



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

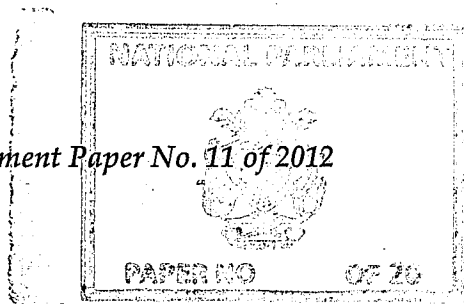
BILLS AND LEGISLATION COMMITTEE

REPORT

ON

**THE GOVERNORS-GENERAL (PENSIONS AND BENEFITS)
(AMENDMENT) BILL 2012**

National Parliament Paper No. 11 of 2012



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TERMS OF REFERENCE

To examine and report to Parliament the Committee's observations and recommendations on:-

"The Governors-General (Pensions and Benefits) (Amendment) Bill 2012"

2. FUNCTIONS

In accordance with Section 62 of the Constitution as read with Section 71 of the Standing Orders, the Bills and Legislation Committee's functions in addition to the provisions in Standing 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 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.

3. **MEMBERSHIP**

The Membership of the Bills & Legislation Committee comprises of the following members:

Hon. Manasseh D. Sogavare	-	Chairman
Hon. Dr. Derek Sikua	-	Member
Hon. John Maneniaru	-	“
Hon. Milner Tozaka	-	“
Hon. Matthew Cooper Wale	-	“
Hon. Douglas Ete	-	“
Hon. James Tora	-	“
Hon. Sam Iduri	-	“

4. **PURPOSE OF THE GOVERNORS-GENERAL (PENSIONS AND BENEFITS) (AMENDMENT) BILL 2012**

The objects and reasons as stated in the Bill are to:

“To rectify certain anomalies in the principle Act which relate to the provision of housing and transport entitlements of Governors-General and to extend such entitlements to the surviving spouse of a Governor General after his or her death.”

5. **OBSERVATIONS & ISSUES**

The Bills and Legislation Committee met on Tuesday, 23 October 2012 to examine and make its observations and recommendations on **“The Governors-General (Pensions and Benefits) (Amendment) Bill 2012”**.

The Committee welcomes the initiative taken by the current Government to bring the amending Bill to Parliament on the entitlements of the Governors General. The Committee normally initiates an inquiry into Bills that were presented before it as a means to collect evidences for its

deliberations and reports to Parliament, however, the Committee is very mindful of the Status of the Governors General as our Head of State and believes that such entitlements and benefits that are associated to his or her Office or upon his or her retirement should not be discussed publicly and hence, resolved not hold an inquiry into this Bill. Further the Committee is conscious of the aim of such Bill is to maintain respect to former Governors General, so that when they leave office their status is maintain and the dignity of the office is not compromised.

The Committee agreed to the entitlements and benefits covered under this amending Bill as they are practical issues that are faced by our former Governors General upon their retirement and it is only proper that an amending Bill is brought before the House to rectify these issues.

Surviving spouses

The Committee further agreed that these entitlements and benefits should be extended to the surviving spouse as it is a practice that is similar to other parliamentary and presidential systems around the world and that similar practice should be accorded to the surviving spouse of a former Governors General in our case.

Interpretation of the word "transport"

The Committee, however, is concerned that not all former Governors General live in Honiara or in urban centers, and may not need vehicles but other forms of transportation for instance an outboard motor canoe, and so the term 'transport' should be clearly interpreted in the Bill to reflect the need to use other forms of transportation by former Governors General living in rural areas.

The Committee is also concerned that subclause (3) of clause 3 of the Bill is restrictive that the cost of fuel and maintenance or running costs are met by the Government for Governors General with vehicles and not those who use their transport allowance to use other forms of transportation e.g OBM's.

Retrospective effect

The Committee is also concerned with the retrospective effect of the Bill as it might have a financial impact on the consolidated fund if it is not budget for this year. Under clause 6, the Bill allows for benefits under clause 2 to be back dated to 1st of January 2012. The Committee expressed its concern on whether this cost has been factored in the 2012 Appropriation Act 2012 or the 2012 Supplementary Appropriation Act 2012. Further the Committee expressed its view that former Governors General in office prior to 1st of January 2012 may be prejudiced by the retrospective clause in that they are not catered for.

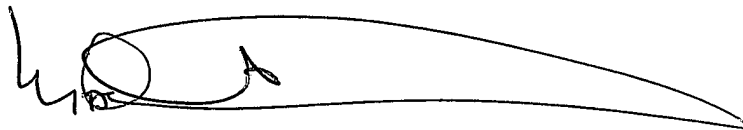
6. **RECOMMENDATIONS**

The Committee has reviewed the Bill and recommends that the government monitor matters raised in this report, in terms of assessing its implementation and effectiveness in achieving its important objectives, and report to Parliament 12 months after the commencement of the Act, and in particular recommends:

The Committee is concerned about the financial Impact of the Bill on the Consolidated Fund as a result of the retrospective effect of the Bill.

The Committee is of the view that an interpretation on 'transport' be included to cater for other forms of transportation.

The Committee is of the view that subsection (3) of Section 3 of the Bill should not be restrictive to the use of vehicles but be open when other forms of transportation are used.



Hon. Manasseh D. Sogavare

Chairman

Bills & Legislation Committee

22 October 2012

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BILLS AND LEGISLATION COMMITTEE

NATIONAL PARLIAMENT OF SOLOMON ISLANDS

Minutes of Proceedings

Meeting No. 1

Tuesday 23 October 2012, Parliament Conference Room 2, Parliament House, 10am.

1. Members Present

Hon. Manasseh D. Sogavare (Chairman)

Hon. Dr. Derek Sikua

Hon. Milner Tozaka

Hon. Mathew Cooper Wale

Hon. Sam Iduri

Hon. James Tora

Hon. John Maneniaru

Hon. Douglas Ete

Secretariat

Mr Wilson Anii, Committee Secretariat

Ms Alice Willy, Committee Secretariat

2. Prayer and Chair's Opening Remarks

The Chairman invited Hon. James Tora to say the opening prayer.

The Chair opened the meeting and welcomed Members to the 1st meeting of the Bills and Legislation Committee to properly look at any Bill. The Chair briefed Members of the Committee on the purpose of the meeting and provided a brief background to the proposed 'Governors-General (Pensions and Benefits) (Amendment) Bill 2012'.

The Chair commented that the decision not to call witnesses is due to the respect given to the status of the Governors-General. Though the Standing Orders mention the need for an inquiry the respect accorded to the office of the Governors-General makes it that it may be disrespectful to publicly inquire into the affairs of the Governors-General.

3. 'Governors-General (Pensions and Benefits) (Amendment) Bill 2012'

The Chair then invites members to express their views on the Bill.

Retrospective effect of clause 6

The Committee discussed on the retrospective effect under clause 6 of the Bill. Members expressed their concern that there is need to view the calculated cost associated with this effect. Members also expressed concern that this clause left out former Governors-General who perform similar duties in office prior to 1st of January 2012.

Interpretation of 'transport'

The Committee also discussed on the transport allowance under clause 3 subclause (2) of the Bill. Members expressed their views that not all former Governors-General will be living in Honiara or in other urban centres after leaving office, therefore will not have access to a vehicle. They expressed that the term 'transport' should be define to also include other forms of transportation. eg.OBM's in the Bill.

Clause 3 subclause (3)

The Committee also discussed on clause 3 subclause (3) of the Bill. Members expressed their view that this clause is restrictive that it only cater for former Governors General with official vehicles. Members expressed that costs of fuel, maintenance or running costs associated with other forms of transportation acquired through the transport allowance by former Governors-General should also be met by the Government.

4. Resolutions

- 1) The Committee resolved that no inquiry will be conducted and no witnesses will be called for the Bill due to the respect accorded to the office of the Governors-General.
- 2) The Committee expressed concern on the cost associated with the retrospective effect of the Bill.
- 3) The Committee expressed a view that the term 'transport' should be define to include other forms of transportation.
- 4) The Committee expressed a view that clause 3 subclause (3) restrict costs of fuel, maintenance or running costs to be met by the Government for former Governors-General official vehicles only and does not include when other forms of transport is used.

5. Close

Closing prayer by Hon. Mathew Cooper Wale

Meeting closed at 11am.