

MONDAY 16TH NOVEMBER 2009

The Speaker, Hon. Clement P. Kengava took the Chair at 10.36 am.

Prayers.

ATTENDANCE

At prayers, all were present with the exception of the Minister for Communications & Civil Aviation; Lands, Housing & Survey; Agriculture & Livestock Development; Infrastructure & Development, and the Members for East Honiara, Baegu/Asifola, Ngella, Temotu Pele, Central Honiara, West Are Are, South Vella La Vella, Lau Baelelea, East Makira, North Guadalcanal.

SPEAKER'S ANNOUNCEMENT

Mr Speaker: Honourable Members, I wish to inform the House that the Speaker is currently the Acting Governor General and is unable to preside over Parliament this morning and other sessions this week, whereby he has appointments at the Government House. Thank you.

PRESENTATION OF PAPERS AND OF REPORTS

By the Chairman of the Bills and Legislation Committee

- **The Facilitation of International Assistance (Amendment) Bill 2009**

BILLS**Bills – First Reading**

The Constitution Political Parties (Amendment) Bill 2009

Bills - Second Reading

The Facilitation of International Assistance (Amendment) Bill 2009

Hon. Sikua: Mr. Speaker, I move that the Facilitation of International Assistance Amendment Bill 2009 be now read the second time.

As is customary at a second reading of a bill, the Parliament is asked to consider the principles of the bill by way of a debate after the Minister in charge

of the bill has delivered a speech. I therefore with your indulgence wish to make a few remarks in support of this motion.

The Bill is to amend the Facilitation of International Assistance Act 2003 (Act No. 1 of 2003) which was enacted by this honorable House. The Act, as we are all aware of, was enacted in 2003 to make provisions for the requesting of international assistance for the restoration of law and order in our country.

It is not my intention to bore you with a litany of the events of lawlessness and disorder which darkened the face of our happy isles during the ethnic tension period. However, I wish to remind us that the principal act provides for the legal framework within which visiting contingent operates when undertaking restoration of law and order in our country.

It is a known fact to us that the visiting contingent under the principal act is in the form of the Regional Assistance Mission to Solomon Islands (RAMSI) provided by the participating member countries of the Pacific Islands Forum, and they have been here in our country for over six years now.

The principal act in Section 3 provides for the International Assistance Notice to be published by the Governor General to facilitate requesting of such international assistance by our government. The Notice to facilitate such international assistance was issued by the Governor General on 23rd July 2003. This Notice is very significant because without it, RAMSI's presence in our country would not be lawful. This Notice is significant because it is the statutory invitation given by the Governor General to RAMSI on behalf of our people and country for RAMSI to come and stay as our friends and to assist our government to restore law and order in our country.

The International Assistance Notice however is not perpetual. It is subject to two parliamentary oversights as provided in Section 23 of the Act. These oversights are firstly, the act of laying the Notice before Parliament which must occur within three months that ends on the review date. That review date has been accepted as being the 23rd day of July in any calendar year. Secondly is the act of reviewing the Notice by Parliament.

Sir, although Section 23(1) of the Act says that the International Assistance Notice must be laid before Parliament within the period of three months that ends on the review date, the actual act of laying the Notice can only occur when Parliament is actually sitting. The impracticability of this provision will become clearer when Parliament is not sitting. This is so because Standing Order 17(3) demands that the Notice must be sent to the Clerk of Parliament. The Clerk of Parliament upon receiving the Notice will lay it at the opening of the next sitting of parliament. This Notice, however, must reach the Clerk prior to the review date, the 23rd day of July. There is a three months period given for the act of laying the International Assistance Notice.

The second parliamentary oversight is the act of reviewing the Notice by Parliament occurs within the next three months after the Notice has been laid. Although it is a statutory obligation there is no strict mandatory requirement for Parliament to carry out a review. Section 23(1) merely confers on Parliament the opportunity to review the Notice.

The nature of the review is a matter for this Parliament to decide upon, so long as it is confined to the review of the International Assistance Notice only. In such a review the parliament may, if it wishes, pass a resolution to the effect that the International Assistance Notice is annulled as stipulated under Section 23(4). This is the time, which the Parliament by its own enactment reserves for itself the opportunity to pass a negative resolution. But this time will only arise if and after the Notice has actually been laid in Parliament for review.

The Government foresees that in year 2010 next year, the Parliament will not be sitting when the next round of time of laying of the Notice arises. This is because this Eighth Parliament will dissolve on 24th April 2010, and all Members assembled here will be on full campaign trail in their respective constituencies during the relevant period for laying and reviewing of the Notice. The next parliament will be deprived of the opportunity to do a review if the Notice is not laid within the statutory period allowable by the act. So the Amendment Bill I am presenting to this House therefore seeks to deal with the shortfall in the principal act; that is the situation where there will be no parliament to receive laying of the Notice and to review the International Assistance Notice.

The particular purpose of the Bill is to validate continuation of the International Assistance Notice even when parliament is not sitting in the months prior to the review date. The Bill is also seeking that when the next parliament next sits, the next prime minister will move a motion for a resolution for parliament to appoint a date within that sitting on which the Notice shall be laid. The Bill calls these dates appointed date, and after passage of that motion the Notice shall then be laid in Parliament. Parliamentary review by the next parliament can then occur within three months from the appointed date. If after laying of the Notice on the appointed date in 2010, no negative resolution is passed by parliament in 2010, in 2011 the Notice will be laid again on the review date as in Section 23 of the principal act.

In the circumstances that the next parliament does not pass a resolution to appoint the appointed date whether because of inadvertent omissions or otherwise, the Bill ensures that the Notice shall continue to be valued until the next review date in 2011 as per arrangement in the principal act.

Although the Bill is designed to deal with the specific foreseeable situation next year, the provisions in the Bill are also good and useful for other circumstances when the parliament, for any reason, is unable to sit. These

amendments now create flexibility for this parliament to review the Notice as and when it is convenient to it.

It is important to note that this Bill was drafted prior to the completion of the report of the Foreign Relations Committee on RAMSI which was tabled last week. Hence, it may or may not correspond to the recommendations of that report. However, I wish to confirm that necessary consultations were duly undertaken with relevant stakeholders, in particular with the members of the Visiting Contingent, the Office of the Special Coordinator, and the Pacific Islands Forum representatives to Solomon Islands when the Bill was drafted. In this regard, I wish to take this opportunity to thank all stakeholders, including those that I have just mentioned as well as the AG's Chambers for their contributions to this minor but important Amendment Bill.

With these remarks, I do now move that the Facilitation of International Assistance Amendment 2009 be now read the second time. I beg to so move and may I now resume my seat. Thank you, Mr. Speaker.

Mr Speaker: Honorable Members may now speak on the general principles of this Bill. In so doing, I kindly remind Members to comply with the rules of debate set out in our Standing Orders. The floor is now open for debate.

Sir KEMAKEZA: Mr. Speaker, first and foremost I would like to thank the mover of this bill, the Honorable Prime Minister. As he rightly said, the Bill is simple but a very important bill. I wish to thank him and the government for bringing this Amendment before the House. Secondly, I would also like to thank the Regional Assistance Mission to Solomon Islands for their patience, tolerance and understanding for the last six years. In particular I would like to thank the 15 member countries of the Forum for their assistance in bringing Solomon Islands to where it is today. And therefore we owe them so much for bringing our country and people to the safe path where we all work together in bringing our country into the future. And so I thank RAMSI and its members who have left their beautiful countries, their homes and their families and come here to help us during those difficult times our country has gone through. It is for that reason that I would like to acknowledge them at this time.

I know that many people have criticized this Bill and the Facilitation Act, but that is the best we can do those days. This is the right time we can do otherwise, but that is the best we can do those days.

I would also like to briefly thank the Chairmen of the Foreign Relations Committee, the former Chairman and the present Chairman who is sitting immediately behind me for the wonderful report that he presented in relation to the review of RAMSI. It is a good report and I think it is one of the reports that

widely consults our people throughout the four corners of our nation, it covers all provinces and all stakeholders within our nation. So I thank the Chairman for this report. This is the voice of our people and so I wish to take this opportunity to thank the people Solomon Islands who are receiving the result of this Assistance. This is their country and we are here to ensure their safety, security and their welfare is provided because these are people whom we come here to represent. It is no use coming here to debate and then forget the security and the welfare of the more than half a million people of Solomon Islands because we would fail for not doing that. We will fail for not doing that, and that is what is provided for in our Constitution. During those darkest hours that responsibility was vested on the government then, and this is the best we can do, let alone what other critics are saying. I thank the 50 Members of Parliament during those days for their support. Without this piece of legislation you forget about Solomon Islands because it should have fragmented. Just forget about peace too. Even some provinces would like to breakaway during that time, provinces like Rennell and Bellona, Makira, Choiseul and Guadalcanal. Thank God for bringing this Mission which helped put back this country that has almost collapsed. There is peace today and that is why we want to say all kinds of things.

I would like to speak very quickly and allow others to contribute. And I speak by your ruling, Mr Speaker. Likewise, I would like to thank my people of Savo/Russells for reelecting once again so that I could participate on their behalf on this floor of Parliament, let alone anybody saying otherwise. Was it you who voted me? This is an indication of 2010. Four months, this Bill is going to take care four months ahead of us for another election. Why boast about it? There are only four months left to April next year when this House will be dissolved. We only have December, January, February and March, four months and all of us will cease to become Members of Parliament and we have to get back to our constituencies. And four months to me is four days. If anybody thinks of starting to work now, I am sorry that is too late, you are already late because you will not get to the end of the tape.

This provision is also an indication of when the government plans to hold the next General Election, which could be in July or August when this Notice will be validated. However, this Bill, to me, has a shortfall of its expectation. It does not cover the intention of the Bill. We should consider making an amendment so that it takes care of unforeseen circumstances. Why only focus on the election? I am happy that the Bills Committee also detected this concern. This Bill is not well researched and considered. When we come to the Committee of Supply, the Prime Minister who is the mover and also the Attorney General have to clear Sections 4, 5 and 6 which should take care of the expectation because perhaps there might be a political impasse. Is that taken care of in this Bill? But the

Prime Minister said even though 2011 it will be fine. What about 2011? We are touching a very sensitive issue, a very sensitive issue. There is no guarantee that successive governments will approve the resolution in 2011 and 2012 and if that is so it will be the end of the Mission. That is why I am saying there is a shortfall to this Bill. I would rather suggest that we re-look into this Bill and put in some amendments. I have an amendment here that if the Prime Minister would like to take it, it is his business. But this is how I see it. This is a very short bill. As I said this is as an indication of when we are going to hold the General Elections because it will be 90 days from the time of dissolution according to the Constitution that we argued about many times.

However, from the six years that have gone passed up to now, let me congratulate RAMSI for rebuilding the Royal Solomon Islands Police Force to restore back the confidence of our people on it. Those are issues we have been looking at for the last six years to where we are now today, its progress and improvement. But let us not judge the book by its cover but let us judge the book by its contents so that we not only talk failing to see the real point behind the issue. So I thank RAMSI, whose Facilitation Act we are discussing, for restoring the confidence of our people on our Police Force.

The training of our public servants and rebuilding of government institutions is another thing to thank RAMSI for. Remember that this Mission has three principles in which they operate in Solomon Islands. These are law and order, capacity building of institutions and making sure the economy of this country is improved. And these three were achieved. Anyone who says no should judge for themselves.

The economy is improving. People are saying there is a 5.6% growth. The institutions are also improving and law and order is improving. Although there is still a long way to go but something has come about and so we should appreciate that. That is why I commended the Foreign Relations Committee for this report. I have a lot to say about this report when the time comes for us to debate it.

We must be very careful on how we handle this Bill. If not, it would be an exit of the RAMSI arrangement. If the next government comes and refuses to table the Notice and it continues on and on as it is, what will happen? It will not be valid. So where are you going to stop as it is open ended? That is why the Prime Minister has to clear my mind whether these specific areas I mentioned will be taken care of. If not, this amendment, although has good intentions behind it, as the Prime Minister said, but to me it has a shortfall.

This is the last point before I give others to contribute to this important Bill. Solomon Islands people expect RAMSI to deliver everything that our people expect. This is also in the report. No, sir, RAMSI is here to give us an

environment that is conducive for investors to come in and train our people, and their counterparts to take over in institutional building and advise us in regards to the economy of our country. They cannot be here forever. No, they have to go back one of these days, and so we people of Solomon Islands must be prepared to take over now. Stop talking about the exit period.

According to the Forum Leaders Summit it is when they finish their job, and the job must be a successful job. RAMSI is a very good model. In fact, we are going to beat other parts of the world where the United Nation is also carrying out the same mission. In the Pacific Island countries in this small part of the world, RAMSI will set the model, let alone those of us who have been a victim of the system. Who regretted it! It is the rise and fall that we move for our country. That is an important area and we must accept the legacy of RAMSI and make use of this opportunity and the environment they are giving to us. Where is the Auluta Basin development? How far have we gone with it? It is now four years but not one palm oil plantations is planted! I am very surprised. What are we doing here? Where is Vangunu? Where is Rob Roy? We talked so much about Rob Roy. What I mean is whilst RAMSI is giving us this environment let us move and grab the opportunity, like what I did for GPPOL. What have you done since you have been talking too much? The Prime Minister is smiling because it is good for our people there. But where is Auluta? Where is Bina Harbour and where is Allardyce? Where are these developments? Are we going to continue laying this resolution year by year and not making use of the opportunity? No! We must stand and take our people. Or are we leaders only in Honiara without going back home to do something? I just came this morning from my home. I just came back this morning from my home because I am doing something for this nation. I am not just sitting down here and talk and talk doing nothing. Let us move. Is this just an amendment for nothing? Validate it for what? If it is of no use, what for. Where is the provincial institutional strengthening project, Minister? Have we completed it? That is an exit strategy. When we finish building the capacity of our provinces to improve their revenue collection and make their administration capacity run smoothly, like the Leader of Opposition was always saying, then they can go. I was listening to my radio at home and I always hear the Leader saying this, but nobody seems to be listening. It all seems to go through deaf ears. And more Ministers seem to be going overseas than going back to their homes. No, I am serious. We are now at the eleventh hour and so go back home and try our best because half of us will not be coming back. We are, and I am not saying you.

My point is, let us make use of this environment that RAMSI is giving us at this time. And we are not doing it for nothing, but Solomon Islands must take the leading role now and our friends should only become advisors. Solomon

Islanders must hold key positions and lead our country, and not only to go after Kemakeza because it is a waste of time, so much so that you want to stop him from swearing in. Are you the people who voted me? I mean that is RAMSI's work, legal and justice. But have you done that work too? You wait for me for these so many weeks we are going to meet here and I will tell you more. Another motion is coming on Friday when I am going to tell you right into your ears what you are doing for this country. The so many months I was outside and I did not have the opportunity to come and stand here and talk on behalf of my people, do you think I did nothing at home? I take note of everything because I know I would be back. That is a RAMSI issue.

But I thank the Prime Minister for this amendment which will take care of the election process but I think there is a shortfall; it is open-ended and so we will just go on and on with it with no end because it has to come into Parliament to be passed. But what if new Members coming after the general election have different views of this? What are the provisions to take care of any anomalies? That is the point I am trying to drive at here. If it is inside then you have to clear my mind when we go into the committee of the whole house.

With these few remarks, I support the Bill.

Hon. HUNIEHU: Thank you for the wonderful opportunity to contribute to this Amendment Bill. But before I do so, I would like to, on behalf of my people of East Are Are, congratulate the MP for Savo/Russells for his reelection to this House.

Mr. Speaker, the reason why this Bill came into this Parliament is so important in that we have to keep reminding ourselves why it is so. Four or five years ago this country was labeled a failed state. It means we have failed our economy planning, we have failed in our administration network, we have failed our good our governance, we have failed in almost everything we do to sustain the economy, in everything we do to administer and govern our people. The report that we are a failed state came from the ANU and that there was no hope for the people of Solomon Islands. But there was no way the people of Solomon Islands were able to lead during the social ethnic tension. They were expecting us to handle the crisis ourselves. They did not realize the intensity of the problems we were facing at that time. And so these academics being they are wrote beautiful reports about Solomon Islands and gave us zero but a failed state. I was a cabinet minister at that time and it was very difficult to run a budget with only \$250million annually. That was the amount of money we were receiving from the national purse at that time. It was very difficult to administer when our boys, the ex-militias were in control of the Treasury, of the government system because the very moment the government says no to their requests, you have a pistol on

your chest. Not many of us sitting here experienced what I am talking about. Those of us who were in Parliament at that time were going to lose our seats because we did not have too much option left. The option we can see is an exit Parliament. And there were many people at the time who thought it can happen. But it was very difficult for that to happen and that is why I concur with what a former Prime Minister has said that this was the best option at that time.

When the option of signing up this memorandum of understanding with the Forum Island countries came about, it came as a gift to the people of Solomon Islands because one of the greatest issues we face at that time was the security of our people. We lost security; we lost finance; we lost good governance; we lost just about everything, even some of our neighbors in the Pacific refuse to help although they were requested two or three times to support us in terms of security, in terms of finance until this offer was negotiated by a former government. We must congratulate former governments who were involved in negotiating this Bill. It is a lighthouse for us to appreciate and we should appreciate what has happened. That is why this Bill is only a review and so I do not have any difficulty accepting it. The political undercurrents in this country, is not about this review, but it is about the many associated agreements signed in order to bring peace. And these many associated agreements, like the TPA is one of them, which up until now, not one of those projects is undertaken or fulfilled by the government.

The Marau Peace Agreement up until now, not one provision of that Agreement has been fulfilled, and the many reconciliations that have taken place. These are what form the important political undercurrents. This is law; it is a review of RAMSI. RAMSI is very easy to fix but these agreements are not easy to fix. Why? I will tell you why. Because it is time to increase our engagement in economic reforms with RAMSI, which is not happening. What RAMSI is providing at the moment is conducive environment for economic activities to take place. But they are not giving us aid money in order to pump into these projects, and this will kickback on us very soon. Mark my words! Very soon it will kickback on us because we are not fulfilling the wishes of our people, and we must do it squarely and equitably.

I will continue to express such in this Parliament as long as I stand here. This country must be treated equally as equal partners in development. I hope that in future reviews we must do thorough reviews on what else RAMSI should do that they are not doing at the moment. Or what are they doing at the moment, which is causing discomfort to the people of this country. How can we shape our country with the participation of RAMSI in future economic development? Of course, RAMSI is providing security law and order already but without strong economic support, this social security will collapse sometimes

in the future I am talking about the economy. You cannot disassociate economic relevance to these agreements. Somebody has to be putting his money where his mouth is. Because at the moment a small soccer match played last Saturday almost sparked up rioting. This is a sign of something, of youngsters not happy about what is happening. Our youngsters are not happy to see only Chinese shops going up left and right and nothing for Solomon Islanders. Sorry to mention Chinese, but may be Asians and foreigners. These are the root causes that must be addressed. If we do not address these root causes with RAMSI in this country, mark my words that very soon it would erupt on our face. I do not want this to be repeated again. I said this during the last motion of adjournment that Malaita Province is without development; we need more employment, we need more investment but it is not coming. And that is one of the principle characters of the social ethnic tension.

We shout in here and that is it. I think it is better for people of Malaita not to reelect this gang back to this house. Every one of us must lose. I do not think we are doing enough for our people, so why waste time investing on us.

With this contribution, I take this opportunity once again to thank the Prime Minister for introducing this amendment. As I said I have no difficulty supporting this Bill. What I said are just my personal views on this Amendment and I fully support the Bill. Thank you.

Mr BOYERS: Thank you Mr Speaker for giving me the opportunity to briefly comment on this Amendment Bill. As Chairman of the Foreign Relations Committee, I feel it is obligatory of me to contribute to this Amendment Bill.

First of all, I too on behalf of the people of West New Georgia/Vona Vona would like to congratulate the Member for Savo/Russells for his re-election to this House. Even though I did not vote him but if I am a voter in his constituency I would have voted him.

But getting back to the Bill, I would like to say that I will keep my debate within the context of the Notice. I would like to read what is mentioned in the report in relation to this. First of all, I congratulate the government for presenting this Amendment, as it was part of the recommendations of the Committee, Recommendation No. 4 on page 58, and in saying that I would like to urge all Members of Parliament to read this report thoroughly as it covers all aspects of development in relation to RAMSI and also the Solomon Islands Government. But for the sake of the general public and the Parliament, I would just like to read the issue in relation to this Amendment and its recommendations.

“The Committee acknowledges that between 2004 and 2006 there was no parliamentary review of the Notice under Section 23 of the

FIA Act. This failure to review however was not in breach of any statutory obligations under Section 23(1) of the FIA Act review by Parliament is not mandatory. What is mandatory is that Parliament must be given the opportunity to review the Notice. Once that opportunity is given, it is entirely up to Parliament whether or not to undertake the review of the FIAA Notice. Such an opportunity is given if the FIAA Notice is laid before Parliament before the review date is the 23rd of July of each year. This is where the real failure was between 2004 and 2006; failure to table the Notice in Parliament pursuant to Section 23(3) of the FIA Act. This statutory obligation to table the FIAA Notice falls squarely on the shoulders of the government of the day and not on RAMSI or the Governor General. Thus, from 2004 to 2006 successive governments failed to fulfill their statutory obligation when they did not table the Notice in Parliament before the 23rd July of each year. That in turn made it procedurally impossible for Parliament to consider reviewing the Notice. In 2007 there was an attempt to adhere to the FIA Act on the part of the Grand Coalition for Change Government but even that attempt did not, strictly speaking, comply with the Act. The FIAA Notice was tabled outside the three months specified by Section 23(3) of the Act, which is the 24th April to the 24th July 2007. Further, the review of the Notice was undertaken by Parliament on the date other than the review date of 24th July 2007. Accordingly, between 2004 and 2007, review of the FIAA Notice by Parliament did not occur or when it did occur took place outside the specified time frames because the Notice was either not tabled as required by Section 23(3) of the FIA Act or was tabled outside the tabling period. The question then is whether failure to table the Notice, which deprived Parliament of the opportunity to review the Notice by successive governments since 2004, has any legal implications on the FIA Act or Notice. The FIA Act is silent on this issue. Section 23 does not deal with the consequences of breach of the mandatory provisions. The Committee is, however, of the view that if the government does not lay the Notice before Parliament within the stipulated timeframe, that simply amounts to a breach of mandatory duty imposed by Section 23(1) on the government of the day. Such a breach, while it may have some repercussions on the government, does not affect the validity of the Notice nor does it prevent Parliament from dealing with the matter in other ways, for example, by way of a substantive motion on the subject or other

options available to the government or Members under the Standing Orders. The Committee holds the view that on the basis of the validity of the Notice and its review are two very distinct aspects of the FIA Act that should be treated separately. The FIA Notice may only be invalidated by an annulment resolution made under Section 23(4) of the FIA Act or by repeal of the entire FIA Act by Parliament under its overarching law making powers conferred by Section 59 of the Constitution. By contrast, review of the FIAA Notice is governed by Section 23(1)(2) & (3) of the FIA Act, and there is nothing in those provisions to indicate that the lack of review by the same effect has an annulment. Thus, while Parliament's failure to review the FIAA Notice may well attract criticism of the government of the day for not tabling the Notice on time, the Notice remains valid with or without any review until it is annulled by Parliament or until the FIA Act is repealed. As such, the fact that the FIAA Notice was not duly laid before Parliament between 2004 and 2007 does not in any way invalidate the Notice, the FIA Act or any action taken by the authority of both instruments during this period. The Committee, however, does note the restrictiveness of section 23 of the FIA Act. The section fixes a period within which the Notice made must be tabled each year (23rd April to the 23rd of July) as well as review the date which is (fixed at 23rd of July) and the period within which the Notice may be annulled by Parliament (23rd July to 24th October). Fixing these periods and dates is too restrictive on Parliament and has created difficulties with the timing of tabling and review of the Notice if Parliament is not sitting when these dates and periods fall. The Committee therefore recommends that Section 23 of the FIA Act be amended to allow more flexibility as to the timing for tabling and reviewing the Notice by Parliament. The Committee notes with approval that the CNURA Government has circulated a draft bill, the Facilitation of International Assistance Amendment Bill 2009 and seeks to amend Section 23 along these lines".

In doing so, I too would like to also repeat in my opening address that a lot of recommendations in this report by our committee have been taken note of by the government and have been addressed.

I think as we move into 2010 with the elections and the election period, as the Prime Minister has mentioned when Parliament dissolves on the 24th and the tabling of the Notice will be on the 23rd April and, of

course, our elections in July which means we are going to be falling outside the time period. I think it is only responsible and it shows the responsibility that we are facilitating this process for the new government next year. With those few words, I support the Bill.

Mr SOGAVARE: Mr Speaker, I shall be very brief in my contribution to this Bill. I think the objective of the Bill is very clear. In fact, I will be speaking in support of this Bill. The objective is clear, as outlined by the Prime Minister when moving the motion on the Second Reading of this Bill. The object of the Bill is to ensure the International Assistance Notice under Section 23 will continue if Parliament is unable to sit to review the Notice during the three months that end on the review date. Also, the Amendment in particular is to cover the review next year when Parliament will be dissolved around April for the general elections. That is the object and reasons of this Bill as moved by the Prime Minister.

I, of course, do share some of the sentiments that those who have spoken before me have shared. I think when we come to the debate on the report on the RAMSI report, we will delve, I guess, differing to the issues that some of the colleagues have raised, which are very valid issues.

I think these amendments have come because of the way the Act is structured. In fact, the FIA Act is one very powerful law, and it says so itself. Section 24(1) of the Facilitation of International Act 2003 says so itself. It states that the Act is subject to the Constitution but shall have effect notwithstanding any other laws of Solomon Islands. In terms of order of importance, the Constitution, the FIA Act and then all other laws in Solomon Islands.

There is ongoing debate on that tradition. Legal opinions tendered everywhere and, of course, the report is trying to argue out those positions and as far as some of us are concerned whatever legal opinions tendered or expressed will just remain as legal opinions until the court rules on the question that arouses the debate. I think that question itself is a question that will remain as to the superiority of the FIA Act over other laws in the country. But in terms of this Bill itself, it is very clear in that it says Parliament will not exist at that time or if after the election and maybe the government will still organizes itself and so probably it is not in the position to call Parliament to sit down to look at this important obligation that the Facilitation Act places on Parliament.

As I said, I think the substantive debate on a number of issues that could arise, if we want to discuss them here is probably best left to the debate on the report when those issues will be raised. But the Bills Committee did raise some points on the report and those views are based on questions that are placed to the officials that appear before the Committee, and the rationale there is clear. I

think one issue that is also a question that is still around is the issue of the sovereignty of Parliament being a sovereign institution and that the law is structured in a way that requires Parliament to sit down to deliberate on this legal issue. Probably that is the reason why the Chairman of the Committee mentioned that attempts made by previous governments to try to comply with the requirements of this Act are very difficult because Parliament is called when government has business. Parliament is called when government has business to come and discuss business in Parliament, and so it is very difficult to comply with the requirements of this Act when government does not call parliament. We have a situation here where this Act requires us to call Parliament around April to discuss it is difficult to comply with because of circumstances. That in itself raises the question whether the Act has power or is this provision constitutional to require Parliament to sit, and Parliament being the sovereign institution should not be dictated by anyone when Parliament should sit. These are questions that linger around and can only be resolved in a court of law where we may put in this question and ask the court to answer whether this Act has the constitutional power or the power under that law to demand Parliament to sit on that date just to deliberate on the tabling of that Notice. And so it will remain to be a question.

I think the Bill itself provides a little bit of space there that Parliament does not necessarily have to sit down. While it addresses the problem that we are going to have next year when Parliament does not exist, it is also opening up, it allows for this Notice to be tabled in any other dates. I think sub clause 2 of this section says very clearly, as is said there, with your indulgence I will read it, "In the next sitting of Parliament following the review date, the Prime Minister may move a motion for resolution to appoint a date, and is the appointed date within that sitting on which the International Assistance Notice shall be laid before Parliament". After Parliament is established next year, the Prime Minister can move a motion to appoint the date on which this Notice is tabled.

I think the Member for Savo/Russells has raised some very important questions that maybe during the committee stage, the AG will and the Prime Minister will respond to it. But in my reading of this, it looks like it is adequately covered but I think that is subject to the explanation that the Attorney General and the Prime Minister will give to Parliament when that question is put to them at the committee stage. I think the bill, as it is, is simple, its intention is very clear; it addresses specific positions here. It will arise next year, and that is in line with the desire of the people of this country to continue to have RAMSI remain in this country. We have a duty as decision makers to ensure that the desire of the people is met. RAMSI must continue to stay even if Parliament does not meet. I think we have a duty to do that. That is one important

responsibility this Parliament has. After that it is back to normal or as the Prime Minister rightly pointed out, if Parliament for any reason does not sit again after the election, the government is formed, the Parliament exists but if for any reason does not meet, this Amendment covers that; parliament does not need to come every 23rd July or around there to meet to talk about this Notice.

I also think the explanation given by the Attorney General's representative when he appeared before the Committee, is important. I think may be in the future review of the Act, we might need to look at it, and that is the old idea of pegging it to 23rd July. Should we open that up so that Parliament can sit at any date or it is not pegged on 23rd July? But that said, maybe down the line we can look at that, but the bill as it is has very good intentions, it is clear and so I do not see any reason why this Parliament should not support it.

With that, I support this Bill. Thank you.

Hon. HAOMAE: Mr. Speaker, I shall be very brief. At the outset I would like to thank the Hon. Prime Minister for moving this short but very important Bill.

The Facilitation of International Assistance Bill was drafted in such a way that it assumes that the Parliament of Solomon Islands will have no dissolution because there are certain parliaments in the world that members of parliament just exit when they lose in the election. Whilst for us we say it is lifetime where four years lapses then parliament is dissolved. Therefore, the way the Act is in place now presupposes that our parliament is like some other parliaments in the world where members of parliament just go on until an election and a member who loses his seat exits.

I would like at this stage also to congratulate the Member for Savo/Russell for returning to Parliament. I would like to speak on a point he raised, which is an important point, but I take the view that this is addressing a technical situation of the election. It also well covers other situations that might arise, like what the Leader of Opposition has said and the Prime Minister alluded to in his introductory remarks.

The issue of the presence of RAMSI in the country is of national interest, and if it is of national interest even new members of parliament coming after the election will consider this is an issue of national interest will advise accordingly. Hence, although the probability exists, like the Member for Savo/Russells has raised but in their deliberate judgment, in exercising their deliberate judgment in the national interest, I think new Members of Parliament will make the decision in the national interest and not for other interests because this is in the national interest of Solomon Islands. I would think that even if the probability exists, I trust that new members of parliament, and I think many of you here will come back and maybe myself too, will exercise their deliberate judgment in the

national interest. I have comfort in that and that is why I have support for this Bill and I thank you for giving me opportunity.

Hon. TORA: Mr. Speaker, thank you for allowing me to contribute very briefly on this very important Amendment Bill, the Facilitation of International Assistance Amendment Bill 2009. Before I do so, I would also like to join other colleague Members of Parliament to congratulate the Member for Savo/Russells on his return to Parliament after a very successful election enabling him to come back and contribute to matters of importance to this nation.

I will be very brief and to say that the security of this country is very important and because of this, the amendment bill we are discussing today being brought before the Parliament by the Hon. Prime Minister reflects the concern and the responsibility of the CNURA Government in ensuring that the security of this country is maintained. Also, the presence of RAMSI in this country is very, very important in the sense that it provides a sense of security conducive to our people and also genuine investors who would like to come and invest in our country. Without security we are not going to do any good thing because people will be living in fear and our genuine investors who would like to come and invest in this country would not come. With the help of our RAMSI friends we can see investments starting to come in. This shows how responsible the government is. I also would like to thank the Hon. Leader of Opposition for recognizing this Amendment Bill by giving his full support.

Before I resume my seat, let me take this opportunity to thank the Hon. Prime Minister for tabling this very important Amendment Bill. I also thank the Attorney General's Chamber and those who were involved in ensuring this Bill is ready in time to be tabled in this parliament. I also do not forget the acting chairman who presided over the Bills Committee meeting this morning and his committee members for scrutinizing this Bill and preparing its report ready for us when we resume this morning.

With those few remarks, once again I would like to thank you for allowing me to speak briefly on this very important amendment bill. Thank you and I support the bill.

Hon. TOSIKA: Thank you, Mr. Speaker, for giving me this opportunity to contribute very briefly to this Bill. In fact, this Bill is very simple and a straightforward one. I would like to raise a few issues, which may be are just my opinion with no legality unless the court rules on them.

We are considering section 23 of the FIA Act which talks about the Notice and the Act itself. Section 23(1) gives the opportunity for parliament to review the Notice yearly. Subsection 2 talks about reviewing of the Notice yearly, a day

after which the Notice is published. Subsections (b) and (a) are also related and harmonizing themselves. If you go down the line to sub-section 3, it talks about a period of giving three months notice or if it is earlier revoked. In this case, I would like to think that the words, “unless it is revoked earlier, it gives an opportunity for subsection (1) to rule that parliament as it is has the opportunity without that due date can review the Notice”. If parliament sees fit that the Notice can be reviewed at that time. It is not a statutory requirement, although there is requirement under this Notice that it must be reviewed on the 23rd of July, but Parliament has given it that opportunity to review it at its own time. Whichever is the case, I see this amendment nailing this thing to be even stronger. Which under this amendment 2, as rightly stated by the Leader of Opposition the appointed date is the date given or opportunity given to the next government in 2010 to review the Notice, and if time is prolonged after 23rd. This is giving the opportunity that parliament has given or it is not denied from that opportunity of 23rd or whatever time.

In reading this Amendment, it is in harmony in the sense that parliament has the right to do that review. This law or this amendment is more or less in line with the thinking of section 23. As has been stated by the chairman of the FRC, there were examples in the past where a review has not been done for couple of years or a year in 2004 and so forth. Therefore, my thinking is that whether we amend it or not, the validity of the FIA Act still remains until and unless the requirements are fulfilled under this provision where we are giving notices for annulment and all those kinds of things came about. The Act itself and the Notice still remains unless Parliament decides to do those things.

With those few remarks, I support this Bill.

Mr. WAIPORA: Mr. Speaker, I think I will be the last person to speak this morning. I have a very few observations on this very important Bill, but before I go on to do that, I must thank the honorable Prime Minister for seeing it fit in bringing this very important bill for Parliament to review RAMSI’s assistance in this country. I thank the government for their work, and I also thank the Bills Committee for scrutinizing the Bill before it came to Parliament.

There are points and questions that I might raise when we go to the committee stage of this Bill. But the very important point I would like to point out here is something to do with the objective and reasons of this Bill. Today, we are talking about RAMSI which comes to Solomon Islands to help us restore our law and order problem, to assist us in our capacity building, to assist us improve our economy which was at its feet when we were in the conflict and so we have to call RAMSI to come and help us.

Today when we talk about RAMSI we say that they are here to restore law and order and so on. We are just assuming but if you look at the principle act, it does not have any objectives and reason for it, in my view. But it is very good that we have an amendment because if you look at the amendment it will tell us straightaway the objectives and reasons. The objective of the Bill is to ensure that the International Assistance Notice under Section 23 will continue if parliament is unable to sit to review the Notice during the three month that ends on a review date. The amendment in particular is to cover the review next year when parliament will be dissolved around April for the general elections. But I fail to see that in this principal act. It just says short title commencement and that is why in our discussions today we are saying RAMSI comes into the country to restore law and order, but the law or the piece of legislation we go by does not specify its objective to the government. That is why I saw in this report, Andrew Nori challenging the RAMSI's coming in here in the High Court at one time. I am raising this point because I want it clarified when we go into the committee of supply.

Why is April specified? Is this Act or this law going to be here always until the 50 years are over? Is it necessary to put down April? The amendment, in particular, is to cover the review next year when parliament is going to dissolve around April for the general elections. The month April will always be there in the law. That is one of my questions, and the other question is how we are going to measure the work of RAMSI that we are reviewing every time. I know there is a report here but I think this report must be summarized so that we can see the recommendations inside. This thick book, nobody has time to read it through and so it must be summarized. This is a very, very important report so that we can see some of the questions I am raising now. My question is on how we are going to measure that. The graph is like this, last time it went up this way and now it went down and it ended up here. At the moment I still question myself as to how long and how are we going to measure RAMSI's presence here. What are we to achieve what before RAMSI leaves? But nobody denies the good work and the very important work that RAMSI is doing here in our country. We must thank them because RAMSI has been here for six years now and so how long more to go. That length of time or that framework, we should have come up with a framework. Are they going to be here forever? If they remain here we need the security of an army, just like us setting up our own paramilitary school so that we train our own armies too. That is one of my questions.

My main question is that the Attorney General has to explain the objectives, what are the objectives of the main principal act in here. This point I am raising is will it always be April for the next 20 or 30 years. Why do we have

to put April here on page 5 on the objectives and reasons? Otherwise this Bill is very important, I cannot see anything fussy about it to approve it. Because it is quarter past twelve now I have to sit down, and so with these few remarks, Mr I support the Bill.

Hon SIKUA: Thank you very much. Let me first of all thank all colleague Members of Parliament who have spoken on this Bill. All of them have spoken in support of the Bill, and I have noted their comments and would like to thank them for the support they have given to the Bill.

I think some of the comments raised by Honorable Colleagues who have spoken would be responded to in detail when we look at the report of the Foreign Relations Committee on the review of RAMSI and so I will not be touching on the details of some of the points raised by colleague Members of Parliament who raised some of those issues. I am sure that an opportunity to respond in detail to some of the issues raised will be forthcoming during this meeting.

Also, I would like to inform Parliament that the partnership framework between the Solomon Islands Government and RAMSI has been completed and agreed upon. Cabinet has approved the tabling of that particular report in this sitting of Parliament. That will show to colleague Members of Parliament the areas which some speakers have expressed concern on in terms of RAMSI assisting the government in some of its rural advancement policies. Once the report is tabled, I am sure there will be an opportunity for us to debate that partnership framework and so further enlighten us on where we are going with RAMSI in terms of our partnership framework.

I think one of the substantial issues raised by the Member for Savo/Russells is the fact that perhaps the Bill will give room to any government to refuse reviewing the Notice, which will probably then spell the end of RAMSI. But I wish to say that the Members of this Honorable House need not harbor the kind of fear or sentiments mentioned by the Honorable Member for Savo/Russells that the Bill is opening up an exit door for RAMSI, especially if the next parliament is the kind of parliament that holds no favor for RAMSI. In saying that, I wish to make the following responses to try and dispel and exorcise that fear.

Firstly, Section 23(3) specifically demands that the International Assistance Notice shall be laid before Parliament, and as I have mentioned that is a mandatory requirement that Parliament imposed upon itself. The provisions in the Bill are drafted in a manner that they can be used for any situations at all, and not only for the election period in 2010 which caused the Parliament not able to sit. I think I need to make that point very clear.

Secondly, the power of this Parliament to annul the International Assistance Notice is already provided for in the principal act, thus whether this Bill is enacted or not the Parliament in 2003 has already given itself that power to annul the Notice, and thus the exit door was constructed during the time the Member for Savo/Russells was the Prime Minister. Had he or the government then not constructed that exit door, we would not have to repair or make any repairs or any amendments to date. But given that the Act deals with the assistance provided by external governments, I do believe it is a good provision that the Parliament is able to review the Notice. Therefore, there is nothing wrong and nothing bad about it. It is a good provision that this Honorable House is able to review the Notice.

Fourthly, the point as to whether the next parliament will annul the Notice is a point not directly affecting the provisions of the Bill. But rather I would look at it as a point calling upon the wisdom of Members of Parliament in the next Parliament. This is where I would like to thank the Chair of the Foreign Relations Committee and the Member of Parliament for West New Georgia/Vona Vona for giving us the opportunity to look at what the report is saying when he read the relevant pages in the report. Because the report of the Foreign Relations Committee is useful because there we can see the people of this nation have spoken through that report. My hope and my wish is that the next Parliament will do well to take heed of the Foreign Relations Committee report.

Finally, I just want to clarify that the date for the dissolution of the Eight Parliament is not influenced or dictated by the Bill or this Government. Rather the dissolution of Parliament and the time for the General Elections in 2010 is dictated by the National Constitution as well as the National Electoral Provisions Act. Therefore, it is not true to say that the Bill does signal when this government will want to hold the next general elections. Those, as I mentioned, is something already dictated by the National Constitution as well as the National Electoral Provisions Act.

With these brief remarks, I thank all the Members who have contributed in support of the Bill once again, and I beg to move.

The Bill is passed

Sitting suspended for lunch break

Bills - Committee Stage

The Facilitation of International Assistance (Amendment) Bill 2009

Clauses 1 & 2 *agreed to*

Parliament resumes

Hon. Sikua: I wish to report that the Facilitation of International Assistance (Amendment) Bill 2009 has passed through the Committee of the Whole House without amendments.

Bill – Third Reading

Hon. Sikua: I move that the Facilitation of International Assistance (Amendment) Bill 2009 be now read a third time and do pass.

The Bill is therefore passed.

Hon. Sikua: I move that Parliament do now adjourn until 9:30am tomorrow morning.

The House adjourned at 2.26 pm