

TUESDAY 29TH APRIL 2014

The Deputy Speaker, Job Dudley Tausinga took the Chair at 09:40 am

Prayers.

ATTENDANCE

All Members of Parliament were present with the exception of; the Minister of Education and Human Resources Development; Finance and Treasury; Culture and Tourism; Provincial Government and Institutional Strengthening; Women, Youth and Children Affairs and Members for Temotu Pele; South Guadalcanal; South New Georgia-Rendova-Tetepari; Hograno-Kia-Havulei; North Guadalcanal and North Vella La Vella

STATEMENT OF GOVERNMENT BUSINESS

BILLS

Bills Second Reading

The 'Political Integrity Bill 2014'

Hon GORDON DARCY LILO (*Prime Minister*): It is my humble duty as Prime Minister of Solomon Islands and as leader of the NCRA government; I now rise to move the Political Parties Integrity Bill 2014 for a second reading. But before I formally do that, please allow me the opportunity just to speak briefly on this Bill.

Sir, this Bill is the culmination of a number of developments that had preceded even my leadership and government. It represents first and foremost the ideals of a stable and progressive democracy that for so long evaded us. It represents the conviction of so many people, common citizens and political leaders alike that something must be done to address the perceived notion of political instability that our country has had for much too long. Political integrity and stability have always been critical elements of good governance, and sustainable and equitable development in any democratic country. But whilst integrity and stability are central to our national philosophy, good governance itself continues to evade our structures and systems of government. We desperately need good governance for this is a prerogative for optimal economic development progress.

This basic position is probably the one most commonly shared by every government of our country since independence and each of those governments at times, one way or another have strived to introduced political reforms that are intended to be the impetus of

greater integrity in their governments for the sole purpose of achieving our economic development potential.

The demand for stability and integrity became unmistakably apparent during the period between 2000 to 2012, as we all know, a period that has been characterised by the social instability that we have gone through. It was also characterised by the pattern of political instability that we have experienced in parliament with the frequent changes of governments and Motions of No-Confidence. I would like to say here that this government has faced the highest number of Motions of No-Confidence. It was almost about eight. Six of them got withdrawn and one got defeated on the Floor of Parliament. We have also experienced questionable representation through this popular notion of democratic representation that we have and so on.

These experiences have informed our understanding of what we need to do and what needs to be done. They have given us a greater appreciation of the sense of urgency that must govern our pursuit of the appropriate reforms that must be made. They have also allowed us to appreciate the foundations of political stability. This is what we need to consider as options to ensure that stability can take place.

This Bill therefore is a representation of what we now understand as the key causes of instability in the context our country. Narrowing it down to a few critical issues in the political system, the most fundamental of which is the need to formally establish a systematic political party system.

The central rationale of the Political Parties Integrity Bill can be summarised as this:

- to encourage the formation of a political party system as the mainstay of the political system in our country
- to spell out very clearly the governance and operation of political parties, including their obligations and responsibilities
- The need to be able to establish and build the capacity of the office of the Commission and the Registrar of Political Parties to administer and enforce the Act.

In designing the political party system articulated in this Bill, various political engineering projects have been considered. For instance; we have considered the experience of Papua New Guinea. Papua New Guinea has experienced a different kind of stability, courtesy of their organic law—the OLIPAC. In 2002 the political party engineering in PNG has established a complex package of different measures that represents one of the most far reaching attempts by any democratic country anywhere in the world. This approach has no doubt strengthened the stability of government. It has also enabled great leaps in the economic growth and development.

After adopting the Complex Party Developments Strategies in 1999 Indonesia has hugely reduced the number of political parties from 200 in 1998 to about 48 in 1999 and to only about nine party represented in the Parliament by 2010.

In South America, informal political systems have supported formal government structures and in many respects is the bedrock of stability and integrity in countries like

Argentina, Chile and Paraguay. But in all these situations, the Parliamentarians have adhered to a court of Honour that is established by conventions under those political party systems.

In South East Asia, political engineering is a state driven project which necessary in states are a based on religious than ideological foundations.

Additionally, fundamental considerations that have been adopted in the process of formulating the government's understanding and conceptualisation of the proposed law on political party integrity are:

- (i). The principal of Political Party Engineering in the other developing democracies with multi ethnic societies. For instance, in Papua New Guinea, Fiji, Indonesia, The Philippines, Kosovo, Bosnia and Nigeria). These countries have gone through this process of party engineering to strengthen both the party system and the Parliamentary democracy in general.
- (ii). The second principals that that we have considered are the multi ethnic society that are post conflict context country and our desire to make the political party system play a crucial role in building an united Solomon Islands for last and peace stability, tolerance and understanding.
- (iii). Thirdly, we believe that the general discontent with party system continues to demand a legal framework that will facilitate the emergency and growth of strong competitive political parties.

A number of changes has been made to the Political Parties Integrity Bill that has been tabled in year 2013 and those changes are in this current one that is before the House now. The most notable change is the establishment of the political parties' commission. As you will realise, the previous Bill, the Political Parties Integrity Bill 2013 that was withdrawn was supposed to be administered by the Electoral Commission which of course required Constitutional amendment by 3/4 quarters of majority votes in the Parliament and the challenge of securing this support was significant ground for the withdrawal of that Bill.

Under the current bill that is now before the House, the proposed law will establish an independent statutory body to be known as the political parties commission to administer this Act. The legislation will establish the commission as well provide for the Commission, powers and duties and procedural functions and jurisdictions. But most importantly it does not require constitutional amendment.

Secondly, one notable difference in this Bill is the minimum number of membership for political parties. In the previous Bill the requirement for registration was a written consent and declaration of about 300 registered voters. Under the new Bill, membership requirement has been reduced to the consent and declaration of 250 registered voters, this recommendation necessitated by the limited time most political parties will have to fulfil the requirement of the Act. But more significantly it will allow political parties to organise themselves quickly for registration purposes in order to fully participate in the coming general election.

Thirdly, is the registration; we have improved the processes for registration in this Bill of Political parties. Previously, the registration involved a 12 step process whereby the applicant party will submit forms and go back and forth for several other requirements but under this new Bill registration has been streamlined to provide a process of eight steps.

Fourthly amalgamation; in this bill we have improve the provision on amalgamation of political parties. In the previous Bill, the amalgamation was an option that is available to political parties in the registration process. It allowed the continued registration of amalgamated parties as separate entities, and in that way it implies the ability to reverse an amalgamation. In the present bill the amalgamation is a post registration process whereby two parties already registered have the option of becoming one, effectively making two or more parties as one entity, and rendering any previous single party registration obsolete as in the previous bill.

On Deregistration; we have also improved the provisions on de-registration of political parties. In the previous Bill, political parties could reverse a de-registration upon application to the Commission. Under the current Bill, we have captured de-registration more clearly by including provisions for suspension of a political party during which time compliance of any breach by the offending party must take place, failing which a party will become de-registered, and the effect of de-registration being the complete removal of the Party from the register. Also breaches of integrity are now captured under a separate clause on offences and penalties and non-compliance of a notice of a breach will therefore be a grounds for de-registration.

On forming a Coalition, in terms of coalitions between political parties, we have amended and clarified the relationship between coalitions and provided that coalitions be strictly between registered parties only. We have also required that party constitutions' provide for coalition agreements and arrangements. We have received technical assistance in developing a model on coalition agreements which is now at hand.

On penalties of non-Compliance; in terms of penalties, members will also note that the new Bill no longer provides for imprisonment. This amendment was deliberate, as it was thought that at this stage of the reform process, it is only sufficient for us to provide for penalties only, ranging between 5,000 to 50,000 penalty units.

The final amendment that I wish to refer to is the emphasis we have now in placed on the governing authority of political parties. We have amended the Bill to distinctly provide for political party executives and leaders, and have made separate and distinct preferences to administrative party leaders and parliamentary party leaders. You will note that references to party leadership now include President, Vice President, Treasurer, Secretary and Parliamentary Leaders. These are the executives of the political parties, who are accountable to the Political Parties Commission.

Let me say something of the foundation of this Bill; I am aware that this Bill was previously criticized for failing to address fundamental problems within the political, parliamentary and government system of the state – problems such as the defection by

parliamentarians; fluidity of government; frequency of motions of no confidence; election of Prime Minister etc.

Mr Speaker, as mentioned earlier, we had the opportunity to analyse various structures and systems of political party organizations in the developing and developed world. We took a look at the Pacific, South East Asia and South America. We took a look at the United States, Canada, the United Kingdom and even Europe. We consulted countless resources on political party systems; we considered various discourse and theories on political party reform, we looked at numerous political engineering projects that are adopted in countries comparable to our own country, and we became cognizant of a number of factors which we believe will accurately reflect our context, history, demography, our state of development as well as the nature of our politics.

Sir, we are convinced that improving and strengthening political stability in our country is only achievable through a combination of structural and attitudinal reforms. Structural in a sense that the form of relevant laws and regulations necessary to encourage the growth of a specific type of political party system; but, it is also attitudinal in the value that our people have for such a system.

In due course and more appropriately in our debate on this Bill I intend to address specific issues which have been arguable contentious and central to the discontent that some members in the Bills and Legislation Committee have expressed and particularly when the Bill was first tabled in 2013.

Previously, in its' report on the Bill the committee cited a number of sections which it argues as conceptually inconsistent with the Constitution of our country. The Bill in its current form has addressed these issues and I wish to point this out at this juncture.

Firstly, we carefully consider developing a system that was punitive in nature, that is, we enforce discipline when there is deviation from the law, versus the one which was based on incentive, motivating and encouraging changes. But of course each options have its own merits and demerits. But ultimately we have concluded that when it comes to a political party strengthening in our country - what we are trying to do is to facilitate a shift in paradigm where the alternate objective is to convince political actors that inherent and internal change is fundamental to sustain political stability in our country. So, in that regard we believe a punitive system will not be sufficient.

Sir, ideally our political parties must migrate away from being actor-centric, clientelistic organisations, capable only of responding to the electoral market during elections – as is the case at present. But they must become vehicles for developing sound sustainable, political, social and economic policies capable of advancing the interest and aspiration of our country.

But this endeavour solely through structural and external changes that developed in legislation. They require attitudinal and internal changes to the party structure. Their leadership, their members, their voters and more importantly their internal system of registrations, administrations, financial management, disciplinary process, etcetera. So in other words tangible and sustainable change must originate from within the organisation

themselves. This Bill is strategic in that it provides enough structure necessary to facilitate this change.

This Bill is not intended to incentivise integrity in order to promote political stability, but rather political stability and integrity are its bio-products and not the purpose of it. But it is expected that through this Bill a strong vibrant, inclusive and competitive political party system will emerge and taking this nation away from the sporadic and unpredictable form of political party participation that has characterised our past and present legislator.

On anti-defection; Sir by nature, Solomon Islands, as is the case for Melanesian societies, it is comprised of deep-seated cleavages which distinguishes our people and therefore have capacity to separate societies on many fronts. Issues of loyalty to a certain group or a particular leader are historically proven to be common practice since time immemorial. Defection perhaps is not a political game designed solely to the politician; it is a feature of our way of life in many respects. Allegiance and loyalty is tested time and again and where circumstances become unfavourable, decisions are made to move. The only issue is that the implications of such decisions are more serious when it comes to parliamentarians and I accept however that the price for stability may be the introduction of anti-defection law which prohibits power-playing by the least of parliamentarians. But as a precursor to such a law, this Bill attempts to address the '*the thing behind the thing*', if I may, by fostering a stronger code of relationship and connectivity between party and members.

Sir, party defection must become a disreputable exercise in time to come. And we can certainly prohibit this practice through anti-defection laws. But alternatively, more tangibly and effectively, by cultivating integrity within the party system, strengthening and legitimising the corporate and collective entity of political parties over and above the personal interests of the individual member.

Thirdly, the Bill has taken the recommendations made in the national consultations and introduced an administrative and temporary special measures grant. In our consultations, a number of non-state actors have expressed contempt at provisions that appear to provide further benefits to parliamentarians. We reasoned by clarifying that this is an administrative grant payable to a political party as a means of contributing to the development of political parties that qualify under the relevant section. But the basis of this is simple. There is a need to sustain, support and capacity build political parties, and the appropriate means and measures for doing so is to provide political parties, nominal grants for each elected member they return at general elections, not as a benefit to individual MPs, but as a grant to the political party.

Sir, on freedom of assembly and association; Mr Speaker, I believe that creating a formal framework for political parties in our country enhances the capacity of Solomon Islanders to be involved in representing, shaping and developing their political ideologies and interests. It provides a platform for political association in a fair, equitable and structured system that affords them the right to associate, but more importantly, the opportunity to give meaning to these associations through an effective, well-developed, and

contextually relevant political party system. Sir, the right to association is not undermined by this Bill – in fact, it is encouraged, honoured, and protected.

At present, in the absence of a formal framework, an ever increasing politically conscious generation is turning to other means of association to explore, examine and express their insatiable curiosity for politics, and their undeniable appetite for political leadership.

In its current form the Bill prescribes rules which regulate the nature of association that a group of people will have as proponents of a particular political party. These rules do not deny the freedom of association; they provide for it by imposing these rules on a specific group of people – for instance, a politically conscious group of people who are like minded in their political values and expectations - who share a common political view of the world and perhaps aspire to common political ambitions - who are convicted by a call to participate in shaping the political trajectory of this country, and so, willing commit themselves to this way of life - exercising their right to association, and their right to expression in the form of a political party, governed by relevant and contextually correct laws.

This Bill represents a governance mechanism that will ensure that political parties will be accountable as such institutions should be, in a democratic society. It is a misnomer to suggest that this Bill restricts the freedom of association. If that is the perception, it misconstrues the intention of the current government. This Bill does not restrict the freedom of association from the people of Solomon Islands. It regulates the freedom of political association by specific group of Solomon Islanders, in order to develop a form of government and governance that will elicit and promote stability and integrity that the people of this nation deserve.

On political party membership; In terms of membership requirements, political parties are representative in nature, for instance, ideologies, demography, developmental policies and so on. As such, it is important that the Bill requires the most minimum standard by which political parties can demonstrate the legitimacy of that representation.

Setting a mandatory minimum follows best practice principles adopted and implemented by parliamentary democracies. Our research of similar provision in other jurisdiction supports this. For example:

- **Australia** – 500 registered members per party
- **New Zealand** – 300 registered members per party
- **Papua New Guinea** – 500 registered members per party
- **Indonesia** – 1000 registered members per party;
- **Fiji** – 5000 registered per party.

The threshold of 250 members per political party is not unrealistic or unachievable. Serious and well-organised political parties will have no difficulty in securing this number of membership in time for the coming general election.

On single-party membership, this Bill has intentionally disallowed multiple party memberships, although it does not prevent an MP from resigning membership in one party, and taking up membership in another. Previously, as the Bills and Legislation Committee has argued that this rule also contravenes section 13 of the Constitution.

This provision is the closest resemblance to anti-defection mechanism in the Bill even though it falls short of strictly prohibiting it. Our approach is based on the rationale mentioned earlier – that the political party system should govern itself, not through the letter of the law, but through the integrity of the system.

The practice at present is such that parties with the most members returned are almost guaranteed key leadership positions within government. The parties with the least numbers often lose their elected members to an inevitable coalition of individual MPs (and therefore become uninvolved in political governance altogether); or alternatively and more commonly it seems, parties returning the least members, in these coalitions, remain influential brokers in the balance of power (and accordingly become unduly influential in political governance).

This Bill addresses that by restricting '*candidate-to-party*' membership, as well as '*party-to-party*' partnership where '*candidate-to-party*' memberships are limited to one member per party, '*party-to-party*' can involve more than one party. That is the ratio of engagement that we believe would arrive at that restriction.

In time to come as the political party system grows and develops, we can expect to see a handful of political parties emerged as the most serious contenders in national politics. Ideally, the political party system should govern itself, not through the letter of the law but through the integrity of the system.

On coalition agreements; the Bill also prohibits a political party entering into coalition with any group of Independent Members of Parliament. This is absolutely necessary because:

1. The Bill already allows Independent MPs to join a political party
2. Independent MPs that want to stay as a group has to comply with the provisions of this Bill. They have to be recognised as a political party in order to enter into coalition with other parties.

On minimum requirements for registration under this Bill; any political parties that wish to participate in the General Election must be duly registered under the Act. The Bill provides clear grounds for registration as well as the grounds by which a registration maybe refused, suspended or cancelled.

The procedures and requirements found in the Bill are the minimum requirements for registration. The grounds for refusal are simply limited to, firstly; incomplete applications, secondly; failure to comply with the Act, thirdly; failure to fulfil specific requirements related to a parties party's particulars for instance, names, symbols, membership composition and so forth.

On Temporary Special Measures grounds; this is a controversial issue in our country; let me submit respectfully that our political leaders remain unprepared to guarantee women

reserve seats in Parliament. That was evident in previous debates on this issue. This Bill envisions a time where such measures may become common thought and a common place.

The Special Temporary Measures (TSM) provided for by the Bill is that of party Quota. This is the distinct difference between this and the TSM promoted by the UN women's movement, which is the other form of TSM. The Temporary Measures grant provided in the Bill is technically TSM itself but rather an incentive payable to political parties that qualify for the ground. It is conditional on; firstly, being a woman elected into Parliament and secondly, being a member of a political party.

I submit that the Clause is not discriminatory against women or any other person for that matter. It is a provision that is readily available to any women; provide they are members of a political party.

Now we have always been conscious of our commitment to the United Nations Convention on Elimination of all forms of Discrimination Against woman, which we ratified in 2002. I am satisfied that this is an affirmative policy that is permissible by Section 15 Subsection 5 Paragraph F of our Constitution.

Our proposition would lead to incentivising political parties to ensure that at least 10percent of their nominees to contest election are women. When they are successful in getting a woman elected into Parliament, the political party responsible will be entitled to a grant of \$10,000 on top of the administrative grant of \$20,000 in its effort in getting women elected into parliament. I do not want to increase that amount because that will be too much. It has to be something reasonable.

We are obliged and compelled to include this provision for several reasons. It is not the place for this Bill to introduce TSM as a feature of Parliamentary system that is the responsibility of another form. But the provisions that we have included in this Bill may only be a subtle step, but one which is necessary in this case.

Let me say something about the cooperative developments that we have made up to date before I conclude. I wish to inform this honourable House that we have secured a technical assistance from the Government of Papua New Guinea under the auspices of the Office of the Registrar of Political Parties and the Office of the Prime Minister of Papua New Guinea. In the last week a team of technical consultants from PNG Registry have been working with my office in developing all the relevant regulations, procedures and forms required by the Bill, including model constitutions and coalition agreements.

In a fortnight, we expect to receive and commission the consultants from the European Union who will arrive to undertake further work on the regulations and integrity standards including consultations with all relevant stakeholders.

Upon passage of this Bill, the New Zealand Government will also initiate its commitment to the Solomon Islands Government in establishing the Solomon Islands Political Parties Registry. Their commitment will see complete workplace furnishing and installation of all technical equipment and operation systems. This was the commitment that was made to me recently during my official visit to New Zealand by Prime Minister, John Key.

Also upon passage of the bill, members of the Political Parties Commission will be appointed and recruitment of the Registrar and staff will commence. All in all, in accordance with the implementation schedule approved by cabinet, the Political Parties Registry will be ready by mid-May 2014, and we can expect political parties to commence registrations under the Act by early June this year (2014).

I just want to conclude by saying something which really touches me when I reflect on the statement made by the Secretary General of the Pacific Islands Forum Secretariat about our nation. He said; “this is a nation of remarkable contrasts and of immense diversities. Diversities of land, forms, and people, innumerable languages little known elsewhere and of cultures and traditions, unique and distinct, one from the other. There is, in the natural order much more to divide than there is to unite”.

What this Bill is proposing is a change to a system that has served the interest of every politician that has ever had the honour to be part of the legacy of this House. It is not an easy Bill to bring to parliament because it changes the shape and form of the state and of the gate we have been entering for the last 36 years. But it is a critical Bill for us to deliberate favourably over.

Furthermore, it will be right as well to say that every legislation that we have enacted to date is important to our advancement as a sovereign state. But this Bill is the one that will count the most for this parliament because it points to the very core of why you and I are here in this House. This is not a Bill for politicians - it is a Bill for the people. This is not a Bill designed for the government side of the Parliament – it is a bill defined by the insight of all the leaders that sit within this House. This is not a bill for our generation – but a Bill for the next. It is a Bill that aims to both strengthen the Opposition and the Executive branches of government.

What we are doing, essentially, is laying the critical foundations for political stability and integrity that can, will, and must be built in time to come.

On this note, Mr Speaker I beg to move.

Mr Speaker: The Political Parties Integrity Bill 2014 has been put to second reading, honourable members the next stage is the debate.

MOTION

Hon Gordon Darcy Lilo: Thank you Mr Speaker, to allow time for the Bills and Legislation Committee to conduct its inquiry into the Bill and to conclude its report, I have been informed by the chairman of the Bills and Legislation Committee that the committee is here to finalized the report and they need at least a day or two or may be a half day.

I move the debate on the political parties integrity bill 2014, be now adjourned to Thursday 1st May 2014.

Question agreed to

ADJOURNMENT

Hon Gordon Darcy Lilo: Mr Speaker not withstanding in Standing Order 10-1, I move that parliament shall stand adjourned to 2pm Wednesday 30th April 2014.

Question agreed to

Parliament adjourned at 10.27am