prayers all were present with the exception of the Ministers for Mines, Energy & Rural Electrification, Conservation, Environment & Meteorology, Health & Medical Services, Police National Security & Correctional Services, Agriculture & Livestock, Development Planning & Aid Coordination, Communication & Aviation and Foreign Affairs and the Members for Central Makira, West Guadalcanal, Central Honiara, Malaita Outer Islands, West New Georgia/Vona Vona, Central Guadalcanal, West Are Are and South Vella La Vella

**QUESTIONS AND ANSWERS**

**Progress of SIG Funded Projects**

24. Mr **SOGAVARE** to the Minister for Finance & Treasury: Can the Minister inform Parliament of the progress made in the implementation of the following Solomon Islands Government (SIG) funded projects?

- (a) National Village Resources Survey, \$750,000
- (b) Upgrade of finance system, \$500,000
- (c) Department of Finance Building, \$1,850,000
- (d) Rehabilitation of Customs Building, \$1,200,000
- (e) Fund valuers for SOE reform, \$200,000

**Hon. RINI:** Mr. Speaker, I would like to thank the Leader of Opposition, the MP for East Choiseul for the question. Mr. Speaker sir, the answers are as follows:

- (a) National Village Resources Survey: The Statistics Division of the Ministry of Finance is now finalizing entry of data collected and the completion of putting on this data will be at the end of this month and by the end of September this year, full information should be available.
- (b) The upgrade of finance system: Mr. Speaker, the progress of the finance system is going on very well and according to plan, and we hope that this system will be fully operational in March 2009. (

- (c) Department of Finance Building: Documentation for the new Treasury building has been completed and pre-qualification has been done,
- (d) Rehabilitation of Customs Building: Tender documents for the renovation of the Office have been completed and pre-qualification tender process has also been completed.
- (e) Fund Valuers for SOE reform: The Ministry is currently opening the tender process to invite professional contractors revalue the company.

**Mr. Sogavare:** Mr. Speaker, how much in terms of budgetary allocation has the Ministry already incurred on these projects?

**Hon. Rini:** On national resources survey - three quarters of the fund has been expended. On the upgrade of finance system - 50 percent of the fund has been expended. On Finance Building - about a quarter of the fund has been expended. On rehabilitation of Customs Building about 25 percent of the fund has been expended and on fund valuers for SOE reform, the amount is yet to be expended. When the tender process is finalized and professional contractors identified, that fund will be expended. Thank you, Mr. Speaker

**Mr. Sogavare:** On question (b), Mr. Speaker, the Minister was saying that the project will be completed in March 2009. Can the Minister confirm that?

**Hon. Rini:** Yes, Mr. Speaker, the system will be fully operational by March 2009. A consultant is here now going through the process. We are also asking donor partners to fund the project and there is indication that they are willing to fund the project. So the system will be in full operation by March 2009.

**Mr. ZAMA:** Supplementary question to the Minister of Finance on part (e) of the question on fund valuers of SOE reform. Can the Minister inform the House what kind of reform is he thinking of doing to the SOEs, and which of the SOEs does the Minister have in focus?

**Hon. Rini:** Mr. Speaker, the reform does not cover all the SOEs, but it only covers the Sasape Marina Limited, the SOE Company the government is thinking to privatize. This fund is allocated mainly to privatize the Sasape Marina Limited.

**Mr Oti:** Supplementary question, Mr Speaker. I also note in the estimates for this year under non appropriated funds that ADB has also contributed about \$610,000 towards state owned enterprise reform. What component of this project is funded by the ADB?

**Hon. Rini:** The allocation is also for this particular SOE and also the SIEA. The ADB is assisting the Ministry of Finance to look into revaluation of the assets of the company. That amount is to cover Sasape Marina and also the SIEA.

**Mr Sogavare:** Just a last supplementary. Can the Minister assure the House that tender processes on projects (c), (d), (e) tender should be completed this year? Thank you.

**Hon. Rini:** Yes, I can assure this House that the tender process would be completed this year. Hopefully, work will start this year as soon as formalities are completed.

**Mr Sogavare:** Mr Speaker, I thank the Minister for making those clarifications to the raise in Parliament.

### **Ministry of Infrastructure Projects**

29. **Mr SOGAVARE** to the Minister for Infrastructure Development: What progress has the Ministry made in the implementation of the following SIG funded projects?

- (a) Obligation under the Emergency Assistance Project (Gizo infrastructure rehabilitation) - \$6,000,000.
- (b) National Transport Plan – Preparatory Surveys - \$420,000
- (c) Ranadi Industrial Estate – road sealing - \$3,540,000
- (d) Manakiki Bridge (West Guadalcanal) - \$460,000
- (e) Relocation of workshop to Randadi - \$750,000
- (f) Haevo-Vinina-Koregu road upgrades - \$1,600,000
- (g) Karivanga-Kolomola-road upgrade - \$3,000,000
- (h) Auki wreck removal - \$750,000
- (i) Rural road development - \$10,000,000
- (j) Buala/Gozoruru road - \$1,050,000
- (k) Upgrade of Marine Headquarters - \$1,000,000

**Hon. SOFU:** Mr Speaker, thank you for the opportunity to enable me answer the questions directed to me by the Honorable Leader of Opposition and MP for East Choiseul.

Mr Speaker, I would like to thank the Leader of Opposition and the MP for East Choiseul for seeing it fit in bringing up projects under the 2008 Development Budget of the Ministry of Infrastructure Development so that I can inform Parliament of their status and the work programs of the Ministry.

Mr Speaker, on question (a) - obligation under the emergency assistance project - Gizo infrastructure rehabilitation, funds were committed for which a support vehicle was purchased for the project at the cost of \$201,228. Foundation for the groundwork for the new Gizo water tanks costs \$8,500 contract. Bore hole for investigating before

drilling for the Gizo Water Supply cost \$160,664. The total of expended funds to date is \$370,592 reflecting 6.2 percent usage of the fund.

Mr Speaker, expending of funds related very much to the progress of the Solomon Islands Emergency Assistance Project (SIEAP). Civil works implementation is expected to increase when actual work starts in October with this ADB and EU funding program.

Mr Speaker, I would also like to further inform Parliament that the Ministry of Infrastructure Development has cleared the final payment of \$1.4million to Red Devil contract awarded in 2007 under the 2008 Recurrent Budget.

Mr Speaker, the SIEAP program or project funded by the EU and ADB will continue with the work inline with SIG contribution, and will start about October. It includes rehabilitation of roads, bridges and wharves in Maliaie, in South Choiseul from Kolombangara Rive to Ghoe, in Simbo, Rendova, Rannogga, the Shortlands Island wharf, the Vella La Vella wharf and the New Georgia wharf.

The Gizo Water Supply and Sanitation component will also come under this project through this commitment by the government of \$6million.

Mr Speaker, on item (b) - National Transport Plan Preparatory surveys of \$420,000. The commitment to date is that maps were bought from the Ministry of Lands which costs about \$20,000. There is also advance payment for airfares for engineers that going out to provinces to do survey work, which is about \$50,000. The total commitment, Mr Speaker, to date is about \$70,000 reflecting 16.7%.

Mr Speaker, as we are well aware there are not many qualified and reputable contracting work. So far there are only two, which are the LPS Engineers, a local company in Solomon Islands and Kinhill Krammer, a foreign company. Only these two companies can do contracting work for the government.

Mr Speaker, item (c) on the Ranadi Industrial Estate –road sealing –\$3.5million, this project is done in three phases. Phase 1 is upgrade of existing gravel road at \$1.6million, and this project is about 70% complete. That is for the Ranadi Industrial Site, and funds committed towards this work is \$1.1million.

The second phase addresses drainage. It is very important that there is proper drainage of roads so that the condition of our roads can last a long time. Work is progressing well right on drainage. They are starting to work on it. Drainage work will start this month and it will continue, Mr Speaker. Phase 3 is tar sealing of the roads and actual work will start immediately after Phases 1 and 2 are satisfactorily done.

On item (d) on the Manakiki Bridge (West Guadalcanal) in which \$460,000 was committed for it. So far there were no funds committed on this project. I would like to inform Parliament that reassessment work has been done by engineers and it was found out that the place is not suitable for a culvert but is fitting for a proper bridge, and therefore would incur additional funding on top of this allocation. They have already come up with a final assessment, which would be about \$2.4million.

Mr Speaker, on item (e) on the relocation of the workshop to Ranadi is for the Ministry of Infrastructure Development Mechanical Workshop and Civil Section. So far there are no funds expended on this project because there is an investor currently

occupying the area, which I know the Opposition Leader is well aware because when I was his Minister in the former government I brought this issue to his attention. We cannot just chase people away from the area. The Ministries of Lands and Infrastructure Development are working together to try and find an alternative way or means to address the investor's situation who is currently occupying the area.

Mr Speaker, on item (f) on the Haevo-Visena-Koregu road upgrade for \$1.6million, so far no work is done on the road. The Ministry of Infrastructure Development has issued out tender notice on the 15<sup>th</sup> July 2008 and was closed on the 5<sup>th</sup> August 2008 and so it is with the Central Tender Board. Information I got is that the CTB is going to meet next week on the projects.

Mr Speaker, on item (g) - Kaevanga-kolomola- road upgrade for \$3million, this is the same as the Haevo-Visena road where no work is done on it yet. Mr Speaker, as these activities come under the 2008 Development Budget, it is very important for the Ministry of Infrastructure Development and the Ministry of Development Planning to work together on these areas. I am still waiting for approval of funds from the Ministry of Planning and then to the Central Tender Board.

Just for the information of Parliament, Mr Speaker, the budget allocation of \$3million for the Kaevanga road has slightly increased as a result of reassessment work done on the road due to recent rise in fuel costs, freight of materials and so forth.

Mr Speaker, on item (h) - Auki wreck removal for \$750,000, this project is an ongoing project since 2007 and it is now on suspension because of some claims of trespass and damages done to properties on the place where the infrastructure is supposed to be built.

Mr Speaker, the Ministry of Infrastructure Development and the Ministry of Lands are working together with the Provincial Government of Malaita to address the situation.

Mr Speaker, it is very sad to mention in here that the proposed work on the jetty and the Auki Market that should have started early in September is on halt because of land disputes. It is likely that the project would be suspended. That is the situation on that.

Mr Speaker, on rural road development for \$10million, SIG obligation under post-conflict emergency rehabilitation project for short term work is \$3.59million. This is inflationary cost for completion of the project in 2007. East Guadalcanal rural roads is \$357,000, Renbell rural road rehabilitation is about \$514,000, a total commitment to date about \$4.4m reflecting 44.6% already committed.

Mr Speaker, this is in line with CNURA Government priority areas on infrastructure development under section 3 (a) which says, *'the rehabilitation of existing infrastructures is important to stimulate economical growth and enhance rural development activities'*.

Mr Speaker, on item (j) Buala/Gozoruru road for \$1,050,000, the project is divided into two sub-projects. Part (a) is the Buala/Hovikoilo whereby contract was awarded to a private firm FGK construction and work should commence with a commitment of \$695,000, which is 66.2%. Road work is complicated but the bridge is not yet done. Part

(b) of the project is the Hovikoilo/Gozoruru whereby tender notice was issued on 15<sup>th</sup> July 2008 and is supposed to be closed on 5<sup>th</sup> August 2008.

Mr Speaker, the final item, upgrading of Marine headquarters for \$1million, I want to inform Parliament that there are funds expended so far on this project. Documentations have already been completed and tender notices will be issued very shortly to engage contractors for architect design for another flow on top of the existing Marine Department building for replacement of the fence.

Mr Speaker, those are answers to the projects asked by the Opposition Leader and MP for East Choiseul to the Ministry of Infrastructure Development.

**Mr TOSIKA:** Mr Speaker, supplementary question. I understand that some of the roads in Honiara have been put out on tender and tenders have been awarded to certain contractors, especially roads at White River. I would like to know how much has been given to the contractors and how soon will the work start?

**Hon. Sofu:** Mr Speaker, that is a very important question asked by the Member for West Honiara asked. This order paper says Development Budget 2008 Estimates and so I will find out in the Recurrent Budget what has been done so far.

But just for the information of Parliament, work on the Independence Valley road has been awarded and contracted out to the successful bidder and work has started.

**Mr Taneko:** Mr Speaker, supplementary question. I would like to thank the Minister for mentioning a very important and economical road, the Maleai/Nuhu road in the Shortlands. It is one of the economical roads used for transporting copra. It is also a centralized road connecting to the wharf. I would like to thank you for that allocation, which is long overdue for the last 20 years. When is work going to start on this project?

**Hon. Sofu:** I thank the MP for Shortlands for acknowledging the Minister for Infrastructure. That is a good question, Mr Speaker. Yes, work will start in early October on that road according to information given by the Minister today.

**Mr USA:** Mr Speaker, first of all I would like to thank the Minister for Infrastructure for the first part of maintenance on the West Guadalcanal road. I understand the road is under maintenance right now.

In regards to item (d), the Manakiki Bridge allocation and the answer given by the Minister is that it was found out that the river needs a big bridge and not a culvert and I understand too that because of that it will now come under the 2009 Budget for construction of a new bridge. Is it possible Minister to divert funding for that bridge to do maintenance on the western part of the road on Guadalcanal because of its deteriorating condition?

**Hon Sofu:** Mr Speaker, the maintenance of roads on West Guadalcanal is catered for under the SIRIP program with the SIG to help build this very important bridge.

**Mr Waipora:** Supplementary question on the word 'bridge'. The honorable Minister himself used to be a very senior works office at Kira Kira. I want to know whether during your planning of which bridges and roads to maintain or construct, have you ever considered Makira too because if you talk about Waimapuru and Pamua, all of your children in those ministries will tell you that they are ex-Waimapuru and ex-Pamua, and so it is very important for bridges to be made across rivers to get to those schools. Is there any thought for bridges for Makira as well as other provinces in this present government's plan?

**Hon. Sofu:** Mr. Speaker, thank you for that very important concern by my good colleague Member for West Makira raised. That point is well taken and is catered for under the SIRIP Program.

**Mr. ZAMA:** Supplementary question to the Minister. You also mentioned Rendova in these programs. On behalf of the people, I want to thank you and the CNURA Government for that commitment. But can you assure Parliament and my people who will fund those programs and when will the work program start?

**Hon. Sofu:** Rendova is in the Western Province and so it will not be excluded but is taken care of under the SIAP program.

**Mr. Sogavare:** In terms of project (e), the Minister said that he has problem with an investor occupying the area. What is the progress in getting this investor relocated somewhere else, and he rightly said that it has been an issue since we were in government and the Ministry responsible has been directed to deal with this matter but it is still around. I just want to find out the current status in getting this investor relocated somewhere else.

**Hon. Sofu:** As I said earlier on, Mr. Speaker, the Ministry of Lands is working together with the Ministry of Infrastructure to try and address this investor in a way that is fitting in regards to the activity he is carrying out.

**Mr Sogavare:** Mr. Speaker, before I thank the Minister, there are only about three months left before the end of the year and a lot of provisions are locked up in projects that looks as though would not be implemented this year. Just an advice to all of us that may be in the future, funds should be put where we are sure that projects will happen. In saying that, I thank the Minister for clearly explaining what his Ministry is doing in implementing projects that come under his Ministry, and I thank the Minister.

### **Provincial Shipping – Devolution Orders**

89. **Mr. WAIPORA** to the Minister for Provincial Government and Institutional Strengthening: Since the Provincial Government Act came into force in 1981, the Central Government transferred ownerships of three (3) ships to Makira and Guadalcanal Provinces through Devolution Orders. The Devolution Orders was the result of an Affirmative Resolution of Parliament. Makira took over M.V Bulawa and Guadalcanal Province took over M.V Kangava and M.V Wango. However, Guadalcanal Province lost both ships.

- (a) In the Devolution Orders, what are the terms and conditions that allow Guadalcanal Province to legally acquire M.V Kangava and M.V Wango?
- (b) Now that Guadalcanal Province lost the two ships, is there any provision in the Devolution Orders that provides for such circumstance?

**Hon. PACHA:** Mr. Speaker, I would also like to thank the Member of Parliament for West Makira who was also a former Minister of the Ministry of Provincial Government.

Mr. Speaker, the second Devolution Order for the handing over of M.V Kangava and M.V Wango to Guadalcanal Province was made and signed by the then Minister for Provincial Government on the 16<sup>th</sup> September 1985. According to the Attorney General's advice, this means that the two vessels became the property of the Guadalcanal Province from that day.

Sir, in answering part (a) of the question, there were reservations made at the time of making the Second Devolution Order for the two vessels. These reservations are contained in paragraph three of the Order. Although the government no longer owns the two boats, the reservations have placed obligation on the Central Government that from the time of the coming into force of the Second Devolution Order, the Province will after the first six months replace Government Officers manning the two ships with their own direct employees.

Sir, at the same time from the time of coming into force of the Second Devolution Order until five years after that, the Central Government should:

- (a) be responsible for paying of all salaries and other costs related to the provision of Marine personnel employed by the Province, but such salaries and costs in subsequent years shall be the responsibility of Guadalcanal Province.
- (b) The Central Government should be responsible for all costs related to the operation, maintenance, repair or replacement of the two vessels and such costs for subsequent years shall be the responsibility of the Guadalcanal Province; and
- (c) the Central Government should be responsible for the cost of insurance of the two ships and thereafter or subsequent years, the Guadalcanal Province shall take responsibility.

Mr. Speaker, the five year period of obligation by the Central Government under the Guadalcanal Province Second Devolution Order for both ships, M.V Kangava and M.V Wango, ended on the 15<sup>th</sup> September 1990.

Sir, in answer to part (b), therefore, the loss of both ships has been very unfortunate but there are no further obligations contained in the Order for the Central Government to provide for such circumstances. Thank you.

**Mr. Waipora:** Does that mean the Guadalcanal Province lost the two ships by selling them out or where are they at the moment?

**Hon. Sikua:** Mr. Speaker, under Standing Order 22(k) this question would appear to be out of order because the answer to that question can be easily accessed from documents and ordinary works of reference in which the Member can just read the Devolution Order so that he gets the answers to the questions he is asking. But just to respond to the supplementary question that the MP has asked, the Guadalcanal Province still owes Sasape Marina some amount of money, which forced the Province to lend the boat to Sasape Marina to take back the costs for repairing the boat before the G. Province can get back the M.V Kangava.

**Mr. Sogavare:** Before I ask my supplementary question, I think the broader issue here is that the provinces are actually agents of the National Government, and the issue here is shipping services to the provinces. That being the case, within the spirit of the agent-principle relationship, I think the Government still has obligation to make sure that provincial ships devolved under the Devolution Order is still the responsibility of the government in ensuring the ships are in good working order and serving the provinces. I think it boils down now to the government to seriously look at a better policy to address shipping services need.

With the assurance given to us by the Deputy Prime Minister when the issue of shipping was raised, can the government assure us that it will quickly look at reviewing the entire shipping policy? Shipping now are delivered to the constituencies through provincial government through devolution order and by provincial business shipping arms. What it needs now is for the government to quickly look at the policy of delivering shipping services to our provinces. Can the government assure us as the Deputy Prime Minister had said that you will quickly look into this issue and address it?

**Hon. Sikua:** Mr. Speaker, I think I have given that assurance to this honorable House yesterday in that we will carry out a review and come up a policy as soon as is practically possible.

**Mr Speaker:** I think shipping was elaborated also in the chamber that the government is reviewing the shipping policy. I think that should be taken into account.

**Mr. Waipora:** Mr. Speaker, I must thank the honorable Minister and the Prime Minister for their clarifications. I know the Devolution Order but for the sake of the concerned people of Guadalcanal Province who would like to know that their ship has gone, and so that is why I asked that question.

I want to thank the honorable Minister for answering my question which now helps our people to know. May be only the Provincial Governments know but our people who are using the ships for copra and cocoa are not ware. I therefore think my question is of help to others.

### **Women – Equal Partners in Development**

91. **Mr. WAIPORA** to the Minister for Women, Youth and Children Affairs:

(a) What are the areas that the government has addressed to encourage women to be equal partners in the political, economic, social and cultural development of this country?

(b) What form of assistance has the government undertaken to assist Church Women Groups to participate in the economic development of this country?

**Hon. TOM:** Mr, Speaker, I thank my honorable colleague for West Makira for asking this very important question. For question part (a), there are a number of steps the government has taken in addressing the need for gender equality in the areas of politics, economic, social and cultural development in Solomon Islands. A number of mechanisms were already in place enabling the government to address the issues of gender equality in the various fields. This includes the CNURA policy framework and its objective for women.

My Ministry's Corporate Plan 2008-2010, which is a translation of CNURA policy objectives for the Solomon Islands National Women's Policy, which at the moment is also due for review and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which Solomon Islands became a signatory to in 2002, these instruments provide a broader framework under which actions by the Government for Women are currently being undertaken. The government's key emphasis at this time is to strengthen their implementation and has allocated funding under the 2008 Development Budget to meet this objective.

Equal opportunity for women in politics on this question of equal partnership in politics, Mr Speaker Sir, following consultations with my colleague Minister for Home Affairs on what can be done to improve the chances for women to have equal opportunity to participate in the political arena, I wish to assure the Honorable Member for West Makira that the issue will be taken care of in the 10 years electoral reform program, which is about to begin very shortly, hopefully before the end of this year.

On the second question of church women groups, Church Women Groups are largely supported through the Women's Development Grant under the recurrent budget, an annual provision in the 2008 Budget. The total amount is \$206,000. As I said, a program called the Survey Program has already started to assist women in economic development. It is within our plans to run specific training for Church women's group throughout the provinces.

According to the report I have here with me, the provinces which my Ministry has held workshops were supported by the budgetary allocation, and according to reports, it is the Ulawa Makira Province women that mostly are getting help.

**Mr Waipora:** Mr Speaker, I thank the Minister for that. We plan for projects and other things but in your planning have you taken into account the women selling betel nut who have been chased around from place to place where they are selling their betel nut. That is concern to some of us, and it started in my provincial town of Kira Kira.

As a government, what plans do you have in addressing things like this? How are you going to deal with this issue of betel nut selling? The Ministry of Women and Youth should seriously think about trying to solve this problem. Thank you.

**Hon. Sikua:** Mr Speaker, if the concern for women is to do with specific groups that are selling betel nut, art and craft or weaving inside the Honiara Town boundary or in the urban centres in the provinces then it is a matter for the Honiara City Council or responsible authorities within our urban towns and our provincial headquarters.

I think that question is quite separate from the main question asked by the Honorable MP for West Makira. It is a concern that I have as well. In the case of the Honiara City, we want to work together with the City Council to find an appropriate venue for our women selling their baskets or other art and craft to have a dedicated place and not just selling those things underneath the trees.

I am not really sure about betel nut, but I think there should be dedicated places for it, which the City Council has done that to sell betel nut in appropriate places.

**Mr Sogavare:** Mr Speaker, I think that view has to be corrected. When it comes to the welfare of women it is also the responsibility of the national government. I think the National Government should work very closely with the appropriate authorities, and I am pleased to hear the Honorable Prime Minister saying that the government is going to work very closely with the appropriate government authorities to address the needs of our women. Just to put it right that it is also a serious responsibility of the National Government. Thank you, Mr Speaker.

**Mr Waipora:** Mr Speaker, before I thank the Honorable Minister for answering my question, I would like to make a comment here. In the budget the Ministry is assisting our women through grants, and this is also mentioned by the Minister. Mr Speaker, I want to see allocated in the budget about \$5m to \$10million assistance for our women so that our women can be assisted.

Mr Speaker, I thank the Honorable Minister for your good answers. Women are very important in any society so work hard to make sure our women are well served. I thank you for the very good answers.

**Mr Speaker:** Honorable Members that brings us to the conclusion of our question session for today. We will move on to our next item of business.

*Statement of Government Business (further statement)*

Bills – Committee Stage

The Truth and Reconciliation Commission Bill 2008

**Mr Speaker:** Honorable Members yesterday the House committed the Truth and Reconciliation Commission Bill 2008 to the Committee of the whole House for its consideration, and accordingly the House will now resolve into the Committee of the whole House.

Committee Stage

Mr Chairman: Honorable Members, the committee of the whole house commences. The Bill before the house is the Truth and Reconciliation Commission 2008.

Before we proceed I wish to inform the House that I have been advised by the Minister in charge of the Bill there are some minor corrections to the Bill that need to be made. Since these are not substantive corrections, we need not deal with them as amendments in the Committee Stage but as minor corrections at third reading in accordance with Standing Order 58(2).

I believe a list of these corrections has already been circulated to all Members. At the appropriate time I will call on the Minister to formally inform the House of those corrections. There is, however, one substantive amendment proposed to Schedule 1, which appears on the Notice Paper. We will deal with that when we reach that schedule.

I propose that we go through the Bill clause by clause before we consider the two schedules and the preamble of the Bill.

*Clause 1 agreed to*

Clause 2

**Mr Wale:** Mr Chairman, the definition of the word 'chairman'. Is this gender neutral? I just seek clarification.

**Attorney General:** Mr Chairman, it would be gender neutral when read with the General Provisions and Interpretations Act. There are clauses in that Act which directs us to read these kinds of words to be gender neutral. So in here it would be the same.

*Clause 2 agreed to*

*Clause 3 agreed to*

Clause 4

**Mr Sogavare:** Mr Chairman, I should have raised this question under clause 1. The Commission will commence its operations within 14 days of the appointment of its members.

Is the government thinking of bringing this Bill into operation this year? If so, how is the work of the Commission going to be funded if this Bill is going to be operational this year?

**Hon Iduri:** Mr Speaker, thank you for the question by the Leader of the Opposition. You can see in the budget for this year an amount allocated there to kick start the work of the Commission.

**Mr Waipora:** Mr Chairman, I am looking at Part 2(3)(3) which says the Commission shall consist of 5 members, 3 of whom shall be national Solomon Islanders and the other two non nationals.

**Mr Chairman:** What page are you on; we are now on page 7. Are you on clause 4?

**Mr Waipora:** Mr Chairman, with your permission I would like to ask a question on this section. I did not properly follow you and so I would like to go back.

**Mr Kwanairara:** Point of order. Can we go on to the next clause?

**Mr Sogavare:** Point of order, Mr Chairman. It is perfectly in order for any Member to ask your permission first if they missed something. If you allow it they can go back to it, if you say no then we move forward. So the decision is up to you, Mr Chairman.

**Mr Chairman:** I grant you permission Honorable Member to ask your question.

**Mr Waipora:** Thank you very much, Mr Chairman. I feel it is important that I ask a question, I am sorry that I missed the clause when I should have asked the question. Since you have now allowed me I wish to raise the question now, and it is to do with members of the Commission that are going to be appointed. Non-nationals will be two and nationals will be three, which comes to five.

Can there be some sort of discretion made here because this is a law that will be there for a very long time? This is very direct in that in many years to come non-nationals will always be there. Can there be discretion here because we have our wise and important people but because the law says that it has to be someone from outside and so our nationals are left out. We can appoint the five members from within the country but according to this law that is not possible because it must be three from Solomon Islands and two must be from outside. That is my question.

**Mr Chairman:** Can I ask the honorable that when we come to Schedule 2 you may ask that question so that we can move forward and not go back and forth all the time. I want the honorable Member to ask that question when we come to Schedule 2 of the Bill.

*Clause 4 – agreed to.*

#### Clause 5

**Mr Wale:** Mr Chairman, clause 5(2)(a) and (b) talks about ‘inquire into and report on the raid on the Police Armory’. I am just wondering whether there has been a deliberate policy decision to exclude the coup from the others that come to the purview of the Commission.

My question is when I look at the functions of the Commission as listed in the Bill and some of them are specific like reference to the ‘raid on the Police Armory on whatever dates’.

My question is, has there been a deliberate policy decision to exclude the coup of 5<sup>th</sup> June 2000 from the things that were listed? May be legal clarification whether that means it is included or excluded?

**Attorney General:** Mr Chairman, when we read Clause 5(2) we have to read it with clause 5(1). Clause 5(1) is general and the wider objects and functions. When you read 5(2) you have to read it with 5(1).

If you look at 5(1)(b) it deals with the periods from 1<sup>st</sup> January 1998 to 23<sup>rd</sup> July 2003 and you have to look at the word ‘antecedence’ and ‘root causes’. Antecedence means previous period or history. Those words are wide enough to enable the Commission look at all events of such nature. Even in 5 (2)(a) you can also see the word ‘antecedent’ used there. It is quite a broad object or function and I know that the Commission will be able to do that kind of investigation.

*Clause 5 agreed to*

*Clauses 6 & 7 agreed to*

*Clauses 8, 9, 10 & 11 agreed to*

#### Clause 12

**Mr Wale:** Mr Chairman. I think this is the right clause for me to raise my previous question on dismissal. Mr Chairman, clause 12(b) says anyone not using right information, contravention of this provision will result in dismissal from the Commission. It would seem to me that this is a very small punishment on something that is dealing with very sensitive information, the social cost implications of which would be rather disastrous. Whether the intention of the regulation is to stipulate what

further penalties anyone who misuses information contravening the provision here would be subjected to. The punishment looks very light to me, Mr Chairman. I just want clarification on this from the Minister and the Attorney General.

**Attorney General:** Mr Chairman, if I could recall the question the Member was making a comment that the penalty of dismissal from the Commission in such a small penalty and not severe enough. All I can say is that it depends on the Parliament and the government to come up with a severe punishment. That is something for Parliament to consider and perhaps to bring in another amendment in November. But as it is that is the punishment, which is dismissal from the Commission.

**Mr Wale:** Mr Chairman, is it possible to include this in the regulations that could be made in the Council to take care of this or is this precluded beyond that. My point being it just seems that we are dealing with sensitive information and potentially that has wide social implications but the punishment as very light. Whether it is possible to include this in the regulation?

**Hon. Sikua:** Mr Chairman, when you go back to Part 2 and you look at the selection or the criteria used in selecting these people on Clause 3(a), these persons are persons of integrity and credibility that are to be chosen to be in the Commission. Clause 3(a) gives us the caliber of people we are talking about here. And if any of these persons are involved in what Clause 12(3) says then you can just imagine the loss of credibility and integrity of that person. I think psychological damage through dismissal is enough to ruin the integrity and credibility of the person.

**Mr Wale:** Mr Chairman, I thank the Prime Minister for that explanation, but it is still not enough to me because Clause 12(3) also talks about staff members and not just the commissioners. And in any case how do we assess the integrity and credibility of the commissioners. Do we just guess from outside? I am just saying there are risks involved and we may not have not hedge against all of those risks sufficiently.

I go back to my supplementary question whether it is possible to do this in the regulations.

**Attorney General:** We have to see that the anticipated offence is use of confidential information. Therefore, the Parliament and Government must measure carefully whether there is need for very severe kind of punishment for the anticipated offence using confidential information, of course, bearing in mind that there are also other laws like the Penal Code and even the Leadership Code Act and so forth. We have to look at those other laws as well.

The MP was questioning if we want to increase the penalty whether it could be done by regulation. My advice is that we have to deal with it in the Act itself in the substantive provision. We need to deal with it in the Act itself and not by regulation.

**Mr Wale:** Some of these hearings would be on rape cases where the victims may opt to have sessions in private and not public hearings, and the Commission basically cannot take any risks on the confidentiality of the information. What I am saying is that we are not talking about very severe punishment like life sentence but dismissal from office is simply far too light in handling such sensitive information when you are asking these people to come forward and give that kind of information. It is very light. My point is that there is just too much risk on this. However, I am clear on the answer given by the AG but it would seem to me that we may need to revisit this section in November.

**Mr Taneko:** On the same clause. I wonder if the AG can explain the reaffirmation ceremony of this truth and reconciliation done at the Lawson Tama. During that time our leaders brought in the cross and put it together signifying forgiveness. How can we see that statement through the highest supreme law, which is the Constitution and truth and reconciliation so that we can go forward in peace, truth and reconciliation?

**Attorney General:** Mr Chairman, I am not sure whether that question relates to any particular parts of the clause we are dealing with. It would seem to me the Member is asking for a policy question?

**Mr Chairman:** Could you repeat your question? Which clause are you referring to? Can you help us by referring to which clause? Are you making a general comment or are you referring to any part of Clause 12?

**Mr Taneko:** Mr Chairman, I just need explanation because in the affirmation of truth and reconciliation celebrated at Lawson Tama the leaders came together and joined the cross.

What I am saying here is that the cross signifies forgiveness. That statement is it going to affect or contradict the supreme law, which is the Constitution of Solomon Islands through the affirmation of the cross where leaders come together and show that cross at Lawson Tama signifying forgiveness. How is this going to affect the Constitution of Solomon Islands?

**Mr Chairman:** I think that is a general comment on an activity being done. I think the government will just take note of your comments.

*Clause 12 agreed to*

### Clause 13

**Mr Chairman:** Mr Chairman, on sub clause 2, can the AG clear our minds on the protection of Commissioners. It says "no Commissioners shall be liable to arrest under civil process while going through presiding in or returning from the place where an

investigation under this Act is being held by him/her". If this person is an ordinary person and not a commissioner what is he/she being protected against?

**Attorney General:** Mr Chairman, this kind of provision is necessary to give confidence and protection to commissioners when performing their duties so that they do it fearlessly and without favor.

It would be very hypothetical if we try to guess the kind of eventualities we are trying to protect against here. But it is sufficient for me to say that this kind of clause is essential to give confidence and protection to commissioners.

*Clause 13 agreed to*

*Clauses 14 & 15 agreed to*

#### Clause 16

**Mr Wale:** Mr Chairman, clause 16(2) lists the objects of the report, mainly the object of providing impartial historical record preventing repetition and so forth. One of the objects that they must report on is addressing impunity. I just want clarification for some of us to understand, what is meant by addressing impunity.

**Attorney General:** Mr Chairman, the word 'impunity' simply means exemption from a kind of punishment. I think you would be more familiar with the word 'immunity'.

What we see here is that when the Commission makes its findings in its report and makes recommendation it can also address impunity whether it is necessary as a measure to deal with issues before it.

Later when we come to Clause 20 which deals with amnesties available under the amnesty acts of 2000 and 2001, I am speaking in advance, Mr Chairman if you can bear with me, what Clause 20 is saying is that whatever the Commission comes up with will not give anyone an entitlement to amnesty that is already available under the existing act. I would like everyone to be clear on that. Nor would it affect any amnesty already granted to anyone under the existing amnesty act.

Going back to the clause we are dealing with now, what we see here on Clause 16 is that the Commission, however, can address the issue of impunity in its recommendation.

**Mr Wale:** Mr Chairman, again further clarification on this word 'impunity'. Does that link with exemption from punishment or something like that as opposed to offenses that have been committed throughout the term the Commission is being asked to look at, which have gone unpunished or which have not been addressed. Is that what is being referred to here as opposed to an open ended linkage to immunity or amnesty, which you are right, is covered under Clause 20.

**Attorney General:** Mr Chairman, could I ask the MP for Aoke/Langa Langa to repeat the question?

**Mr Wale:** Mr Chairman, one of the objects the Commission must report on is addressing impunity. Impunity in regards to offenses that have been committed in the past which the Commission is asked to look at, but not so much immunity or any amnesty granted under those two acts. That is my question.

**Attorney General:** Clause 20 says that whatever amnesty already granted would not be interfered with by the Commission. If a particular event occurred within that period, it could relate to the existing amnesty act, but if the Commission sees that it does not interfere with the existing amnesty act or an amnesty that has been granted and it sees the event falls within the period of its enquiry, of course it can address the issue and make an appropriate recommendation in its report.

**Mr Wale:** I am now much clear. We have a situation where a person did not get amnesty under the two acts and the matter came out during the process of Commission, and so in its reporting the Commission recommends immunity or amnesty to whoever has granted the amnesty. Is that possible within the realms of the Act? That is the question. .

**Attorney General:** Mr Chairman, I do not want to really preempt or try and guess what the Commission will recommend. All I can say is that the Commission must not interfere with the amnesty under the existing amnesty act. One good reason is that there are separate conditions to be satisfied under the amnesty act; the conditions are different. That is one reason where the Commission has to very careful in not trying to perform functions under the existing amnesty act but to confine itself to its work under this Bill we are dealing with at the moment.

**Mr Wale:** Just a final question regarding the same thing. Therefore, following on from your explanation, can the Commission make recommendation for immunity or amnesty?

**Mr Chairman:** I think the Attorney General has made it very clear that he cannot preempt what the Commission will recommend.

**Mr Tosika:** I was a member of the Bills and Legislation Committee, and those questions were raised during our discussion of the Bill. A point made by the Chairman of the Commission is that any activities of criminal nature are a matter for the police to further investigate.

The recommendations of the Commission are not binding on the courts and so the issue is that if people are hurt and want redress then it is their right under law to take their case to the Police for further investigation if there is evidence to prove beyond

reasonable doubt that a person is affected by the action and the court in its own right will take action.

**Attorney General:** Mr Chairman, I maintain my position that I do not want to try and preempt what the Commission will come up with whether it will recommend an impunity generally or to a particular group or on individual basis or what process should be taken. For example, in other places like South Africa they have an Amnesty Committee that actually deals with amnesty applications. But that could be something the Commission in its wisdom might suggest or recommend in its Report, which is appointment of an Amnesty Committee or something like that. That is just my personal view. I maintain my position that I cannot preempt the kind of recommendation the Commission will come up with.

*Clause 16 agreed to*

#### Clause 17

**Mr. Wale:** Clause 17(3) says “the Government shall upon the release of the report appoint a person” and so forth. Does the “upon the release of the report” refers to when the report reaches the Prime Minister that a person is appointed or upon the report going to the public. Which of those two? This is only for clarification.

**Attorney General:** Mr. Chairman, what that sub clause is saying is that the government will appoint a person or a body to monitor the implementation of the recommendations of the Commission. Therefore, the Government will carry out that action when it receives the report. It cannot carry out the particular activity if it does not receive the report.

**Mr. Oti:** Perhaps the AG can clarify the intentions of 17(1). After the completion of the report by the Commission, and as is usual submits it to the Minister or the Prime Minister as stated in this provision, then of course the availability to the public - when it is laid before Parliament becomes a public document so accessibility by the public eventuates the time when that report is tabled in Parliament and becomes a public document, and so public access to that document comes at that point in time.

Can the Attorney General clarify that that is how it is? How would the report become a public document? I think that is the process Clause 17(1) is trying to portray in the Bill.

**Attorney General:** Mr. Chairman, the Clause 17(1) states that the report will be given to the Prime Minister, the Prime Minister receives it and it will be laid before Parliament. It is after that stage when Parliament has already dealt with it, then it can become available to the public. That is what Clause 17(1) is talking about. Public access will come after Parliament has dealt with the report or receives the report and debate it.

*Clause 17 agreed to*

*Clauses 18 & 19 agreed to*

Clause 20

**Mr. Wale:** Clause 20(d) – I do not understand the word ‘nolle’ something or rather, may be it is a Latin word. I want a clarification on that.

**Attorney General:** Mr. Chairman, the word nolle prosequi is a legal maxim, which means when proceedings are terminated or suspended. What Clause 20(d) means is that any facts or information or statement disclosed pursuant to this Act or any findings or recommendations of the Commission would not affect any proceedings already terminated or suspended under the provisions of the Amnesty Act 2000 or the Amnesty Act 2001.

**Mr. Wale:** Mr Chairman, sub clause (e) says “...shall not in any manner be construed as affecting any criminal proceedings to be instituted or pending before a court” or (f) “it shall not in any manner be construed as admissible evidence any proceeding before a court”. Sub clause (f) is like an incentive to someone presenting evidence so that they can give full account, but it is just not clear to me. It looks like it is inconsistent but I need clarification of the impact of these two sub clauses on someone giving evidence.

**Attorney General:** Mr. Chairman I did not see the contradiction the Member was trying to make but let me just explain 20(e) and 20(f). What 20(e) is saying is that any facts or information or statement disclosed under this Bill or any findings or recommendations of the Commission, would not affect any criminal proceedings yet to be commenced by the Police or the Public Prosecution’s Office or which is still pending before any courts. It will not affect proceedings like these.

Sub clause 20(f) is saying any of the facts or information or statements disclosed under this Bill we are dealing with or any findings or recommendations of the Commission will not be used as evidence in any proceedings in court. If there is a written statement given by someone to the Commission, that written statement cannot be reproduced in any court. If it is reproduced in any court, the court has power to reject that statement in a court of law because the commission is not a court of law. It is not the court of law and so it cannot deal with criminal proceedings. It leaves that to proper criminal courts. Evidences or statements given to the Commission cannot be reproduced in criminal courts. If that is done then it is inadmissible evidence.

**Mr. Wale:** Thank you, Mr Chairman, it is becoming clear. So it means a statement cannot be reproduced in a court of law but under sub clause (e) the statement does not affect any criminal proceedings to be instituted so the same statement can be use to

institute criminal proceedings, although the statement itself is not admissible in court. That is a bit of confusion I have on this.

**Attorney General:** Mr Chairman, I should explain that this Bill we are dealing with does not stop the Police or the DPP from investigating any case. They can investigate a case that is also investigated by the Commission. It is the processes that are different. The Commission's investigation is for reconciliation purposes. The Police can also investigate the same event as a criminal matter, but it has to do its investigations separately, independently, not using and relying on information that is given to the Commission. In the same way you can have a witness who appears before the Commission, that same witness can be used by the Police in a criminal court but that witness cannot recollect or rely on a statement already given to the Commission. If he/she wants to be a witness in criminal proceedings, he/she must come up with a totally new statement or new evidence. The Police or DPP cannot use the statement given to the Commission to corroborate or contradict the new evidence or new statement the witness is giving to the criminal court or the Police. The statement cannot be used to contradict or test the veracity or credibility of the statement given to the criminal court. No, they must operate separately. Thank you Mr Chairman.

**Mr. Oti:** Mr Chairman, with that kind of reasoning I find contradiction in the intention of the Bill now that we are trying to lift out the meanings of the specific provisions against the backdrop of the intention of healing. Through this process is restorative justice whereas the pursuit in any court of law on the same cases is either a disincentive for people to come forward to the Commission to testify or that they would rather choose to pursue their own healing through the courts. In a way the choice is really up to the person if he/she wants healing through restorative justice or he/she wants to engage in a punitive kind of punishment for the wrongs that have been committed to him/her. It is really open as a matter of choice to the witnesses and to the individuals. In that regard, Mr Chairman if we do not really move this away from the current court processes then we will be falling short of achieving the objective we want to get out of the Commission. If that is the interpretation of how evidence can be used if they can be concurrently used. Its use in the Commission and at the same time in the courts could also produce the same case. That is my own opinion but perhaps the AG could dismiss the kind of observation I have in relation to the intentions of those two provisions.

**Attorney General:** Mr Chairman, that is why you have laws that deal with self incrimination. We have gone through Clause 7, which says "No witness shall be compelled to incriminate himself' or 'no witness shall be compelled to incriminate his or her spouse, parents or children". Yes, it is a matter of choice. If a witness wants to preserve himself for the criminal court, he can preserve himself and use Clause 7 to say he cannot give evidence to the Commission, but I am going to incriminate myself; I rather preserve myself to go through the criminal proceedings first and having gone

through the criminal process I will then want to come back to the Commission. That is why you have Clause 7 as it is a matter of choice.

The process here under this law depends on voluntary attendance. Of course, as you can see, the Commission has the power to summon anyone to attend but you can also see that – that is only exercised in necessary situations and cannot be exercised freely anywhere.

*Clause 20 agreed to*

*Clause 21 agreed to*

## **The Schedules**

### **Schedule 1**

*Paragraph 1 agreed to.*

### **Paragraph 2**

**Mr Chairman:** Honorable Members as indicated in the notice paper, there is one amendment proposed to this paragraph. On the request of the Honorable Minister, the Speaker had earlier waived the one clear day notice requirement under Standing Order 51(2) to allow this Committee to consider the significant amendment today. May I now call on the Honorable Minister to move the amendment?

**Hon. Iduri:** Mr Chairman, I move that Schedule 1, Paragraph 2(1) line 3 be amended by inserting the words “by the Minister” after the word “nominated”.

*Schedule 1 Paragraph 2(1) line 3 with the amendment*

**Mr. Wale:** Mr Chairman, are members of the selection committee eligible to be nominated as commissioners?

**Hon. Iduri:** Mr Chairman, no.

*Paragraph 2 with the amendment agreed to*

*Paragraphs 3, 4 & 5 agreed to*

### **Paragraph 6**

**Mr. Wale:** Mr Chairman, paragraph 6 says the Committee gives the list to the Prime Minister and paragraph 6 says within 7 days he appoints those on the list. Is there no

discretion by the Prime Minister on the list that he must appoint exactly what is according to the list? That is just for my clarification.

**Attorney General:** Mr Chairman, my reading has it that he has to act within the 7 days. We must understand that there are time frames set by this Bill and we must also understand that it is important the inquiry is completed. It must be started off quickly and completed quickly. The times stated in the Bill must be observed carefully and strictly.

**Mr. Wale:** Mr Chairman, that was not my question. The 7 days time frame is okay but the list of persons nominated by the selection committee which goes to the Prime Minister and the Prime Minister appoints them. Does the Prime Minister not have any bit of discretion on the names? Is it going to be 5 members or 6 and the Prime Minister reduces it down to five. I am asking this just for practical situation.

**Attorney General:** Mr Chairman, this scheme is designed so as to avoid the government making direct appointments, and that is why we have the National Selection Committee inviting the public, and it is the public that will nominate the names and the selection committee will produce the list, which would then be given to the Prime Minister to appoint the persons. If you look at it the Prime Minister also acts according to the decision of the National Selection Committee to avoid direct government involvement in the selection process. Because it is going to be carried out by someone, and that is why the Prime Minister makes the appointments. In other places, it is the president who normally does appointments like that but in here we see it fit that the Prime Minister can do the appointments.

*Paragraph 6 agreed to*

*Paragraph 7 agreed to*

*Schedule 1 as amended agreed to*

## Schedule 2

*Paragraphs 1 & 2 agreed to*

## Paragraph 3

**Mr Wale:** Mr Chairman, paragraph 3 and a bit on paragraph 2 on dismissal but 3 is on removal from office. By whom? Who has power to remove a commissioner from office?

**Mr Chairman:** Could you repeat your question again?

**Mr Wale:** Paragraph 3 reads "A member of the Commission may resign his office by written notice to the Prime Minister and may be removed from office but only for

inability maybe removed to perform". That is passive. It is not clear who has the power to remove him from office?

**Mr Chairman:** Are you correct honorable Member, paragraph 3?

**Attorney General:** Mr Chairman, I see the clause or paragraph which the Member for Aoke/Langa Langa is asking. Here it says "A member of Commission may resign his office by written notice to the Prime Minister. The Prime Minister receives the resignation notice and will remove a commissioner who resigns. If the provisions of the General Interpretations Act are applied, the person or authority that has the power of appointment also has the power of removal. That Act also makes it much clearer.

*Paragraph 7 agreed to*

*Schedule 2 agreed to*

**Mr Chairman:** Honourable Members, we are done with all the clauses and schedules of this Bill, and so we now turn to the preamble found on page 5 of the Bill starting at the second paragraph and ending with the sixth paragraph. Be reminded that normally a preamble to a bill cannot be amended unless rendered necessary by earlier amendments to the clause. Does any Member wish to comment on the preamble starting from paragraph 2?

*The preamble agreed to*

*Parliament resumes.*

**Hon. Iduri:** Mr Speaker, I wish to report that the Truth and Reconciliation Commission Bill 2008 has passed through the Committee of the whole House with amendments.

### Bills – Third Reading

The Truth and Reconciliation Commission Bill 2008

**Hon. Iduri:** Mr Speaker, I move that the Truth and Reconciliation Commission Bill 2008 as amended be now read the third time and do pass.

**Mr Speaker:** Honourable Members before I put a question there are some errors and oversights in the Bill that were identified after the First Reading but which are more appropriately dealt with under Standing Order 58(2). These corrections were not substantive and that is why were not moved as amendments during the Committee stage. As I explained earlier Standing Order 58(2) allows for corrections or errors or oversights provided the Speaker gives his permission.

I have been notified of these corrections and I believe all Members have with them a copy of the list of the errors and oversights I am referring to. I have given my permission for the necessary corrections and I now call on the honorable Minister for National Unity, Reconciliation and Peace to formally inform the House of the changes.

**Hon. Iduri:** Mr Speaker, the list of errors and oversights that will be corrected has been circulated to all Members. Corrections will be made according to the list.

Sir, I table this list to Parliament for incorporation in the Bill.

**Mr Speaker:** Honourable Members the House has been duly informed of the corrections that will be made to the Bill under Standing Order 58(2). As such we expect that on the passage of the Bill these corrections will be incorporated before the Bill is sent to His Excellency, the Governor General for his assent. We will now proceed with the motion moved by the Minister for National Unity, Reconciliation and Peace. Honourable Members the question is that the Truth and Reconciliation Commission Bill 2008 as amended be now read a third time and do pass.

*The motion is passed.*

*The Bill passed the third reading*

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

*The House adjourned at 11.30am.*