



**NATIONAL PARLIAMENT OF SOLOMON  
ISLANDS**

**BILLS AND LEGISLATION COMMITTEE**

**COMMITTEE REPORT**

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**Report on Legislation Bill 2023 (No. 12 of 2023)**

**NATIONAL PARLIAMENT**  
NP-Paper No. 34 of 2023  
Presented on 13<sup>th</sup> November 2023  
**PAPER NO. OF 20**  
National Parliament Office



## COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (11<sup>th</sup> Parliament) are:

Hon. John Maneniaru, MP (Chairman)

Hon. Matthew Cooper Wale, MP

Hon. John Deane Kuku, MP

Hon. Rick Nelson Houenipwela, MP

Hon. Peter Kenilorea Jnr, MP

Hon. Lilly Maefai, MP

Hon. Derrick Rawcliff Manuari, MP

Hon. Silas Vaqara Tausinga, MP

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## CHAIR'S FOREWORD



Mr. Speaker,

Pursuant to Standing Orders No. 71 (g) of the National Parliament of Solomon Islands, it is an honour and pleasure for me, Sir, to present the Report of the Bills and Legislation Committee on the Inquiry into the **Legislation Bill 2023** for laying before Parliament.

A handwritten signature in blue ink, appearing to read 'John Maneniaru', written over a horizontal line.

Hon. John Maneniaru, MP

Chairman

Bills and Legislation Committee

13 November 2023

## COMMITTEE FUNCTIONS

Standing Order 71 of the National Parliament of Solomon Islands.

There shall be a Standing Select Committee designated the Bills and Legislation Committee whose functions, in addition to the provisions in Orders 50 and 55, shall be to -

- a) examine such matters as may be referred to it by Parliament or the Government;
- b) review all draft legislation prepared for introduction into Parliament;
- c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- d) monitor all motions adopted by Parliament which require legislative action;
- e) review current or proposed legislative measures to the extent it seems necessary;
- f) examine such other matters in relation to legislation that, in the opinion of the Committee, require examination; and
- g) make a written report to each meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.



## EXECUTIVE SUMMARY

As mandated under Order 71 (g) of the Parliamentary Standing Orders the Committee conducted hearings into the **Legislation Bill 2023 ("the Bill")** in Honiara on Friday 27<sup>th</sup> October 2023.

The objectives of the Bill are to:

- a) specify the Attorney General's responsibilities for drafting, advising on and publishing the legislation of Solomon Islands and the manner in which the Attorney General authorizes and supervises other persons to perform the responsibilities for drafting and providing advice about draft legislation; and
- b) authorize the publication of copies of up-to-date legislation in electronic and printed form under the supervision and direction of the Attorney-General; and
- c) enable the Attorney-General to correct the text of legislation and give notice of the correction by notice published in the Gazette; and
- d) specify the evidentiary status of reprints, the legal professional privilege of communications with the Attorney-General for drafting legislation and copyright in legislation of Solomon Islands.

The Committee, following its scrutiny of the Bill, recognizes the need for the overall control of the process to be given to the Attorney General's Chamber to avoid retroactive consolidations, and ensure ongoing oversight of all legislation passed by Parliament by maintaining an appropriate administrative mechanism for continuous updates.

The Committee therefore makes the following recommendation:

### **Recommendation 1**

**That the Bill be amended to create a master register to ensure that instantaneous updates are recorded during the backend process of lawmaking from Clerk's certification, to Royal Assent, through Gazettal, and Commencement. And that register should also include the process of Regulations making and publication; and**

### **Recommendation 2**

**That responsibility for the Gazette be transferred to the Office of the Attorney General, under the direct supervision of the Legal Draftsperson.**



The Committee therefore commends the Bill to the House.



## CONTENTS

COMMITTEE MEMBERS .....	2
CHAIR'S FOREWORD.....	3
COMMITTEE FUNCTIONS .....	4
EXECUTIVE SUMMARY.....	5
1.0 INTRODUCTION.....	8
2.0 BACKGROUND.....	9
3.0 GENERAL ISSUES.....	12
4.0 APPENDICES .....	14
Appendix 1: Witnesses .....	14
Minutes of Proceedings.....	15
Appendix 2: Submissions .....	17

## 1.0 INTRODUCTION

- 1.0 This Report presents the findings of the inquiry and the recommendations by the Committee. This Report summarizes the findings and recommendations of the Bills and Legislation Committee ('the Committee') after conducting an inquiry into the **Legislation Bill 2023** ('the Bill') as required by the Standing Orders of the National Parliament of Solomon Islands ('the Standing Orders').
- 1.1 The Bill's hearing was held over a day at the National Parliament of Solomon Islands, Conference RII, Honiara, on Friday 27<sup>th</sup> October 2023.
- 1.2 The relevant government ministry and stakeholders were invited and participated in the hearings. Appendix A contains a list of witnesses who came before the Committee, minutes of the proceedings, and a list of submissions received.
- 1.3 Other interested stakeholders and individuals were invited to make written submissions.



## 2.0 BACKGROUND

- 2.0 The Revised Edition of the Laws Act of the year 1995 established a Commission, which carried out the consolidation in 1996. In 1996, the Commission was granted extensive powers to assemble a revised and updated compilation of the laws. The last consolidation had been done in 1969, 27 years prior to that.<sup>1</sup>
- 2.1 The Commission was made up of a group of individuals, and the collection, which contained numerous revisions, was a declaration of Solomon Islands legislation that was deemed valid on March 1, 1996. It was not available in print form until 1998 which led to complications with amending legislation during those 2 years.<sup>2</sup>
- 2.2 This was a one off project in 1996 and it did not establish a system for ongoing updating. It was very expensive and because in hard copy it started to become out of date as soon as it was published.<sup>3</sup>
- 2.3 Over time, users who have become dissatisfied with the lack of consolidation have also developed the habit of creating unauthorized, often highly erratic consolidations.<sup>4</sup> Hence, in order to put things into order and remedying these issues, the Legislative Drafting Department within the Attorney Generals Chamber had put forward initial proposal in 2016 to the Solomon Islands Justice Program to which the Legislation Digitalization and Reprints project was born.
- 2.4 The Legislation Digitalisation and Reprints project aims to create a dynamic electronic system by utilizing technologies that were unavailable in 1996, while also establishing an oversight system. These numerous challenges are the driving forces behind the project. This project begun in 2017 which involves a comprehensive review of all Acts and their amendments, together with the Solomon Islands Gazette to ensure that the prescribed legislation had been followed with each to ensure its validity. It is proposed to provide an electronic reprint collection of Solomon Islands Acts of Parliament that incorporate all new legislation made since 1996 together with all amendments made since 1996. It is also proposed that the collection can be updated as further amendments are made by Parliament.

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<sup>1</sup> Lenore Hamilton, written submission, 29 October 2023.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



- 2.5 One of the products of the project is the *Legislation Bill 2023* which is the second bill in a package of three bills that will enable the Attorney General to authorize an electronic reprint of the Solomon Islands Act of Parliaments.
- 2.6 The Bill aims to explicitly define the Attorney General's role in the entire process in an effort to create a methodical and dynamic approach to the publication and updating of laws, learn from the past, and prevent making the same mistakes twice. In contrast to the recurring creation of Revision Commissions, it will also guarantee that the Attorney Generals Chamber retains the oversight required of all aspects, including the legislative process, to ensure an ongoing functioning system.<sup>5</sup>
- 2.7 This Bill sets out the following;
- The responsibilities of the Attorney General (AG) in the process of drafting and publishing legislation including who he may authorize to perform those responsibilities and his supervisory role.<sup>6</sup>
  - The program to reprint legislation including the authorization of those reprints by the AG, their contents and legislative history notes and the informant in which they may be published in paper or electronically. That only reprints authorized by AG may be published.<sup>7</sup>
  - The evidentiary status of the reprints in legal proceeding that is in any challenge as to the contents of the reprint the court may determine the correct text by reference to the official text of the legislation and amendment legislation.<sup>8</sup>
  - The power of the AG to correct the legislation, this is carefully defined to include such things as spelling, grammatical errors and expressly includes anything substantive.<sup>9</sup>
  - Also in the Bill provides for repeal, the revised edition of laws Act 1995; that Act relates solemnly to the establishment of a Commission and its powers to produce the 1996 consolidation. As such its function has now expired.<sup>10</sup>

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<sup>5</sup> Lenore Hamilton, written submission, 29 October 2023.

<sup>6</sup> Kyla S. Venokana, Chief Policy Officer, MJLA, Hansard Transcripts, 27 October 2023.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.



- The provision of Section 26 and 27 of the interpretation and general provision Act Cap 85 relating to reprint of written laws and the powers to make corrections are now covered in the legislation Bill.<sup>11</sup>

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<sup>11</sup> Ibid.



### 3.0 GENERAL ISSUES

#### Master Register

- 3.1 The Committee noted that the whole process leading up to the publication of an Act and its commencement date is very disorganized. The Committee sought clarity on what are the weaknesses and whether there are internal processes and procedures to avoid such situations. The Committee also sought clarity on the administrative mechanisms that is available to ensure that the new system works and ensure that each phase is tracked and recorded.
- 3.2 The Committee is of the view that there should be a register or a central body to keep track of what's been done in each stage leading up to the publication of Acts and coordinate through the process.
- 3.3 The register should keep records beginning when a Bill has passed through the third reading, the assent by the Governor General, publication of gazette and the commencement. Each phase that the Act reaches after passage in Parliament, there is a register recording when it is received and handed down to the next agency and finally the date where it is published in a Gazette.
- 3.4 The Committee also of the view that the register should be provided for in the law so that it is not just an administrative requirement but legal requirement that such register be maintained.
- 3.5 The Legal Draftsperson<sup>12</sup> stated that going forward, in ensuring that these processes are tracked and recorded, the register will be provided for in the regulations in accordance with clause 17 of the Bill. The regulations will be developed to comply with the administrative actions of the Attorney General under the statutory powers under clause 4(2)(d) to (h) of the Bill.

#### Recommendation 1

That the Bill be amended to create a master register to ensure that instantaneous updates are recorded during the backend process of lawmaking from Clerk's certification, to Royal Assent, through Gazette, and Commencement. And that register should also include the process of Regulations making and publication; and

#### Recommendation 2

That responsibility for the Gazette be transferred to the Office of the Attorney General, under the direct supervision of the Legal Draftsperson.

<sup>12</sup> Dr. Lalotoa Mulitalo, Legal Draftsperson, Attorney General Chambers, Hansard Transcript 27<sup>th</sup> October 2023.



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END OF REPORT



## 4.0 APPENDICES

### Appendix 1: Witnesses

Date	Name	Position & Organisation
Friday 27 <sup>th</sup> October, 2023 10:08am – 11:27am	Ms. Dr. Lalotoa Mulitalo	Legal Drafter (Ag), AG Chamber
	Mrs. Ellah Keru	Legal Publication Officer
	Mrs. Kyla Venokana - Sie	CLPO, MJLA
	Ms. Ha'a Hauirae	CLC
	Ms. Florence Joel	DSPM
	Ms. Tiffany Tani	Gazatte Officer
	Ms. Tina Haro	Legal Type - Setter
	Mr. Jefferson Hallu	Deputy Clerk, NPO



## Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS & LEGISLATION COMMITTEE

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Honiara.

Tel: 28520/23424.

Fax: 24272

### Committee Hearing into the Legislation Bill 2023

Day 1 /2023

Friday, 27<sup>th</sup> 2023, CR II, Parliament House 10:08 a.m

#### 1. Members Present

Hon. John Maneniaru, MP – Chairman

Hon Matthew Wale, MP

#### 2. Absent/Apology

Hon. John Deane Kuku, MP

Hon. Rick Houenipwela, MP

Hon. Peter Kenilorea Jr, MP

Hon. Derrick Manuarii, MP

Hon. Lilly Maefai, MP

Hon. Silas Tausinga, MP

#### 3. Secretariat

Ms. Ivory Iruha'a, Committee Secretary

Ms. Monica Sekonga, Senior Admin - Committees

Mr. Theresa Nori, Hansard Reporter

Mr. Duane Baiabe, Chief Media Officer

Mr. Philemon Loe, Principal Media Officer

Mr. Sunjay Dhari, ICT Officer

Mr. Pamentha Golo, ICT Officer

#### 4. Prayer

The Legal Drafts lady said the opening prayer.



#### **5. Welcome and Opening Remarks**

The Chairman of the Bills and Legislation Committee, made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges

#### **6. Inquiry into the Legislation Bill 2023 (No.12 of 2023)**

The hearing proper commenced and the following witnesses from the Office of the Prime Minister and Cabinet, Ministry of Justice, Legal Affairs and Attorney General's Chamber and National Parliament Office were admitted:

##### **Hearing 1 Witnesses**

- i. Dr. Lalotoa Mulitalo, Legal Drafter (Ag), AG Chamber
- ii. Ms. Florence Joel, DSTC, OPMC
- iii. Mr. Jefferson Hallu, Deputy Clerk, NPO
- iv. Ms. Ha'a Hauirae, CLC, AG Chamber
- v. Mrs. Ellah Keru, Legal Publication Officer, AG Chambers
- vi. Mrs. Kyla Venokana – Sie, Legal Policy Unit, MJLA
- vii. Ms. Tina Haro, Type – Setter, OPMO
- viii. Ms. Tiffany Tani, Gazette Officer, OPMO

The witness made their presentations before the committee.

The committee questioned the witness based on the evidences presented.

The examination concluded.

#### **7. Adjournment:**

The committee adjourned hearing at 11.27 a.m.



## Appendix 2: Submissions

No	Author
1.	MJLA - Generic Template from Ministry of Justice and Legal Affairs.
2.	Ms. Lenore Hamilton (Consultant) - History of consolidation leading to intent of Legislation Bill
3.	Ms. Lenore Hamilton (Consultant) (CAP. 123) As in force at: 1 January 2023.
4.	Ms. Lenore Hamilton (Consultant) – Solomon Islands Index of Acts as at 26 <sup>th</sup> October 2023
5.	Ms. Lenore Hamilton (Consultant) - 2023 Solomon Islands Gazette Index