

NATIONAL PARLIAMENT OF SOLOMON ISLANDS

DAILY HANSARD

FIRST MEETING – EIGHTH SESSION

TUESDAY 25TH APRIL 2006

The Speaker, Rt Hon Sir Peter Kenilorea took the Chair at 10.00 am.

ATTENDANCE

At prayers all Members were present with the exception of the Members for East Honiara and Central Honiara.

ADMINISTRATION OF OATH

(The Member of Parliament for Central Honiara was not present to take his oath)

ELECTION OF DEPUTY SPEAKER

Mr Speaker: Before the election of the Deputy Speaker, a point of privilege relating to the election has been again raised by the Honourable Member for Nende, and I have given him leave to raise the matter.

Mr OTI: Mr Speaker, thank you for granting me permission to raise a matter of privilege under Standing Order 25.

Mr Speaker, I mentioned yesterday in a statement I raised under this Order that the absence of the Member for Central Honiara would make it unfair on my part as a candidate for the Deputy Speaker's position.

Mr Speaker, as of today as you have just confirmed, the Member for Central Honiara is not yet with us, and as we have also learned, as of yesterday afternoon after the proceedings of Parliament, the MP for East Honiara has also been remanded in custody for questioning. Mr Speaker, that further erodes the privilege that

would have otherwise been accorded to me under the election of the Deputy Speaker.

Mr Speaker, at this point also I wish to make a statement that should this situation continue, and I am not making reference to the taking into custody of the two Members of Parliament, but I would like to draw the attention of Parliament to your clarification yesterday under section 70 of the Constitution whereby Parliament Meetings such as these are open to the public.

Mr Speaker, as we all know as of last night the Commissioner of Police continues to reiterate that the meeting of Parliament to elect the Deputy Speaker, contrary to your assurance still states that the meeting today is a closed meeting.

Mr Speaker, who is the real authority in Parliament? Who? Who is the real authority in Parliament, the Parliament of Solomon Islands? Is it you Mr Speaker? Of course, Mr Speaker, under the Preservation of National Security and Public Safety Act and the regulations which emanate there from, the Commissioner of Police has the responsibility to ensure that the mechanism is in place which would enable people to come to their Parliament.

Unfortunately, Mr Speaker, the way it was relayed on the media leaves no chance for interpretation by the public, and this Parliament no longer belongs to the people of Solomon Islands.

This Parliament has been hijacked. This Parliament has become a parliament that does not belong to the people of Solomon Islands. It seems to be a parliament of somebody else. I am telling this straight to you. This Parliament belongs to somebody else. We seem to bend down and succumb to this kind of forces, Mr Speaker, foreign aliens, UFO's (unidentified foreign objects)

A Member objecting: *(That is what you want)*

Mr Speaker, tell me when are we going to take control of ourselves? Can you tell me?

Mr Speaker, because my right and the rights of the people of Solomon Islands has been affected, has been subjected to subservience, I beg your indulgence that the election of the Deputy Speaker be once again postponed until this Parliament is fully represented.

Thank you, Mr Speaker.

(hear, hear)

Mr Speaker: I thank the MP for Temotu Nende. Firstly let us get the first issue right. In Parliament, certainly the Speaker has all the authority in Parliament. Outside Parliament, in dealing with security matters, under section 43 of the Constitution the Commissioner of Police has total independence in operational matters. I think we should understand the difference between what is in Parliament and outside of Parliament.

(hear, hear)

Secondly, whilst I fully understand the intention of a level playing field for matters of today's election, I would like to refer Honourable Members, and I am sure the honourable Member who raised the point also alerted me to it yesterday that he understands the separation of powers under the preambles of the Constitution, and

(Mr Oti interjecting) *What belongs to Parliament is Parliament's and not the Commissioner of Police.*

that relates to the legislature, the executive and the judiciary. It is in this context that I do not see the work of the judiciary should interfere with the proceedings of Parliament, and therefore I rule that we must proceed with today's business. If we are not careful and confuse ourselves with the three arms of the government, and making the judiciary not independent, then of course the executive government might interfere with judiciary and

the citizens of this country might not have confidence in the judiciary and the court system.

If the court system is allowed to intervene with the legislative process they would be able to prevent elected Members from passing laws in this honourable House. If Parliament is allowed to debate a particular court case it could undermine a fair trial by influencing the judge.

I therefore feel we must maintain the separation of powers under our Constitution. So whilst I fully appreciate what is happening and the need for a level playing field in this situation, we cannot wait on either the performance or lack of it by the judiciary for Parliament business to proceed. I rule today that Parliament must proceed with its business, one of which is the election of the Deputy Speaker. Thank you.

Mr ULUFA'ALU: Point of Order, Mr Speaker. Whilst respecting your ruling, the matters that prejudice the interest of the particular Members and the actions of the judiciary on law and order are not justified in terms of the offences they are facing.

There are people charged for murder that the judiciary and law and order is yet to get them. These men are not dangerous criminals and they are not yet criminals. They are merely suspects and therefore they should be allowed to perform their functions in Parliament. They have all the time in the world to bring all of us to justice, but should not exercise it so as to be seen to be interfering with the normal function of the legislature.

It is in this context Mr Speaker, that I appeal to Members of this Parliament who has a drop of Solomon Islands blood in him to walk out of this Parliament with me as a protest to what is happening. So accordingly Mr Speaker, I walk out of this Parliament, and I demand those who have Solomon Island blood in them to do likewise. Thank you.

(23 Opposition Members walked out of the Chamber)

Mr Speaker: Thank you honourable Member for Aoke/Langa Langa. Our Constitution provides for recourse of breaches of the

Constitution. If honourable Members feel their personal rights under the Constitution has been breached, there is recourse under section 83 of the Constitution to ensure that their rights are properly established.

We shall now proceed with the election of the Deputy Speaker. Could we ensure we have a quorum to start with Honourable Prime Minister before we proceed?

Hon RINI: Mr Speaker, yes I go along with your ruling that we have the quorum here, and so we can proceed on with today's parliamentary business.

Mr Speaker: The quorum should be half the Members of Parliament, not absolute majority, and it is under section 67, not less than half of all the Members. Yes, we do have a quorum.

The Clerk to National Parliament briefs Members of Parliament on the election of the Deputy Speaker

Hon FONO: Mr Speaker, just a point for clarification. What does "absolute majority" constitute? Is it Members who are present? Can we consider in view of the two Members of Parliament who are not available in the House this morning, reduce the total number of Members present to 48 instead of 50?

Mr Speaker: If it is absolute majority of votes then it is the votes of those present and voting. Not absolute majority of all Members of Parliament.

(Election of the Deputy Speaker commences)

Mr Speaker: The result of the election of the Deputy Speaker this morning is that after the first round and due to the situation we are aware of, the Opposition has left the room. The Honorable Sir Allan Kemakeza is elected by 25 votes and therefore elected as the Deputy Speaker.

Hon Sir Allan Kemakeza was elected as Deputy Speaker of the National Parliament of Solomon Islands

STATEMENT BY THE MINISTER FOR DEPARTMENT OF POLICE AND NATIONAL SECURITY

Hon HAOMAE: Mr Speaker, I rise to make a statement under Standing Order 24 to clarify Security Measures that are currently put in place to maintain Law and Order in Honiara.

Mr Speaker, because of the violence the Capital saw last week, His Excellency, the Governor General made a Declaration that a public emergency exists in Honiara. His Excellency published the appropriate notice under the Preservation of the Public Security Act and made supporting regulations. Pursuant to this Declaration, a curfew has been introduced between 6.00pm and 6.00am to provide a secure and peaceful environment throughout Honiara.

Mr Speaker, this action means that there are strict restrictions that apply to the area described in the Notice. These areas include the Central Business District and China town, the area around Parliament Building and the City's main roads. Within these areas people are not allowed to gather in groups, the reasons being to avoid mobs forming and moving through the City in causing further unrest. Also people are not allowed to urge others to act violently or to try to cause trouble within the community, particularly against any other race or ethnic groups.

Mr Speaker, let me make it clear beyond any shade of doubt that anyone, (and I mean anyone) be they political leaders or ordinary persons, who tries to prevent the police or the military who are here at the moment from doing their duty will be breaking the law.

Under these emergency provisions, if the Police or military reasonably suspects that there may be things somewhere that are connected to criminal activity they can enter and search for those things without a warrant. To help prevent drunkenness and violent behaviour witnessed last week, alcohol is not allowed to be sold.

Mr Speaker, even though that by not allowing people to move around Honiara during hours of darkness, the Police are able to ensure that citizens have a greater level of protection from those who wish to cause further

disturbances. The Police are constantly monitoring the security environment and will advise when they believe the curfew should be lifted. It is the responsibility of the Police to take these measures and their decisions are not directed by politics.

Mr Speaker, the Constitution is very clear on this point. The role of the Royal Solomon Islands Police (RSIP) is to uphold and maintain the Laws of Solomon Islands and to execute the Laws of the Office faithfully and diligently without fear or favour to any person.

The Law applies to everyone including Ministers of the Crown, Back Benchers of the Government or Members of the Opposition Bench. Any Government Minister who is in breach of the Law will be dealt with accordingly. The Office of the Commissioner of Police is an independent Constitutional appointment and cannot be directed by politics or anyone outside the Royal Solomon Islands Police. I have taken the Oath of Allegiance to uphold and protect the Constitution in this Country and as long as I am the Minister for Police and National Security, things will remain that way.

Mr Speaker, for the benefit of our citizens who may not know, I wish to ask your indulgence to explain the justice system further and along the way provide examples to amplify what I am trying to say. When a person is arrested for breach of any Law, he/she is brought before a Court. It is the Court and not the Police which decides whether that person is remanded in custody or released on bail.

In the case of the Member of Parliament for Malaita Outer Islands, the Court decided to release him on bail while the Court refused bail for the Member of Central Honiara. Similar applications of the Law were exercised in the cases of a former MP for North Malaita and a former MP for South Malaita in the previous House.

In this connection, Mr Speaker, I wish to inform Parliament that the allegations raised in this Honourable House and outside that the arrest and remand of some Opposition Members of Parliament was politically motivated have no foundation and fact and are mere pigmentation of the imaginations of those who raised them.

The truth of the matter is that what we are seeing here is the justice system actively at work and taking its course.

Mr Speaker, I will be remiss as the Minister for Police and National Security if I do not take this opportunity on the floor of Parliament, the highest depository of the will of the land, to appeal to all residents of Honiara and our people throughout the four (4) corners of this Nation to remain calm and maintain peace in these challenging times. Let us elevate to the higher plane of co-existence, the cardinal principle of respect-reciprocal respect.

For those of us who call Solomon Islands home let us respect each other as fellow human beings and fellow countrymen and women. We were born here, we live here and we will die and be buried here. So let us respect one another's personal wellbeing, properties, traditions, cultures to enable us to enhance diversity in unity.

Mr Speaker, let us respect the principle of natural justice which governs the ground rules of human survival and existence in a civilized society. Let us judge a person not by the colour of the skin, sex or creed but by the content of his or her character. Let us respect our Nation by putting national interest before our personal and regional interests.

Mr Speaker, let us respect the Rule of Law. If there are allegations of corruption, there are institutions in place within the Government machinery to seek redress. These are the Police, the Courts and the Leadership Code Commission. Taking the Law into your own hands can only bring you trouble as well as problems to others.

Finally, Mr Speaker, let us respect and assist the Police in their challenging task of bringing safety, stability and the security of Honiara and the Nation at large.

Mr Speaker, as the representative of the hereditary high chiefs of Small Malaita I have a drop of Solomon Islands blood in me. The difference between the Member for Aoke/Langa Langa and the MP for Small Malaita may well lie in the fact that I have respect for authority and have respect for the cardinal principles of the responsibility, transparency and

accountability which are the cornerstones of good governance.

Thank you, Mr Speaker.

Mr Speaker: The Chair subscribes fully to what you have just said. For purposes of the operation of this Office, however, I hope that you will bring our message to the Commissioner of Police that our staff need to get to this office. Some of us have been turned away from office today and under privileges of Parliament that is contempt of the House. I hope you will pass to the Commissioner of Police that in appreciating the arrangement they are doing they should recognize that staff of Parliament need to get to this office to do their work. We started a little bit late this morning because the Clerk has been turned away, because of the operation. Although they knew she has given her vehicle number and all these, please bear with us that we need to serve Parliament business as well and we need to come here on time.

With that I would like to appreciate the comments raised by the Honourable Minister.

MOTIONS

Hon RINI: I beg to move that the House do now adjourn.

The House adjourned at 11.06am.