WORKSHOP WITH SPEAKERS AND CLERKS OF THE PROVINCES OF
SOLOMON ISLANDS
TO CONSIDER THE DRAFTING OF
NEW MODERNISED, STANDARDISED STANDING ORDERS

Honiara | 7-8 February 2013

The Task:

The National Government of Solomon Islands through its Ministry for Provincial Government and Institutional Strengthening has sought CDI’s assistance in delivering a policy aimed at building the governance capacity of the nine Provincial Assemblies.

As late as last year the Government reaffirmed its commitment to this policy by approving three new initiatives, the formation of Provincial Planning and Development Committees and Ward Development Committees, a revised composition of provincial public accounts committees with expanded responsibilities aimed at improving accountability of Provincial Assembly finances, and the formation of an Internal Audit Committee, targeting fiscal responsibility on a national basis but also including financial management of Provincial Assemblies.

Specifically CDI undertook, in addition to providing two workshops for public accounts committees, to assist in the drafting of a set of modernized, standardised standing orders.

This workshop was designed to work with the Speakers and Clerks to test the draft standing orders prepared by the consultant with the objective of creating a responsible legal framework for Assembly meeting, a clear outline of proper process, a representational balance between executive and ordinary members as well as between individual members, and an effective means by which members can give voice to the concerns of their constituents.

The workshop was facilitated by CDI Associate Kevin Rozzoli, a former Speaker of the New South Wales Legislative Assembly, with the assistance of officers of the Ministry of Provincial Government and Institutional Strengthening.

The team and the process:

In addition to Kevin Rozzoli the team included Robert Kaua, Director, Provincial Governance Division Ministry of Provincial Government & Institutional Strengthening; Melanie Phillips, Legal Advisor Department of Provincial Governance Division in the Ministry of Provincial Government & Institutional Strengthening and Sawaneh Modoulin,

The process commenced in 2012 with an extensive literature search of all available material that had a bearing on the project, the Constitution, the Provincial Government Act 1997, standing orders and ordinances of all provinces and material available on the internet. While much of the material did not have a direct bearing on the project it none the less helped to develop a background picture of the present situation in the provinces. Most of the standing orders are still in much the same form as adopted in 1983. Choiseul Province is the only one to have recently amended their standing orders to address problems that have emerged in practice. The initial draft consolidated the best of what was available and tidied up the existing drafting.

An initial visit in May 2012 assessed the situation in-country during which interviews were conducted with officials from Rennell and Bellona, Temotu and Gaudalcanal, officers of the National Parliament and officers of the Ministry including their Legal Advisor, Melanie Phillips, who has been of great assistance. Contact has been maintained with the Ministry and with Sawanah Modoulin (Momoduo). It was through this contact that a copy of the new Choiseul standing orders was obtained which proved quite valuable in preparing a second draft which became the working basis for the Workshop.

Quite late in the piece Momoduo forwarded Cabinet documents approving new initiatives with a request that they be accommodated in the standing orders. The standing orders covering the functions of the public accounts committee were redrafted to reflect these requirements. Momoduo was advised that recognition of two more committees could not be included in the standing orders because their functions were external to the Assemblies.

The workshop:

The Workshop was held at the National Parliament in the member’s accommodation building. It was officially opened by the Speaker of the National Parliament, Sir Allan Kemakeza, with an address from the Minister, The Hon. Silas V. Tausinga, who complimented CDI on the progress made since taking on the project.

The workshop consisted of a line by line consideration of the draft standing orders led by the consultant with discussion of problems as they were raised by delegates. These included the differences that occur on a province to province basis.

With these aims and objectives the deliberations addressed five major factors:

1. Were the standing orders as drafted satisfactory;
2. If the existing standing orders were basically satisfactory could they be improved;
3. Had practices developed and become accepted which were not covered by the standing orders, and which would benefit from being codified;
4. Were there problems confronting the Assemblies that appropriate standing orders could address;
5. Were there procedures that could be adopted from the national parliament or other legislative bodies that could be of benefit.

All nine Speakers and Clerks were present for every session. The delegates worked diligently and constructively, dealing with their problems and aspirations with commendable frankness.

Most of the discussion was conducted in English with participants readily grasping the issues and freely participating in discussion. During the workshop valuable assistance was provided by Melanie Phillips and the Deputy Clerk of the National Parliament, Debra Angus, on technical points. In most cases the participants were keen to adopt changes and new procedures believing they would considerably assist the functioning of the Assemblies.

Throughout the deliberations I was encouraged and excited that the delegates wanted to pursue ways and means of creating a better performing assembly in the interests of their people and that they were prepared to tackle and take some tough decisions. I am pleased to report that all matters were determined by consensus.

Some of the key areas that were discussed, and on which agreement was reached were:

1. A more detailed outline of the duties of the Speaker and Clerk;
2. Provision for members to request the recall of the Assembly if the Premier failed to do so within normal time limits;
3. Restructuring the daily routine of business;
4. Providing a better role for questions without notice;
5. Provision for urgent questions and urgent motions;
6. Introducing provision for certain items of business to take precedence if they occur;
7. Provision to debate and revoke subordinate legislation;
8. The right of a member to make a personal explanation on a matter which reflects upon the character or integrity of that member;
9. The creation of a specific opportunity for ordinary members to raise matters on their own initiative;
10. Provision for oral submissions from the public;
11. Penalties for members who fail to attend sittings or meeting without reasonable excuse;
12. Specific penalties for disorderly conduct;
13. Measures to improve the performance of committees;
14. Allegations of inappropriate conduct against a member or a member of the judiciary to be debated only by substantive motion;
15. Providing a proper structure and process for petitions from the public;
16. Stricter integrity requirements

Many other amendments addressed further development of existing procedures.

At the conclusion of the workshop it was unanimously requested that the revision developed during the workshop be documented in a third draft in time for the next meetings in March so that they can be adopted as soon as possible. This is possible because the Act currently allows Assemblies to adopt changes to the standing orders without further reference. The revision has been completed and forwarded to Melanie Phillips for distribution. Once the provinces have adopted the new standing orders workshops can be conducted with members to familiarize them with the new standing orders. Consideration is also being given to the possibility of making a training film that will help ongoing education of members.

The standing orders need to be ratified by the National Parliament by way of an amendment to the Provincial Government Act 1997 and CDI may also be asked to give such assistance as is required to prepare the cabinet submission.

I would like to express my thanks to CDI for the privilege of working on this program. I would also like to thank the team, the participants and the support of the Ministry and UNDP who met the in country costs. I would also like to thank the National Parliament for agreeing to accommodate us in the new member’s building.

Kevin Rozzoli
March 1, 2013