

National Parliament of Solomon Islands

Bills and Legislation Committee

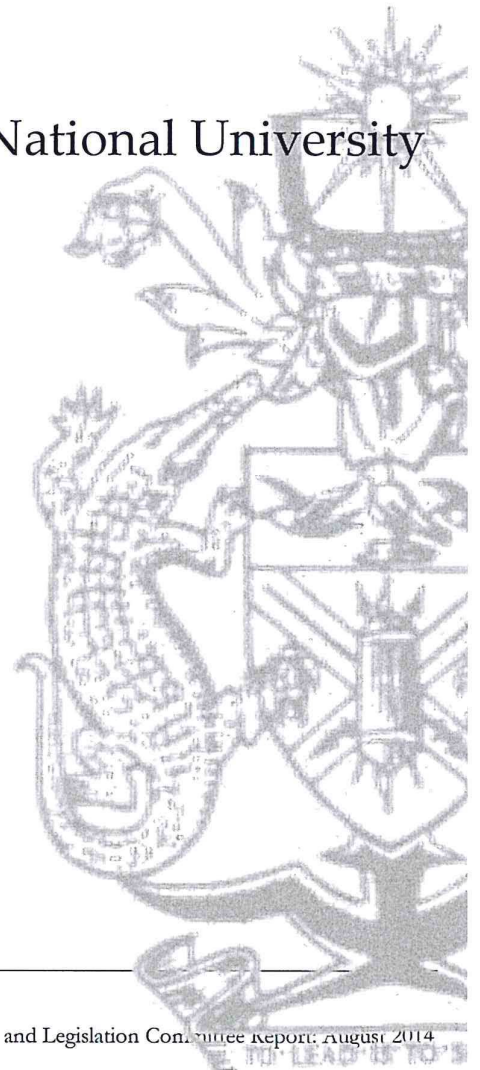
Committee Report

Report on the Solomon Islands National University
(Amendment) Bill 2014

NP-Paper No.32/2014

Presented on 20 August 2014

National Parliament Office



COMMITTEE MEMBERS

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

Hon. Manasseh D Sogavare, MP (Chairman)

Hon. Dr Derek Sikua, MP

Hon. Milner Tozaka, MP

Hon. Matthew C. Wale, MP

Hon. John Maneniaru, MP

Hon. James Tora, MP

Hon. Douglas Ete, MP

Hon. Andrew Manepora'a, MP

Hon. Sam Iduri, MP

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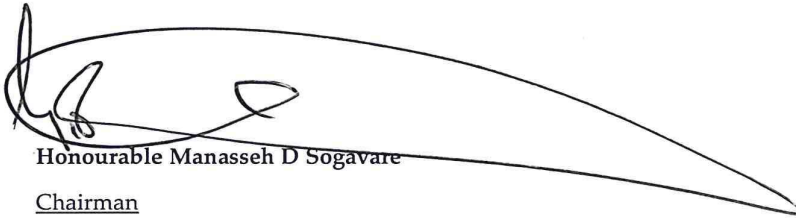
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CHAIR'S FOREWORD

REPORT OF THE BILLS AND LEGISLATION COMMITTEE

Mr. Speaker,

Pursuant to Standing Orders No. 71 (g) of the National Parliament of Solomon Islands, it is an honour and pleasure for me Sir, to present the Report of the Bills and Legislation Committee on the Inquiry into the **Solomon Islands National University (Amendment) Bill 2014** for laying before Parliament.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke that tapers to a point on the right.

Honourable Manasseh D Sogavare

Chairman

Bills and Legislation Committee

August 20, 2014

COMMITTEE FUNCTIONS

The Committee is established under *Standing Order*⁷¹; an Order made pursuant to the *Constitution*¹ and 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.

¹Section 62, *Constitution of Solomon Islands* 1978.

EXECUTIVE SUMMARY

The Bills and Legislation Committee (“the Committee”) had completed its review of the Solomon Islands National University (Amendment) Bill 2014 (“the Bill”). An inquiry into the Bill was held on the 14th of August. The Committee views the amendments as reasonable and would not require much clarification and so decides to only invite its sponsors to make presentations on the Bill. The Permanent Secretary (PS) for the Ministry of Education and Human Resource Development (MEHRD), the Pro Chancellor and the Vice Chancellor of the Solomon Islands National University (SINU) appeared before the Committee for the Bill.

Generally the Bill sought to amend section 24 (1) (a) of the Solomon Islands University Act 2012 (“the Act”) to reduce the requirement for the presence of 5 appointed members to 2 appointed members. This is due to the SINU Council not being able to hold its regular meetings because of the impracticality of attaining the threshold of 5 appointed members to form a quorum. According to Council members who appeared before the Committee, the Council is experiencing lack of quorum to convene regular meetings and when the Council want to vote on issues the required quorum may not be present to give validity to the decision made.

Also section 12 (4) of the principal Act is amended so that a general staff member of the University who can be an elected member of the University Council has a 3 year term of office once becoming an elected member of the Council. Previously, the Act did not limit the term of office of the general staff members. The amendment now limits the term of office of a general staff to 3 years.

The Committee also is concern that the SINU Council is unable to hold regular meetings so that important matters of the University are dealt with. Some members of the Committee are of the view that members of the University Council who are missing Council meetings should be replaced with other persons who have time for University affairs.

The Committee is also concern that the amended quorum requirement may have an effect on representation of the various fields of study under section 11 of the SINU Act. This may happen when matters deliberated on in a Council meeting relates to particular field of study but the appointed representative of that particularly field of study is absent. The Committee’s concern is that the required quorum of two appointed members is achieved by two representatives from other fields of study, but any decision made at that time may not be in the best interest of the field of study whom their appointed representative is absent.

Committee members suggested amendments to the Act to resolve this by each member of the Council having a nominee to attend Council meetings on their behalf whenever they are unable to attend.

Generally the Committee approves the Bill and commended it to the House for passing.

1.0 INTRODUCTION

1.1 Scope of this Report

Pursuant to its mandate under the *Standing Orders*², 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.

1.2 Methodology

The Solomon Islands National University (Amendment) Bill 2014 had been reviewed by the Bills and Legislation Committee. The Bill was submitted to the Speaker through the Clerk to Parliament as required under the Standing Orders³ on the 13th of August 2014.

The Committee had its deliberative meeting on the 13th of August and resolved to invite only the sponsoring Ministry and the Legal draftsman from the AG Chambers to make presentations on the contents and policy matters of the Bill. The hearing into the Bill with the stakeholders was held on the 14th of August 2014. (The minutes of these proceedings are in appendix 2).

2.0 COMMITTEE DELIBERATIONS

During its review of the Bill the following issues were highlighted;

2.1 Objective of the Bill

The Permanent Secretary (PS) for the Ministry of Education and Human Resource Development (MEHRD) when presenting before the Committee mentioned that the reason for the amendment is to facilitate more regular meetings of the Council of the Solomon Islands National University. The University Council has not been able to hold its regular meetings because of the impracticality of attaining the threshold of 5 appointed members to form a quorum. The Bill amends section 24 (1) (a) of the Solomon Islands University Act 2012 to reduce the requirement for the presence of 5 appointed members to a more achievable requirement of 2 appointed members.

²Standing Order 71(g)

³ Standing Order 45 (1)

The Bill also amends section 12 (4) of the Act so that a general staff member of the University who can be an elected member of the University Council has a 3 year term of office once becoming an elected member of the Council. This is in line with the term of office of the other members of the Council. Previously, the Act did not limit the term of office of the general staff members. All elected members of the Council are eligible for re-election when their term of office expires.

2.2 Contents of the Bill

The Bill has 5 clauses and they are outline as follows;

Clause 1 is the short title of the amending Bill.

Clause 2 sets out the commencement time of the Bill which is on a date appointed by the Minister by notice in the Gazette.

Clause 3 specifies the amendment to the principal Act.

Clause 4 amends the principal Act by deleting section 12 (4). Previously, this provision specified the term of office of all the elected members of the University Council except the elected member who is a general staff member of the University. The amendment adds this member to the provision so that they have the same term of office (3 years) as the majority of elected members.

Clause 5 amends the principal Act by deleting section 24 (1) (a) to decrease the number of appointed members of the University Council required to form a quorum for meetings of the Council from 5 appointed members to 2.

3.0 OTHER RELATED ISSUES

There are also other general concerns raised during discussions on the Bill.

Quorum of SINU Council meetings

The Committee is concern that SINU Council meetings are delayed or postponed regularly as a result of lack of quorum by members. This, as expressed by members of the Council who appeared before the Committee, caused unnecessary delays to important University affairs that should be implemented. Though the amendment will resolve this problem the Committee is of the view that if members of the Council are not attending Council meetings as required under the SINU Act they should be replaced with new members who are prepared to actively involve in the University affairs.

Effect of reduced quorum on appointed members (section 11)

On the other hand, there is concern that the reduced quorum may affect Council decision on matters particular to certain fields of study under section 11 of the Act. This may happen when the University Council has to decide on matters relating only to a particular field of study, example Natural Resources, but their representative is not present in the meeting. The Committee's concern is that the amended quorum of two appointed members is achievable in a meeting by two representatives from other fields of study, example Health & Medicine, and Education & Training, however any decision made at that time may not be in the best interest of the particular field of study (Natural Resources) whom their appointed representative is absent.

Members of the Committee suggested future amendments to the SINU Act to include each member having a nominee who can attend Council meetings on their behalf whenever they are unable to attend.

4.0 RECOMMENDATIONS

After reviewing the Bill the Committee made the following recommendations;

Recommendation 1

The Committee commends the Bill to the House for passing.

Recommendation 2

The Committee recommends further amendments to the SINU Act in the future to include provisions for each member of the University Council to have a nominee who can attend Council meetings on their behalf if they are unable to attend.

5.0 APPENDICES

Appendix 1 Witnesses

Date	Name	Position & Organisation
Thurs 14 August 2014 9am	Dr Patricia Rodie	Vice Chancellor, SINU
	Sir Nathaniel Waena	Pro Chancellor & SINU Council Chair, SINU
	Dr Franco Rodie	PS, MEHRD
	Ranjit Hewagama	Chief Legal Draftsman, AG Chambers

Appendix 2 Minutes



BILLS AND LEGISLATION COMMITTEE

NATIONAL PARLIAMENT OF SOLOMON ISLANDS

Minutes of Committee Meetings and Hearings

Deliberative Meeting

Wednesday 13th August 2014, CR II, Parliament House 11:04 am

1. Members Present

Hon. Manasseh D Sogavare, MP (Chairman)
Hon. Dr Derek Sikua, MP
Hon. Matthew Wale, MP
Hon. James Tora, MP
Hon. Milner Tozaka, MP
Hon. Andrew Manepora'a, MP

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2. Prayer- Hon. J. Tora said the opening prayer.

3. Committee deliberations.

The Chairman, Hon Manasseh Sogavare made brief opening remarks. He welcomes members for attending and state that three Bills will be discussed. The Family Protection Bill 2014, the Provincial Government (Amendment) Bill 2014 and the Solomon Islands National University (Amendment) Bill 2014.

The Committee after discussion resolved that for the two Bills; the Provincial Government (Amendment) Bill 2014 and the Solomon Islands National University (Amendment) Bill 2014, the Committee will only invite their sponsoring Ministries and the Legal Draftsman from the AG Chambers to make presentations on the Bills.

The Committee then discussed the issues to be highlighted in the report on the Family Protection Bill 2014. Discussions concluded and the Chair thanked committee members for contributing to the discussion.

3. Adjournment

Closing prayer said by Hon. A. Manepora'a
The meeting adjourned at 12:01 pm.

Committee Hearing

Thursday 14 August 2014, CR II, Parliament House 10:06 am

1. Members Present

Hon. Manasseh D Sogavare, MP (Chairman)
Hon. Dr Derek Sikua, MP
Hon. Matthew C Wale, MP
Hon. Milner Tozaka, MP
Hon. Andrew Manepora'a, MP

Secretariat

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Witnesses

Dr Patricia Rodie - Vice Chancellor, SINU
Sir Nathaniel Waena - Pro Chancellor & SINU Council Chair, SINU
Dr Franco Rodie - PS, MEHRD
Ranjit Hewagama - Chief Legal Draftsman, AG Chambers

2. Prayer

PS for MEHRD said the opening prayer

3. Committee hearing into the Solomon Islands National University (Amendment) Bill 2014

The Chairman made opening remarks and welcomes the Permanent Secretary (PS) for the Ministry of Education and Human Resource Development (MEHRD) and two officials from the Solomon Islands National University. He then invites the PS to introduce his group and made his presentation.

The PS made his presentation before the committee. The Committee questioned the PS, the SINU officials and the Legal Draftsman on the contents of the Bill. The PS and SINU officials answered, made clarification and commented on the Bill. Evidence concluded and the Chair thank the witnesses for their attendance and contribution on the Bill.

4. Adjournment

Closing prayer by the Chairman of SINU Council
The Committee hearing closed at 10:45 am.

