

NATIONAL PARLIAMENT OF SOLOMON ISLANDS

8TH PARLIAMENT – 1ST SESSION – 10TH MEETING

MINUTES

Thursday 27 August 2009

NP/05/1/11

The Speaker took the Chair at 10:05 am.

Prayers were said by the Clerk.

The following Members were:

Present: Hon. Peter Shanel Agovaka
Hon. Peter J. Boyers
Hon. Fred I. Fono
Hon. Bernard Ghiro
Hon. Seth Gukuna
Hon. William Nii Haomae
Hon. Francis B. Hilly
Hon. Shemuel Sam Iduri
Hon. Toswel Kaua
Hon. Mark Roboliu Kemakeza
Hon. Clement Kengava (presiding)
Hon. Johnson Koli
Hon. Daniel Enele Kwanairara
Hon. Nollen Cornelius Leni
Hon. Gordon Darcy Lilo
Hon. Varian Loñamei
Hon. Manasseh Maelanga
Hon. Samuel Manetoali
Hon. Severino Nuaiasi
Hon. Patteson J. Oti
Hon. David Day Pacha
Hon. Snyder Rini
Hon. Selwyn Riumana
Hon. Dr. Derek Sikua
Hon. Clay Forau Soalaoi
Hon. Stanley Festus Sofu
Hon. Martin Sopage
Hon. Augustine Taneko
Hon. Job Dudley Tausinga
Hon. Peter Tom
Hon. James Tora

Hon. Isaac Inoke Tosika
Hon. Milner Tozaka
Hon. Japhet Waipora
Hon. Matthew Cooper Wale
Hon. Francis John Zama

Apologies: Hon. Martin Magga
Hon. David Wote Sitai
Hon. Manasseh Damukana Sogavare

Absent: Hon. Steve Abana
Hon. Rev. Leslie Boseto
Hon. Laurie Chan
Hon. Walter Folotalu
Hon. Edward Justus Huniehu
Hon. Silas Milikada
Hon. Nelson Ne'e
Hon. Trevor Olavae
Hon. Siriako Usa
Hon. Patrick Vahoe (Jnr)

In-Attendance: Attorney General, Mr. Gabriel Suri

The Member of Parliament for West Makira raised an objection to do quorum under Standing Order 12 read with section 67 of the Constitution. After an interval of ten minutes the following members were present:

1. Hon. Peter Shanel Agovaka
2. Hon. Fred I. Fono
3. Hon. Seth Gukuna
4. Hon. William Nii Haomae
5. Hon. Francis B. Hilly
6. Hon. Shemuel Sam Iduri
7. Hon. Toswel Kaua
8. Hon. Mark Roboliu Kemakeza
9. Hon. Clement Kengava *(presiding)*
10. Hon. Johnson Koli
11. Hon. Daniel Enele Kwanairara
12. Hon. Nollen Cornelius Leni
13. Hon. Varian Loñamei
14. Hon. Manasseh Maelanga
15. Hon. Patteson J. Oti
16. Hon. David Day Pacha
17. Hon. Snyder Rini
18. Hon. Dr. Derek Sikua
19. Hon. Clay Forau Soalaoi
20. Hon. Stanley Festus Sofu

21. Hon. Martin Sopage
22. Hon. Job Dudley Tausinga
23. Hon. James Tora
24. Hon. Milner Tozaka
25. Hon. Japhet Waipora
26. Hon. Matthew Cooper Wale

The Speaker called on the Prime Minister to announce the **STATEMENT OF GOVERNMENT BUSINESS** for the week ending Friday 28 August 2009 (*further statement*).

BILLS

Bills – Committee Stage

‘The Telecommunications Bill 2009’

Parliament resolved into Committee of the Whole House to consider **‘The Telecommunications Bill 2009’**.

Clause 1

The question “*That Clause 1 stand part of the Bill*” was put and passed.

Clause 2

Debate ensued.

The question “*That Clause 2 stand part of the Bill*” was put and passed.

Clause 3

The question “*That Clause 3 stand part of the Bill*” was put and passed.

Clause 4

Debate ensued.

The question “*That Clause 4 stand part of the Bill*” was put and passed.

Clause 5

Debate ensued.

The question “*That Clause 5 stand part of the Bill*” was put and passed.

Clause 6

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 6(5) be amended by omitting the word "and" at the end of paragraph (a)."

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 6(5) be amended by omitting paragraph "b" and inserting instead the following paragraphs;

- "(b) at the Minister's request, represent Solomon Islands in regional and international organisations relating to telecommunications; and*
- (c) at the Minister's request, represent Solomon Islands and negotiate and make recommendations to the Minister for the adoption of, regional and international treaties, commitments, recommendations or standards."*

Debate ensued.

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 6 be amended by inserting the following new subclauses –

"(6) The Minister shall submit any recommendations made to him under subsection (5) (c) to Cabinet for its approval.

(7) The Telecommunications Commission shall not –

- (a) subject to section 5(c), enter into any regional or international treaty or convention obligations of Solomon Islands; or,*
- (b) enter into any agreement or arrangement with any international aid agency in respect of matters relating to this Act except with the approval of Cabinet.*

(8) The Telecommunications Commission shall pay Solomon Islands' membership fee or other charges to any regional or international telecommunications body."

Debate ensued.

Question put and passed.

The question ***“That Clause 6 as amended stand part of the Bill”*** was put and passed.

Clause 7

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 7(1), be amended by omitting paragraphs (a) to (c) and inserting instead the following paragraphs –

- “(a) the Chairman of the Law Reform Commission, as Chairman of the Committee;*
- (b) the Governor of the Central Bank of Solomon Islands; and*
- (c) the Chairman of Solomon Islands Chamber of Commerce and Industry.”*

Debate ensued.

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 7(2), be amended by inserting the words “(due to a conflict of interest or otherwise)” after “unavailable”.

Debate ensued.

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 7, be amended by inserting the following new subclause (4) and renumbering current sub-clauses accordingly as sub-clauses (5) to (15) respectively –

“(4) If the Chairman of the Law Reform Commission is absent, the members shall select one of the members to act as Chairman of the Committee during such absence.”

Question put and passed.

Clause 7 as amended

Debate ensued.

The question ***“That Clause 7 as amended stand part of the Bill”*** was put and passed.

Clause 8

Debate ensued.

The question *"That Clause 8 stand part of the Bill"* was put and passed.

Clause 9

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 9 (5) be amended in paragraph (a) by inserting the words "as soon as practicable" after "appointed" appearing in Line 2."

Question put and passed.

Clause 9 as amended

Debate ensued.

The question ***"That Clause 9 as amended stand part of the Bill"*** was put and passed.

Clause 10

The question *"That Clause 10 stand part of the Bill"* was put and passed.

Clause 11

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 11 (1) be amended by omitting "Part X" appearing in Line 3 and inserting instead "Parts X and XXXVIII".

Question put and passed.

Clause 11 as amended

Debate ensued.

The question ***"That Clause 11 as amended stand part of the Bill"*** was put and passed.

Clause 12

The question *"That Clause 12 stand part of the Bill"* was put and passed.

Clause 13

The question *"That Clause 13 stand part of the Bill"* was put and passed.

Clause 14

The question *"That Clause 14 stand part of the Bill"* was put and passed.

Clause 15

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 15 (1) be amended by omitting the words "Clerk to Parliament (who shall lay before parliament for its approval)" appearing in Line 2 and inserting instead the "Evaluation Committee for its approval".

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 15 (2) be amended by omitting the word "Parliament" wherever appearing and inserting instead "the Evaluation Committee".

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 15 be amended by omitting sub-clause (3), and renumbering sub-clauses (4) to (8) as sub-clauses (3) to (7).

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 15 (4) be amended by omitting the word "Parliament" and inserting instead "the Evaluation Committee".

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 15 (6) be amended –

(a) by omitting the word "subsection (5)" and inserting instead "subsection (4)";

(b) in Line 2, by inserting "be appointed by the Minister" after "shall";

(c) in Line 3, by omitting "be appointed by" and inserting instead "and".

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 15 (7) be amended by omitting "subsection (5)" and inserting instead "subsection (4)".

Question put and passed.

Clause 15 as amended

Debate ensued.

The question ***"That Clause 15 as amended stand part of the Bill"*** was put and passed.

Committee of the Whole House suspended at 12:08 pm until 2:00 pm.

Committee of the Whole House resumed at 2:15 pm.

Clause 16

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 16 (1) be amended in paragraph (d) by inserting the words ", if any," after "appropriated".

Question put and passed.

Clause 16 as amended

Debate ensued.

The question ***"That Clause 16 as amended stand part of the Bill"*** was put and passed.

Clause 17

Debate ensued.

The question ***"That Clause 17 stand part of the Bill"*** was put and passed.

Clause 18

The question "*That Clause 18 stand part of the Bill*" was put and passed.

Clause 19

The question "*That Clause 19 stand part of the Bill*" was put and passed.

Clause 20

Debate ensued.

The question "*That Clause 20 stand part of the Bill*" was put and passed.

Clause 21

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 21 be amended in sub-clauses (3), (4) and (5) by omitting the word "Accountant-General" wherever appearing and inserting instead "Evaluation Committee".

Debate ensued.

Question put and passed.

Clause 21 as amended

Debate ensued.

The question "***That Clause 21 as amended stand part of the Bill***" was put and passed.

Clause 22

The question "*That Clause 22 stand part of the Bill*" was put and passed.

Clause 23

Debate ensued.

The question "*That Clause 23 stand part of the Bill*" was put and passed.

Clause 24

The question "*That Clause 24 stand part of the Bill*" was put and passed.

Clause 25

The question "*That Clause 25 stand part of the Bill*" was put and passed.

Clause 26

The question "*That Clause 26 stand part of the Bill*" was put and passed.

Clause 27

Debate ensued.

The question "*That Clause 27 stand part of the Bill*" was put and passed.

Clause 28

The question "*That Clause 28 stand part of the Bill*" was put and passed.

Clause 29

The question "*That Clause 29 stand part of the Bill*" was put and passed.

Clause 30

The question "*That Clause 22 stand part of the Bill*" was put and passed.

Clause 31

The question "That Clause 31 stand part of the Bill" was put and passed.

Clause 32

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 32 (2) be amended by omitting the words "of its", appearing in Lines 3 and 4."

Question put and passed.

The question "***That Clause 32 as amended stand part of the Bill***" was put and passed.

Clause 33

The question "*That Clause 33 stand part of the Bill*" was put and passed.

Clause 34

The question "*That Clause 34 stand part of the Bill*" was put and passed.

Clause 35

The question "*That Clause 35 stand part of the Bill*" was put and passed.

Clause 36

The question "*That Clause 36 stand part of the Bill*" was put and passed.

Clause 37

The question "*That Clause 37 stand part of the Bill*" was put and passed.

Clause 38

The question "*That Clause 38 stand part of the Bill*" was put and passed.

Clause 39

The question "*That Clause 39 stand part of the Bill*" was put and passed.

Clause 40

The question "*That Clause 40 stand part of the Bill*" was put and passed.

Clause 41

The question "*That Clause 41 stand part of the Bill*" was put and passed.

Clause 42

The question "*That Clause 42 stand part of the Bill*" was put and passed.

Clause 43

The question "*That Clause 43 stand part of the Bill*" was put and passed.

Clause 44

The question "*That Clause 44 stand part of the Bill*" was put and passed.

Clause 45

The question "*That Clause 45 stand part of the Bill*" was put and passed.

PART 6 – UNIVERSAL ACCESS

Clauses 46 – 52 under

Debate ensued.

The question *“That Clauses 46 to 52 stand part of the Bill”* was put and passed.

PART 7 – RADIO SPECTRUM

Clause 53

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 53 (2) be amended by inserting “, regulation” after “order”.

Question put and passed.

Clause 53 as amended

The question *“That Clause 53 as amended stand part of the Bill”* was put and passed.

Clauses 54 – 59

Debate ensued.

The question *“That Clauses 54 – 59 stand part of the Bill”* was put and passed.

PART 8 – COMPETITION

Clause 60

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 60 (3) be amended in Line 2 by inserting the words “or by regulation prescribe” after “identify”.

Question put and passed.

The question *“That Clause 60 as amended stand part of the Bill”* was put and passed.

Clause 61

The question *“That Clause 61 stand part of the Bill”* was put and passed.

PART 9 – INTERCONNECTION AND ACCESS

Clauses 62 – 68

The question *“That Clauses 62 – 68 stand part of the Bill”* was put and passed.

PART 10 – PRICING

Clauses 69 and 70

Debate ensued.

The question *“That Clauses 69 and 70 stand part of the Bill”* was put and passed.

PART 11 – RELATIONS WITH CONSUMERS

Clauses 71 – 75

The question *“That Clauses 71 – 75 stand part of the Bill”* was put and passed.

Clause 76

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 76 (6) be amended in Line 2 by inserting “or by regulation prescribe means and measures in which” after “require”.

Question put and passed.

The question “That 76 as amended stand part of the Bill” was put and passed.

Clauses 77 and 78

The question *“That Clauses 77 and 78 stand part of the Bill”* was put and passed.

PART 12 – TELECOMMUNICATIONS EQUIPMENT AND TECHNOLOGY

Clauses 79 and 80

Debate ensued.

The question *“That Clauses 79 and 80 stand part of the Bill”* was put and passed.

PART 13 – NUMBERS AND DOMAIN NAMES

Clauses 81 – 84

Debate ensued.

The question *“That Clauses 81 – 84 stand part of the Bill”* was put and passed.

PART 14 – ACCESS TO PUBLIC LAND

Clause 85

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 85 (5) be amended in Line 2 by inserting “, regulation” after “order”.

Question put and passed.

The question ***“That Clause 85 as amended stand part of the Bill”*** was put and passed.

Clauses 86 – 89

The question *“That Clauses 86 – 89 stand part of the Bill”* was put and passed.

PART 15 – ACCESS TO NON-PUBLIC LAND

Clauses 90 – 95

Debate ensued.

The question *“That Clauses 90 – 95 stand part of the Bill”* was put and passed.

PART 16 – POWERS IN EMERGENCIES AND PRODUCTION OF MESSAGES

Clause 96

The question *“That Clause 96 stand part of the Bill”* was put and passed.

Clause 97

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 97 be amended –

(a) in Line 2, by omitting the words "by order in writing direct" and inserting instead "apply to the High Court, in accordance with the rules of the Court, for a warrant directing";

(b) in Line 4, by omitting the word "him" and inserting instead "Prime Minister"; and

(c) in Line 5, by omitting the word "order" and inserting instead "warrant".

Question put and passed.

The question ***"That Clause 97 as amended stand part of the Bill"*** was put and passed.

Clause 98

Debate ensued.

The question *"That Clause 98 stand part of the Bill"* was put and passed.

PART 17 – DISPUTES AND APPEALS

Clause 99

The question *"That Clause 99 stand part of the Bill"* was put and passed.

Clause 100

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 100 (10) be amended by omitting the word "regulations" and inserting instead "regulation".

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 100, sub-clause (11) be amended by omitting the word "regulations" and insert instead "regulation".

Question put and passed.

The question ***"That Clause 100 as amended stand part of the Bill"*** was put and passed.

Clauses 101 – 112

The question *“That Clauses 101 – 102 stand part of the Bill”* was put and passed.

PART 18 – VIOLATIONS AND ADMINISTRATIVE AND CIVIL REMEDIES

Clauses 113 – 118

The question *“That Clauses 113 – 118 stand part of the Bill”* was put and passed.

PART 19 – OFFENCES

Clause 119

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 119 be amended by omitting the words “can be” and inserting instead “is”.

Question put and passed.

The question *“**That Clause 119 as amended stand part of the Bill**”* was put and passed.

Clause 120

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 120 (1) be amended in paragraph (a) by inserting the words “or otherwise wrongful” after “dishonest”.

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 120 (1) be amended in paragraph (b) –

*(a) in Line 1, by omitting the word “and” and inserting instead “or”;
and*

(b) by inserting the words “or otherwise wrongful” after “dishonest”.

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 120 (1) be amended in paragraph (c) –

*(a) in Line 1, by omitting the word "and" and inserting instead "or";
and*

(b) by inserting the words "or otherwise wrongful" after "dishonest".

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

*"That Clause 120 (1) be amended in paragraph (d) by inserting the words
"or otherwise wrongful" after "dishonest".*

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

*"That Clause 120 (1) be amended in paragraph (e) by inserting the words
"or otherwise wrongful" after "dishonest".*

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 120 (1) be amended in paragraph (f) –

*(a) in Line 1, by omitting the word "and" and inserting instead "or";
and*

(b) by inserting the words "or otherwise wrongful" after "dishonest".

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

*"That Clause 120 (1) be amended in paragraph (g) by omitting the words
"without right and with dishonest intent" and inserting instead "and
without right".*

Question put and passed.

The question ***"That Clause 120 as amended stand part of the Bill"*** was put and passed.

Clause 121

The question *"That Clause 121 stand part of the Bill"* was put and passed.

Parliament resumed.

At 4:30 pm the Prime Minister sought leave to have standing order 10 be suspended in accordance with standing order 81 to permit continuation of business of the House until adjourned by the Speaker under Standing Order 10(5).

Leave granted.

The Prime Minister moved:

"That Standing order 10 be suspended in accordance with standing order 81 to permit continuation of business of the House until adjourned by the Speaker under Standing Order 10(5)."

Question put and passed.

Committee resumed.

PART 20 – MISCELLANEOUS, REPEALS, AMENDMENTS, TRANSITIONAL AND SAVINGS

Clauses 122 – 127

Debate ensued.

The question *"That Clauses 122 – 127 stand part of the Bill"* was put and passed.

Clause 128

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

"That Clause 128 (8) be amended by omitting the word "initially" and inserting the following proviso at the end of the sub-clause –

"PROVIDED THAT the Government responsibility for costs under this subsection shall lapse on a date, as agreed between the Government and the Telecommunications Commission, within three months of approval of the initial budget of the Telecommunications Commission under section 131."

Question put and passed.

The question ***"That Clause 128 as amended stand part of the Bill"*** was put and passed.

Clauses 129 – 133

Debate ensued.

The question *“That Clauses 129 – 133 stand part of the Bill”* was put and passed.

Clause 134

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Clause 134 (2) be amended by omitting the word “Telecom” and inserting instead “Telekom”.

Question put and passed.

Clause 134 as amended

Debate ensued.

The question ***“That Clause 134 as amended stand part of the Bill”*** was put and passed.

Clauses 135 - 142

Debate ensued.

The question *“That Clauses 135 – 142 stand part of the Bill”* was put and passed.

SCHEDULE 1

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Schedule 1 be amended in paragraph 4.1 (page 151) be amended by omitting the word “directions” appearing in Line 1, and inserting instead “direction”.

Question put and passed.

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Schedule 1 be amended in paragraph 7.1 (page 154) by omitting the words “order or regulation” appearing in Line 1, and inserting instead “determination or order”.

Question put and passed.

Considerations of paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.

Appendix A.

The question ***“That Schedule 1 as amended stand part of the Bill”*** was put and passed.

Schedule 2

The Minister for Communication and Aviation Hon. Varian Loñamei moved:

“That Schedule 2 be amended in paragraph 7.1 (page 178) by omitting the words “order or regulation” appearing in Line 1, and by inserting instead “determination or order”.

Debate ensued.

Question put and passed.

Considerations of paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Appendices A, B, C and D.

The question ***“That Schedule 2 as amended stand part of the Bill”*** was put and passed.

Consideration in Committee of the Whole House concluded.

Parliament resumed.

The Minister for Communications and Aviation Hon. Varian Loñamei reported that **‘The Telecommunications Bill 2009’** has passed through the Committee of the Whole House with amendments.

Bills – Third Reading

‘The Telecommunications Bill 2009’

The Minister for Communications and Aviation Hon. Varian Loñamei moved:

“That ‘The Telecommunications Bill 2009’ as amended be now read a third time and do pass.”

Question put and passed.

The Clerk announced the passage of **“The Telecommunications Bill 2009’**.

ADJOURNMENT

The Speaker adjourned Parliament at 6:30 pm pursuant to Standing Order 10(5) until 9:30 am Friday 28 August 2009.

Confirmed.

Hon. Clement Kengava MP
Deputy Speaker of National Parliament

Confirmed.

Rt. Hon. Sir Peter Kenilorea KBE PC
Speaker of National Parliament

27 August 2009