

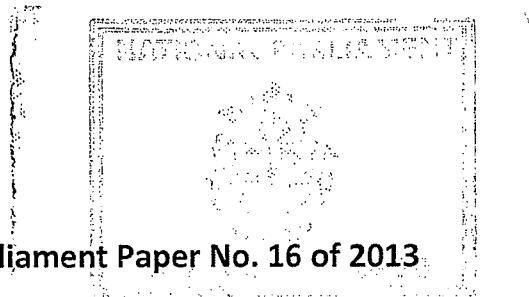


**NATIONAL PARLIAMENT OF SOLOMON ISLANDS  
BILLS AND LEGISLATION COMMITTEE**

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**Report on the Royal Style and  
Titles Bill 2013**

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**National Parliament Paper No. 16 of 2013**

Presented on 29<sup>th</sup> July 2013

National Parliament Office

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## **EXECUTIVE SUMMARY**

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The English Kings and Queens over the centuries have used titles and styles to show their status and sovereignty over the people they rule. The style and titles used for the current Queen Elizabeth II in the United Kingdom is **“Queen Elizabeth the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland Queen of this Realm and of Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith”**

During the British Empire these royal style and titles were applicable in all countries that were under the British rule. As British colonies and protectorates becoming Independent, constitutional changes were made with some countries deciding to still have links to the British Monarchy. These nations known today as the Commonwealth countries have made changes to the British Monarchy royal style and titles to suit their own circumstances. Australia have adopted **“Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.”** Papua New Guinea adopted **“Elizabeth II, Queen of Papua New Guinea and Her other Realms and Territories, Head of the Commonwealth.”**

Interestingly, Solomon Islands after 35 years do not have a proper royal style and titles sanctioned by Constitutional changes. Evidence provided to the Committee shows that the one currently used by our country is by virtue of the Ministry of Foreign Affairs and External Trade Manual 1988.<sup>1</sup> Under this Manual the royal style and titles currently used is **“Elizabeth the Second, Queen of Solomon Islands and Her other Realms and Territories, Head of the Commonwealth.”** This royal style and titles is often used in our Letters of Credence and Recall when we have ambassadors and High Commissions in foreign countries. However this royal style and titles do emerge just by customary usage and not through any constitutional or legislative changes since independence.

The Bill now before parliament seeks to legislate and lawfully sanctioned the usage of the country’s royal style and titles. The Bills and Legislation Committee after reviewing the Bill agreed in principle to what the Bill intends to achieve and commends the Government for it. However the Committee have some issues on certain aspects of the Bill. Firstly, the Committee want to register its concern why it had taken 35 years for these changes to be made. The Committee is of the view that those who are aware of this shortfall should have brought these changes earlier.

The Committee is also of the view that the current Head of State is getting old and would soon be no longer there. The Committee recommends that a transitional clause with regards to the royal style and titles be included in the Bill to cater for circumstances when a new head of state is install. This is essential for the continual use of the country’s Letters of Credence and

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<sup>1</sup> Rawcliff Ziza, Submission, 18<sup>th</sup> July, p 2

Recall during such situation, lessening the need to come back to Parliament for further amendments.

Also the Committee recommends that the term **“by the Grace of God”** is to be inserted after **“Elizabeth the Second”** and before **“Queen of Solomon Islands”** in our current royal style and titles. The Committee feels that this reflects Solomon Islands as a Christian country. Further this reflects the Head of State as being in that position (i.e. Monarchy) through the Grace of God.

Now if Parliament sees fit to adopt the changes stated above then another clause should be included in the Bill which will indicate that previous royal style and titles documents without the proposed term be still deem to be valid upon the enactment of the Bill.

Generally the Committee agreed in principle to what the Bill intends to achieve and recommends to Parliament for passing. However certain issues with the Bill as indicated above must be considered to enable a smooth transition and a royal style and titles that really reflects our own circumstances.

## 1 INTRODUCTION

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The Bills and Legislation Committee (“the Committee”) has completed its review of the *Royal Style and Titles Bill 2013* (“the Bill”). The Bill was submitted to the Speaker through the Clerk to Parliament as required under the *Standing Orders*<sup>2</sup> on 27<sup>th</sup> June 2013.

The Committee had its deliberative meeting on 11<sup>th</sup> July and resolved to invite only the relevant stakeholders<sup>3</sup> to make presentations on the contents and policy matters of the Bill. The hearing into the Bill with the relevant stakeholders was held on the 18<sup>th</sup> of July. The minutes of these proceedings are in appendix 1.

### 1.1 Functions of the Committee

The Bills and Legislation Committee is established under the *Standing Orders*<sup>4</sup>. The Order made pursuant to the *Constitution*<sup>5</sup> has the functions together with the necessary powers to discharge such, 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 deems 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.

### 1.2 Terms of Reference

Pursuant to its mandate under the *Standing Orders*<sup>6</sup>, the terms of reference of the Committee in this instance is to examine the Bill and to report its observations and recommendations on the Bill to Parliament.

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<sup>2</sup>*Standing Order* 44 (1)

<sup>3</sup> See Appendix 2

<sup>4</sup> *Standing Order* 71

<sup>5</sup>Section 62, *Constitution of Solomon Islands 1978*

<sup>6</sup> *Standing Order* 71

### 1.3 Membership

The current members of the Bills and Legislation Committee (9<sup>th</sup>Parliament) are:

Hon. Manasseh D. Sogavare, MP (Chairman)

Hon. Dr Derek Sikua, MP

Hon. Milner Tozaka, MP

Hon. Mathew Cooper Wale, MP

Hon. John Maneniaru, MP

Hon. James Tora, MP

Hon. Douglas Ete, MP

Hon. Sam Iduri, MP

Hon. Johnley Hatimoana, MP

## 2 BACKGROUND

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The British monarchy had used various styles and titles over the centuries to designate their positions as British Sovereigns over England and parts of the British Empire. Upon the breaking up of the British Empire, constitutional changes were happening in the former British colonies giving rise to changes in the styles and titles of the British Monarch.

By 1953 the styles and titles of Queen Elizabeth have become, **“Queen Elizabeth the Second, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland Queen of this Realm and of Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith”**.<sup>7</sup> The Queen is now the Head of State for 16 Commonwealth countries including Solomon Islands and so Her majesty’s Style and Titles do vary from country to country though very similar in form.

In India, King George VI as “Emperor of India” was dropped when the country became Independent in 1948.<sup>8</sup>

Within the Pacific, Australia and New Zealand adopted slightly different versions to signify their newly acquired and different constitutional status from Great Britain upon their independence.

Australia dropped the reference to the **“United Kingdom of Great Britain and Northern Ireland”** and **“Defender of the Faith”** in 1973. The current one they use now is **“Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth”**.<sup>9</sup> The part **“by the Grace of God”** is still retained.

New Zealand became independent in 1974 and adopted the following; **“Elizabeth the Second, by the Grace of God Queen of New Zealand and her Realms and Other Territories, Head of the Commonwealth, Defender of the Faith.”**<sup>10</sup> Now there is a move in New Zealand to delete **“by the Grace of God”** and **“Defender of the Faith”** because it is seen as being no longer appropriate for New Zealand society. It is argued that the fact that the Queen is Head of State for New Zealand is because the people of New Zealand wanted the Queen to be Head of State and not because of any religious connection with God. Also there are other religions in New Zealand besides the Church of England. It is also argued that there is no official religion in New Zealand and therefore the phrase **“Defender of the Faith”** is inappropriate to use. In England the Queen is the Head of the Church of England and the title is used to refer to her.

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<sup>7</sup> Rawcliff Ziza, Submission, 18<sup>th</sup> July 2013, p 1

<sup>8</sup> Ibid

<sup>9</sup> Ibid

<sup>10</sup> Ibid, p 2

In Papua New Guinea, section 85 of the Constitution says that until Parliament says otherwise, the Royal Style and Titles are as follows; **“Elizabeth II, Queen of Papua New Guinea and Her other Realms and Territories, Head of the Commonwealth.”**<sup>11</sup>

### **3 CURRENT STATUS**

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Solomon Islands, like other Commonwealth countries, is associated to the British Monarch by reason of our Constitution. Her majesty Queen Elizabeth II is our Head of State. In 1978 upon our Independence the Constitution is silent on any royal style and titles to be used for the Queen. Also no other legislation is enacted to effect this change. Clearly, Solomon Islands as a country by reason of the Solomon Islands Independence Order 1978 of the British Parliament, is no longer a part of the British Empire. Our royal style and titles therefore have to change.

It is important to note that the royal style and titles are vital in conducting our foreign affairs business in the name of the Head of State such as Letters of Credence and Recall. Our Ambassadors are sent out or recalled with the authority of our Head of State.

The current royal style and titles used in Solomon Islands can be found in the Ministry of Foreign Affairs and External Trade Manual 1988. It is in the following terms; **“Elizabeth the Second, Queen of Solomon Islands and Her other Realms and Territories, Head of the Commonwealth.”**<sup>12</sup>

Whilst its format follows that of Papua New Guinea, it has not been sanctioned by the Parliament of Solomon Islands since independence. Therefore there is a need to set it out in an Act of Parliament so that its use is properly sanctioned by law.

This Bill therefore seeks to formalise the usage of our current royal style and titles which is properly sanctioned by law.

### **4 RECOMENDATIONS**

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The Committee did not have any significant issue with this Bill. The Committee agreed in principle to what this Bill sought to achieve. That is to sanction by law the current usage of our royal style and titles.

During the hearing on this Bill members of the Committee raise the concern of why it has taken 35 years since Independence to make these changes. In effect it may be seen that all the country’s usage of our royal style and titles for our overseas missions since independence are not properly sanctioned by law.

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<sup>11</sup> Rawcliff Ziza, Submission, 18<sup>th</sup> July 2013, p 2

<sup>12</sup> Ibid



The Committee is also aware that the current Queen Elizabeth the Second is getting older and some day she will pass on. Members of the Committee feel that there should be a clause in the Bill that can provide for the transition of the royal style and titles to a new Head of State in such circumstances. For when such scenario happens there is no need to come to Parliament for further amendments.

#### **Recommendation 1**

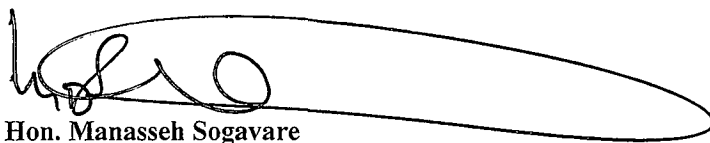
**Recommendation for a transition clause to be inserted to cater for easy management of Letters of Credence and Recall during circumstances of the death of the Head of State or when a new Head of State is installed.**

The Committee is also concern of the absence of the term “**by the Grace of God**” in our royal styles and titles. Australia as one of the secular countries in the world still retain this term. Members feel that we should retain the term. The term will be seen as a reflection of Solomon Islands as a Christian country. On the other hand a Head of State must be seen to be in that position “by the Grace of God”, as chosen by God to hold that position.

#### **Recommendation 2**

**Recommendation for the term “by the Grace of God” to be inserted after “Elizabeth the Second” and before “Queen of Solomon Islands” in our current royal style and titles.**

Now if Parliament decides to adopted the inclusion of the term “by the Grace of God” in the Bill then a retrospective clause should be inserted to say that all documents previously used without the term are still valid. This is to qualify that all documents since 1978 without the term “by the Grace of God” will still be legally binding.



**Hon. Manasseh Sogavare**

Chairman

Bills and Legislation Committee

25<sup>th</sup> March 2013

## 5 APPENDICES

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### APPENDIX 1: MINUTES



BILLS AND LEGISLATION COMMITTEE

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NATIONAL PARLIAMENT OF SOLOMON ISLANDS

#### **Deliberative meeting**

#### **Minutes of deliberative meeting into the Royal Style and Titles Bill 2013 and the Public Financial Management Bill 2013**

Held: Thursday 11 July 2013,  
Venue: Parliament Conference Room 2  
Time: 11:40am.

#### **1. Members Present**

Hon. Manasseh D. Sogavare (Chairman)  
Hon. Dr. Derek Sikua  
Hon. Milner Tozaka  
Hon. Sam Iduri  
Hon. James Tora

#### **Secretariat**

Wilson Anii, Committee Secretariat  
Jefferson Hallu, “

#### **2. Chair's Opening Remarks**

The Chair made welcomed remarks and thanked Committee members for attending today. The Chair introduced two Bills that are now before the Committee to look at. They are the Royal Style and Tiles Bill 2013 and the Public Financial Management Bill 2013

#### **3. 'Royal style and Titles Bill 2013'**

The Chair invites members to suggest relevant persons or organisations that will be called to make presentation before the Committee on the Bill. After discussion the Committee resolved to call only those who are involved with the Bill. They are;

- Rep from the Prime Ministers' Office
- The Legal Draftsman
- Rep from Government House

The Committee further resolved that the hearing into the Bill will start immediately after the hearing of the Public Financial Management Bill.

#### 4. 'Public Financial Management Bill 2013'

The Chair invites members to suggest stakeholders for the hearing into the Bill. After discussion the Committee resolved to;

- Advertise a call for submission in the Solomon Star on the Bill
- To upload the Bill on the website and invite Provincial Secretaries to make written submissions.
- Call the following to appear before the Committee
  - Reps from the Ministry of Finance
  - The Auditor General
  - Transparency Solomon Islands
  - PS's and FC's of Gov't Ministries
  - Institute of Solomon Islands Accountants
  - The Solomon Islands Chamber of Commerce and Industries
- Start hearing into the Bill on Monday 15<sup>th</sup> July.

#### 5. Close

Closing prayer by the Chairman

Meeting closed at 12:01pm.

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#### Minutes of Proceedings Hearing

Date: Thursday 18 July,  
Venue: Parliament Conference Room 2,  
Time: 11:41am

#### Members Present

Hon. Manasseh Sogavare, MP (Chair)  
Hon. Milner Tozaka, MP  
Hon. James Tora, MP  
Hon. Mathew Wale, MP  
Hon. Derek Sikua, MP

#### Stakeholders (Witnesses)

Karen Qalokale - Deputy Secretary to Cabinet  
Rawcliff Ziza - Deputy Private Secretary to Governor General  
RanjitHewagama - Legal Draftsman AGC

#### Secretariat

Mr Wilson Anii, Committee Secretary

### 1. Welcome & Opening Statement

Chairman acknowledges and thanked the stakeholders for their commitment to appear before the committee for the public hearing into the Royal Style and Titles Bill 2013'.

### 2. Hearing into the Bill

The Chairman made welcome remarks and inform the witnesses on protection from prosecution under parliament privileges.

He then invited those who appear to make opening statements to the Committee on the Bill.

The Deputy Private Secretary to the Governor General made presentation on behalf of the witnesses.

The Committee questioned, made comments and seek clarification from those who appear on the different issues covered in the Bill.

The evidence concluded and the Chair thanked the stakeholders for their attendance.

### 3. Closing

The hearing closed at 12:23pm.

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## APPENDIX 2: WITNESSES

The following witnesses appeared before the Bills and Legislation Committee;

Date of appearance	Name	Ministry/Institution represented	Position/Job title
Thurs 18 <sup>th</sup> July 2013	Karen Qalokale	Prime Minister's Office	Deputy Secretary to cabinet
	Rawcliff Ziza	Government House	Deputy Private Secretary to GG
	Ranjit Hewagama	AG Chambers	Chief Legal Draftsman