

BILLS AND LEGISLATION COMMITTEE
INQUIRY INTO THE
CONSTITUENCY DEVELOPMENT FUND BILL-2013

13 March 2013

TRANSPARENCY SOLOMON ISLANDS

Members

Hon Manasseh Sogavare	-	Chairman
Hon Douglas Ete	-	Member
Hon James Tora	-	“
Hon John Maneniaru	-	“
Hon Derek Sikua	-	“
Hon Matthew Wale	-	“
Hon Milner Tozaka	-	“

Witnesses

Mr Bob Pollard	-	Board member
Mr Daniel Fenua	-	Executive Officer
Mr Sheperd Lapo	-	APLAP Coordinator
Mr John Taupongi	-	Secretary

Mr Chairman: Thank you very much members of Transparency Solomon Islands. The series of hearings now taking place is on the Constituency Development Funds Bill 2013 that the Committee receives from the Government. During the series of hearings yesterday the

government ministries came, and today is stakeholders outside of the Government system will be given the opportunity to address the Committee.

You are, of course, protected under the privileges and immunities of Parliament and so whatever you say here will not be taken up against you in any court of law all in the interest of saying all the things that needs to be said so that the Committee can take them up all in the interest of advising Parliament properly when this bill goes before Parliament for deliberation.

What we are going to do, when you address the Committee, state your name for the purpose of Hansard records so that we know who is talking. It is, of course, live but delayed broadcast through the television later on.

Welcome to the second hearing, and this is Transparency Solomon Islands, an important stakeholder on this bill. Your interest as the organization is rightly named - Transparency Solomon Islands. Some of the keys, I guess, the pillars of our democratic system is to be transparent, accountable and be responsible are virtues that everyone is interested in and are pillars of democracy as well and so you are a very appropriate organization to share your views of what is a very important, just a small bill but a very powerful and important one and we want to get your views on it.

Once again thank you very much for coming. We will give you the opportunity to talk. I don't know how we are going to organize here, I don't where we will start. Anyone will start and then you can continue to make your presentations before it is opened up for discussions. We did receive your written submission here as well. We did not have the time to read all of them, we are yet to read them. But it would be nice if you make your presentation as well so that we can discuss it later.

Mr. Daniel Fenua: Thank you Chairman and members of the Committee. We are Transparency Solomon Islands and we are very grateful for the chance given to us by the Committee to make this submission. I am Daniel, the Executive Officer for Transparency Solomon Islands, and here with me on my right is Shepard Lapo, the Allier Coordinator of the Legal Advisory Centre, two of our board members of Transparency, our Secretary John

Taupongi and our ordinary member Bob Pollard in front here representing the TSI as an organization.

To start with, I would like to highlight just the general comments regarding the Bill. First, I would say that we are very disappointed with the consultation process related to the Bill and the timing of the Committee's invitation for our submission. We think this important bill should have very wide consultations prior to the drafting of the bill. In terms of the timing, just yesterday we were informed that we received an invitation to come to this hearing. Given the significance of the bill we think that we are supposed to be informed in advance and consulted thoroughly prior to our submission.

Just a second point, background to the Constituency Funds Scheme, in front of you is a copy of our submission. We acknowledge that this scheme is introduced in many developing countries like the Philippines, Kenya, Bhutan, Malaysia, Jamaica having varying levels of success and failures. In regards to countries still evolving in their political system, like Solomon Islands there are a lot of unsuccessful stories borne out as a result of these constituency funds.

I think in the past we have responsible ministries and the provincial government that deals with the delivery of services. The advent of the constituency development funds sort of replaces the roles of provincial government and the ministries.

If you look at part (c), we mentioned there that there is no policy rationale for the bill. I will just go through in brief before our members comment on them.

The other very important point is that we believe from our understanding and from our readings that this is infringement of the doctrine of separation of powers if this bill is passed. One of the main reasons is that MPs will not concentrate on what the Constitution is giving them as their five main roles instead they will involve in the budget implementation stage, which is not their role, but the role of the ministries, and in that case the highest officer is the permanent secretary.

We shall move on to the accountability of public funds. From our reading of the bill, it is still unclear whether the CDF, the constituency development fund will be appropriated by Parliament or will form part of the consolidated account. Under the constitution as we understand all moneys received or raised by the government must be paid into the consolidated fund, and the bill does not expressly establish a special fund for the 50 constituency funds. This means that any such constituency funds are part of the consolidated fund and their expenditure looks like will be authorized by Parliament through the normal appropriation process. The bill, in this case, is silent on the potential sources of the funds we are talking about here and we think this must be clarified before any further consideration on the bill.

Another issue here is the public funds that since it is termed public funds, it is supposed to be governed under the Public Finance and Audit Act and the Financial Instructions of 2010 applies. The MP will still be a signatory and we see this as violation of the Public Financial Act which the MP is not supposed to be signatories to public funds.

Another important point, and this is a general comment, the Bill renders provincial governments as obsolete. If an office is formed for these constituency funds, given the amount of money that will be available through that office, the possibility of many people being drawn to that office rather than the provincial government is high. In that sense some of the important services that are supposed to be provided by the provincial government will no longer be effective because all the people will go to this office because of the huge amount of money that will be available through that office. With those, my colleagues will give further support on these comments.

Mr John Taupongi: Thank you Chair. The overview of our submission is already put forward by Daniel to the Committee. Rather than go into the specific provisions, we prepared like parallel submissions where we went through clause by clause, but on my

part I will wait for questions from the Committee when we go into the bill before I will comment in that regards.

Mr Bob Pollard: Thank you again for the opportunity to make this submission and just to reiterate our concern. The central concern that we have about this bill is that it's fundamentally taking our Parliament in the wrong direction. The role of MPs is legislation. Giving MPs this role of project managers is belittling MPs and it's fundamentally wrong in our Constitution. It is not the role of MPs to be signing cheques and managing funds. As we see it, this bill is an attempt essentially to sanitize a process that is already there and may be in a sense one could see as a kind of mockery. A fish that is rotten, even if you put what kind of source on it, when it's rotten is already rotten. I think we see this process as something trying to regularise something that is already wrong and doesn't matter by putting it into a bill and these kinds of forms. It's fundamentally wrong and I think for us to go down this road is a serious error. The experience of the RCDF as we pointed out, there is no substantial basis for the RCDF as an effective policy. I think Daniel has pointed out the history of this approach to governance, essentially stems from the recognition of the failure of government services. I think we recognise that in the years past, there has been the acknowledgement that government services did not reach people in the provinces and the rural areas. I think that is still the fundamental problem and the question is what is the right solution to that problem? I think the answer is to fix the ministries, to fix the government services so that they do reach our people. Creating a parallel channel for services really just reduces a government to projectising in the best instance and in the worst instance, it is really the cornerstone for corruption, creating a mindset and a mentality of abuse of power by some members of parliament.

And so, I think we are strongly opposed to this bill. It is going in the absolutely wrong direction for us as a growing economy, as a democratic state. I think as is on record, it is the biggest pain of MPs life that they are reduced to being a project manager, to being a cheque

signatory for projects that are generally well intended, but in many cases are difficult to substantiate.

There is no record of proper audits of these funds and so a country is left in a situation where large amounts of money, and if you look at this year's budget, we are looking at approximately about 10 percent of the budget is allocated to these types of funds left to the discretion of the member of parliament.

In conclusion, again we are saying that this is the wrong direction for us to be going. This Bill is inadequate and is incomplete. For example, one of the points made further in here is that it refers to the constituency as a legal entity. It asks the constituency to draw up plans and who is the constituency? Who will be held accountable for drawing up these plans? And so, as a matter of law that is significant legal error there assuming constituencies can draw up plans and who will be held accountable for that? Who can be asked to do that?

Back to our theme of corruption, I think it is our proposition that these CDFs have created a climate for corruption because in some cases it is perceived that members are able to use these funds for their own discretion, and so if our honourable members do that, then why should not anybody else behave in the same manner in public service right the way down? I think this is a very significant part of our governance and so our view is that we should go completely the opposite direction, we should be right away from having discretionary funds fix the problem. The problem is that our government ministries are not delivering services. That is the problem, I think, that needs to be fixed. Thank you.

Mr Chairman: Thank you very much for the submission. I think we will go through the discussions and get your views on some of the areas that you've raised. Thank you very much too for being very open and frank about what is before us and as I said it is all in the interest of us advising the government properly.

As you've rightly pointed out, I think the Solomon Islands Government has gone through a series of experiments on how to deliver services properly to the rural areas. And as you've rightly pointed out, the idea of those kinds of funds going directly to members of parliament was borne out of the concern that services do not reach the rural areas. When funds go

through the provincial government system, it got lost in that system and nothing really reaches the people. May be that thinking was borne when there was not enough money and so probably it got drowned out in the provincial government system. And now we are talking about almost \$5.7million, in the 2013 budget, we are talking about \$5.7million; \$1million from the Republic of China and almost about \$2million from the Solomon Islands Government and so it is about \$3million or so coming under some kind of discretions or directions from members of parliament directing where those funds should go. And the balance of what comes through members of parliament goes through line ministries, like agriculture projects, fisheries projects, tourism projects, health projects and so forth, these go through line ministries and members of parliament just endorse or direct where they should go. That is all they do, they do not touch those funds and whatever. And again, building up from the concern that if these funds are put through the provincial system, they will be subjected to political debates and will not be equally distributed to places where they need to go. They will be subjected again to politics in the provincial government system. Thus the suggestion to direct those funds through constituency set-ups so that all the constituencies are sure that they have \$350,000 worth of sanitation projects at least in the constituency. They have at least \$147,000 reforestation program that will go to the constituency or about \$250,000 downstream processing program under forestry that will go directly to the constituency. It is that kind of thinking just a follow up from the point that was raised.

In your views, we are still finding out the best solution as to how we can really address development needs right at the constituency, the rural level. And when you talk about the rural level, you cannot get rid of the political territory called the 'constituencies'. In the past we used to have area councils where constituencies were broken down to area councils. We are looking for the best solution on how to address the problem of effective delivery of services.

The only institutions we have now to do that if done through the government systems as it exists now is through the provincial government system. In fact, we cannot go anywhere else because it has to be the provincial government system if we want to deal with a level of government at the lowest level, and it is the provincial government system.

With all the problems that we have been raising, we need your views on this as well as to how can we address this problem of not fair distribution, the involvement of politics; politics at the national level and politics at the provincial level too and also politics at the constituency level. So this is an attempt by the government in trying to come up with a legal framework to do it properly so that we address the concerns that we have.

The Committee met with the Government yesterday and we shared a lot of concerns that you have also raised today that this bill does not really address the concerns raised by the public as to how the funds are used. For example, there is totally the absence of a governance structure right at the constituency level. If the intention is to remove it from members of parliament then don't move it to another political animal called provincial members. Maybe move it down to the people themselves. But would that be a suggestion we can look at? If that suggestion looks good, then how are we going to do it? The bill is totally silent on that, it does not establish any structure whatsoever at the constituency level where members of parliament can move this thing down further and the people themselves decide as to how the funds should go, who should be assisted and so forth. And the connection that members of parliament have would be by way of a constituency development plan that will give to the constituency a copy; and the bill briefly mentions that, a copy to the Ministry of Rural Development so that we know exactly what is in the mind of a politician who is responsible for a constituency and what sort of development does he want to happen there.

So his connection by way of a constituency development plan plus the yearly budget that will be formulated based on the long term development of the constituency and then give it to the people themselves to decide, to approve the budget and liaise with the member of parliament whether that is where they want their money to go to. And once the people agree that yes, this is where their funds for this year must go, it holds the member of parliament to be really accountable. He needs to honour what the people want; we want funds to go this way. And the copy of that whatever, either by way of a warrant to the Ministry of Rural Development as well tying down all the parties, and when the acquittal comes, it goes in line with what is agreed to by the people as to where they want their money to go to.

We take what you have mentioned. We want more of your views. What you are saying to us is that the direction the government is heading is not right so what should we do. What are you going to really advise us on? Before we go through the clauses of this bill, maybe let us generally discuss how we are going to address this issue.

Probably it reaches a point of no return. There are five points something million dollars now multiplied by 50 constituencies, is talking about 10 percent of the annual budget which gets to a point of no return. Maybe it is in the interest of everyone to come up with suggestions that will address the concerns we are having.

We take your point, it is the wrong direction and you are opposed to the bill. How are we going to advise parliament.

Sorry I may be talking around in circles here. Maybe the first question is this: in terms of the general direction, if you oppose it, then that is the end of the story, but if you have any other suggestions as to how to improve it then let us talk about it. Maybe you help us to advise the government as to how we can address this.

Hon. James Tora: I want to join you in acknowledging Transparency Solomon Islands for appearing before the Committee this morning.

I agree with Transparency regarding consultation and timing of this bill. The same sentiment was raised yesterday by the Committee to the ministry responsible that not enough time was given to consult stakeholders and even people right down in the provinces. I agree with that.

The background of the CDF schemes and you have noted down a few countries that have also applied the same thing - the CDF. In your research, do you find any ups and downs or any problems experienced by any country, like what is happening today in Solomon Islands on this CDF fund that we are trying to put right? If so, which country is it? What I can see here is unless the Government improves the terms and conditions of members of parliament. Because when I look at this fund, it is a bit political.

But I agree with Transparency Solomon Islands, like I was saying yesterday that I do not agree with members of parliament becoming signatories to the account. I want to see the

permanent Secretary of the responsible ministry, in this case the Ministry of Rural Development. This is one of the things we need to sort out.

I want to know from the countries listed here, didn't they meet any problems along the way when setting up this sort of funds and operating it? I see this fund as a political fund. We must substitute any funds somewhere to improve the terms and conditions to the member's salary, like what was raised by the honourable member for North Vella La Vella and Chairman of Foreign Relations Committee yesterday that we must increase the salary of members. But any attempt to increase members' salary was met with a lot of criticisms and many people discouraged it.

I tell you Transparency Solomon Islands that if you come to our houses, you will see people sitting down under the bottom of the trees right up to our bedrooms of our houses. This has never happened in the past. But I am glad that you are here to make sure everything is put right for us, especially in the setting up of these funds.

For myself I want to remove being signatory to the account from MPs. I don't want to be involved but I want to leave it totally to the ministry or whoever we assign to do it.

Mr Chairman: Maybe you should respond first of all to some of the issues that are raised, otherwise we might be talking too much. We appreciate what the member has said.

Mr. John Taupongi: Maybe I will respond to the question by the Honorable James Tora and Bob can respond to your earlier question.

In terms of what we noted down on the paper there comes down to what we raised earlier about the timing of all of this. We have had very limited time to do this research. We looked at examples that are used, like schemes used in other places, like the ones I have listed. At this stage I can take this question on notice so that I provide further information on it. But from what we have put together basically last night, all these schemes are not the same as what we are proposing now. There are some that involves a combination of MPs and local government. I got actually combining so it goes to what we called it here

province and they work together on that. But in terms of the question you are asking whether they came across problems, it is basically all of the above. Everything we listed here is facing that problem, and the additional problems they are facing is that when equal amounts is given to every constituency regardless of their size, it was shown to be a bit regressive. That's one thing we are yet to really explore. But there is a whole body of literature out there on these types of schemes and is not standard across the world.

We looked at these other countries but none of them is directly relevant to us because their political system is different from ours. We are the Westminster system and then we tweaked it a little bit to suit our circumstances here. What we listed here has been experienced in many countries.

I cannot say which one is more successful than the others. As you can see on the list in our submission, mostly Africa is inside there, it has tried this scheme already. Kenya has even ended up in court, challenging the ground on the separation of powers. That is what I can say at this stage. If the Committee wants to have a little bit more information on this, I've noted some things in the written submission in the footnotes, but I take this question on notice and give further information to the Committee.

Mr Bob Pollard: Chair, just to add one more point to John's point. I think in our discussions we had with the ROC Ambassador, we asked him the question whether these types of funds are used in Taiwan and there was a clear answer 'no'. This type of approach is not used in Taiwan, although they are the major funder of our CDF approach to governance.

The question that you raised Chair, I think is really central to this discussion - the delivery of services. We don't pretend that we have a complete answer, but I think what's clear is the principle of the separation of the legislature from the executive. I think our concern is what this bill is doing is it is not keeping that boundary, it is bringing MPs, it's forcing them into the role of the executive of government. It is the

executive's responsibility to run public services and to deliver the services to our people. Let me just expand on that, and let us take for example the Ministry of Health. The expectation is that health services would be delivered through the Ministry of Health. What this does, and I think there have been cases of some MPs maybe with good intentions have then used their funds to deliver health services in their area. This, I think, perpetuates one of the problems that we have if we look at the history of our development here, is this duplication of parallel systems. We have a government system, let us take health, in the past we have had donors who've come along and they seemingly have not been happy with our delivery of services and so they have created another parallel system and now we have MPs being forced to create a third parallel system.

The point is, aren't all these systems going to face the very same problems. I think in recent times we have seen donors now moving to what they called the sector wide approach where they are saying, 'rather than having a parallel system, let's work in concept with the government in the case of health and I think the case of education. I think it points to this point that it is the role of the executive government, it is its responsibility to deliver services.

You raised this issue about the politicization of the executive and I think this is a very interesting theme if we look at the recent history of our public service and the politicization of that, and how that maybe correlates to diminishing services. I think you could argue that that what we are simply doing now with the CDF is an extreme form of politicization of services. I think if this bill is to proceed we might find in the future that we had simply – let's do away with all the ministries. Why not just do away with the Ministry of Health, the Ministry of Education, the Ministry of Agriculture, let's do away with them and simply give all the funds to the MPs to manage for their constituencies. That would be the extreme, the logic, this is the path we are going. We started with small amounts now of \$5 to \$10 million per MP, why not go the whole

way. I mean that is a good way for us to explore, is this the way that government should be going. Let us do away with this very expensive public service and simply put all in the hands of each constituency managed by the MP. You can see that if you are thinking in that term then how absurd this direction is for us to be going.

Thank you for the opportunity. I think that is central to this issue, that is our concern. It is not the direction that we should be going. The separation of legislation from executive is a really important cornerstone of our democracy, our constitution and this bill, as we see it, will contravene that. If it does proceed, I think someone made the comment earlier that may be 2014, 2018 it could be the CDOs now coming to parliament rather than the members.

Mr Chairman: Thank you very much. As raised by the colleague here and as you pointed out, consultations, yes it is very true that there is not enough time for consultations. That we picked out from the ministry yesterday. The timing for the coming into force of this bill will not be until January next year 2014. We made the point to the ministry yesterday that if that is the case then what is the hurry of pushing in the bill at this time because there are no consultations, you have admitted that consultations are not wide enough so why not fix all those things first.

Our concern here as members of the Committee, and as I have pointed out earlier, we've probably reached a point of no return here that it looks like this scheme even how much we are not happy about, it will continue to remain. There is also the potential, as you've rightly pointed out Bob Pollard, of it being increased.

A point I want to reiterate again is that there are a good portion of that fund not coming directly under the discretion of Members of Parliament. I think that is a point worth noting. It is to be delivered by the ministries responsible but directed by members of parliament, for example, tourism, if we want a resort there, it is to be delivered on the basis of may be a tourism plan the constituency has. We also

encourage under this bill to have a long term development plan. So the thinking intention here is that the use of these funds will be guided by a long term development plan. And the thinking of this Committee as it progresses may be is that that is the only connection with the Member of Parliament on the way forward of improving this. The connection with these funds would be by way of a development plan and by way of guiding a yearly budget. That's all. And then the MP will not sign the cheque and not do whatever but that is to be done by a set up in the constituency.

Right now, the way the bill is structured we are still working with the Ministry of Rural Development and so a Member of Parliament will still sign cheques. There is a lot of weaknesses in this bill, for example, and the existing weaknesses that remain will be endorsed, we codify the existing weaknesses basically, is a point raised by a number of our members yesterday.

The concern is that we have reached the point of no return. May be the way forward here is if we can get enough public views and the views of those of you who appear before the Committee so that the best that we can probably do to this particular bill is to request the government that we need more time to consult with the people and to discuss how best we can address it.

I do not know because the implementation of it will be in 2014 and the way the bill is structured is that all the constituencies must have an office, manpower and the budgetary implications there is quite huge. I think most constituencies do not have offices right in the constituency itself. Ideally, it should be at the constituency level and not in Honiara.

Unless other colleagues have anything else to say, but we have your submissions and we have 15 minutes with you, is there anything else that you would like to tell us? I think we picked up the crux of what you wanted to tell us. Anything else that you would to tell the Committee or anything that members of the Committee would like to ask the group?

Hon. John Maneniaru: I would like to make a comment first which would then lead on to a question. As you have alluded to Mr Chairman, and even the Committee has been struggling

with this yesterday, but I think the message is loud and clear from the meeting we had with the ministry yesterday that a lot of clauses here still needs to be improved. But what the Chairman said is also true that we have reached the point of no return with this, and that is a concern I have as a member as to what sort of powers do I have to stop it when it becomes a bill. When number pushes it through this House, it will go through despite of whatever we might say here. I think the Chairman has rightly asked, what can we do.

The point I would like to make is, I think the funds going through the constituencies have support for and against. An area that is really evident here, as you mentioned Bob is the delivery of services equally to people in the constituencies, which represents the whole country.

In the past a majority of constituencies were left out of receiving services. They are not in the system of the government delivery because the delivery machineries within the government, the ministries and down to the provincial governments did not reach the people, especially the remote constituencies, and so that concern is true.

But here, when funds are delivered through the constituencies, at least a part of it reaches the people. That is how I see it. I for one do not want to sign checks and so forth, but the way it is now makes the funds to go through the constituencies and since it is for my people I have to do something about it.

My question is, the government delivery machinery has broken down, as we are all aware. It is not functioning and working effectively and efficiently as it should be. If we go down to the second delivery machinery, the provincial government, it is even the worse. Only a few provinces are up there actually managing and coping in looking after their province but some are really struggling.

Xxxxxxx

10.36

Xxxxxxxxx

10.41

Mr. John Taupongi: talking about the relationship between the two. The biggest fear, and it is in our submission, is that currently there are many provinces and constituencies that have, you know like a conflict over turf - territory basically. There is no written law anywhere or rules that talk about where do Members of Parliaments' role end and where do provincial governments start. I can already see that if this one comes in, it will only worsen things, this dispute over territory.

I cannot suggest how to link this scheme with the provincial government but at least address it. If the idea is to completely carry it out then at least say so. I think that is the kind of improvement we would like to see. But let me qualify that by saying that according to our submission, we would rather not do that and just reject the whole bill. That would be our recommendation but that is in the alternative.

Hon. Derek Sikua: I want to raise a few points. On the point about the connection between provincial executives and members of parliament within a province, I think there is a provision within the Provincial Government Act that calls for the formation of a committee to be chaired by the premier of that particular province for a committee to be formed by the executive of the province, as well as all members of parliament within that province. That committee can be called by the premier as the chair for them to meet together on a regular basis to talk about the interests of the province in connection with members of parliament at the national level.

I think it is the Provincial Government Act 1981; the member for North Vella I think you are the expert on this. I know our Premier from Guadalcanal sometimes called us to meet where sometimes we did not turn up but there is that provision.

I would like to make the point I made yesterday on the attitude of our people towards rural development and towards members of parliament. In the last 35 years or maybe a shorter period than that, we have funds like these where members of parliament gave the funds but what happens to it when the funds are in the hands of our people is another question whether they have used it for the purpose that is intended or is used for other things. That has

certainly been the case up to now. Again we need to look at the other side of the coin and look at how our people treat these funds. That is exactly how they view members of parliament too.

With or without RCDF, I believe that people will still go to their members of parliament to seek assistance when they are sick, when there is death, when there is church festival, when there is compensation to be paid and when there is bride price to be paid. This is because you have clearly put down the roles of members of parliament to be five. Our people do not see those as the roles and responsibilities of members of parliament. A lot of our people see the role of members of parliament as their ATMs or as their slaves. "I voted you and so I have the right to ask you for money". I voted for you and so I have the right to abuse you if you do not give me what I wanted. That is the thinking of the majority of our people.

So with or without RCDF, I believe that people will still come to the Member of Parliament. And if the member of parliament says 'sorry, I cannot help you, go to this particular ministry that has the money to fund the cocoa; you go to this ministry for teak plantations, fisheries or clinics or whatever. When they go to those ministries, as you've rightly pointed out here, the ministry people might be wantok business too and so they just bounced back at the ministries. Now there too is the problem, and similarly with the provinces.

Provinces now rather than becoming a committee to allocate funds as agents of government to certain areas of development, are also mimicking the central government where there is an executive and the opposition, there are motions of no confidence, but that should not be the intention of provincial governments. As agents of the central government, the money that goes down there should be allocated for the development of the province. It is just simple as that. But provinces are developing into mini central governments too. Very soon when we have the federal government system it will be just worse.

When we look at this bill let us not try to put the blame too much on members of parliament. Some of us are pretty nice and good fellas, we are not all corrupt, so let's get rid of the thinking in our mind that once funds go to members of parliament it will make them more corrupt. Some of us have tried our best but when you look around there is no cocoa in those bushes or coconut plantations and so forth. The roofing irons that we have been giving to the people, sometimes are just left under the house and some have been resold. And so we need

some good thinking on this one. And I think the chair has made that very clear. We want the best for our people, and that is what we want to do. But the way forward needs to be looked at properly so that we see a better way forward.

We agree, yes this bill does not go through proper consultation. I just want to make these points before the member for Aoke/Langalanga talks and confuses all of us further.

Hon. Matthew Wale: The member for North East Guadalcanal keeps talking and I so forgot what I wanted to say because he really confuses me.

I suppose the reality if you listened in yesterday to the discussions by the Legal Draftsman, the Auditor General and those from Planning and the Ministry of Rural Development, it is clear that even the Ministry of Rural Development does not want this bill. They are pushing something they are totally unconvinced about. It is also clear from yesterday, you are not here yesterday but had you been here and see the face of the Legal Draftsman, you would see that he is very embarrassed that he acted on instructions to draft something that he personally find difficulties with. When we pose questions as to why certain policy choices have been made, the difficulties became abundantly clear.

This thing would now come down to the numbers game. This thing is democracy at play; democracy in Solomon Islands today is on the numbers game. It is a sad state of affairs but that is the democracy we have. And because of the numbers game, even if say, for example, the Prime Minister wanted this thing to be on a totally arms lengths basis, functional, it is remedial in terms of the problems we identify in the Central Government ministries and provincial governments and so forth it will really deliver, even if the Prime Minister wanted that ideal situation, he does not have the numbers to pass such a bill because maybe by perception or fear or just assumption, but a good number of Members of Parliament inside his caucus which he would need to pass it; of course if he brought such a bill, we would wholeheartedly support it in Opposition and the Independent but because of that number situation I think the perception and the assumption is that it constrained and that's why this bill is merely trying to codify current practices, exactly the current practice we would like to get rid of. That's the best case scenario.

The worst case scenario, of course, is where the Prime Minister wants to codify the current practice, his government wants to codify the current practice so that as you termed it, it sanitises the current practice. And this is what we are really on in favour of here in the Committee. We agree with what you are saying on the separation of powers principle, and it's more than a principle, it's a doctrine we must all embrace and zealously guard. Because if we don't guard it zealously then it will continue to be undermined, so we are in a little bit awkward situation as you will sense.

We cannot play our arms length independent oversight function as effectively as we ought to play as effectively as the Constitution requires of us and as effectively as the people expect from us because we ourselves are decision makers when it comes to allocations and signing of cheques and whether Tom should get it or Dick or Janet. When we become involved in those detail decisions, we cannot ourselves play the oversight accountability function. So it's a juggling situation which doctrines and principles ought to overrule others and so forth, plus the pragmatics of the politics of our democratic system today. At the end of the day if the majority says get that money and corrupt it then it will be that way, that's the democracy we have. It's unfortunate but that's the democracy we have.

Obviously, this bill must go back to much wider consultation that democracy tested more at the grassroots level is really important. Because as you know the electoral system made me win with about 1,700 roughly votes. There were maybe 4,000 votes cast and 1,700 votes was barely 40 percent of the total votes. So arguably of the votes cast the other 60 percent will have a view totally different. These are all assumptions but democracy at the grassroots ought to be tested on this very important bill because we say it talks about delivery directly to the people and it touches them more than any other part of the machinery of the executive government. As you see, this is a much wider debate that is yet to take place.

The other issue or concern is the problem we have with this Federal State Government proposal, which is also undermined by this bill in the same way it undermines the current provincial government set up. We are moving to, in some ways similar to what the late Solomon Mamaloni has been trying to do in the past when he repealed the Provincial Government Act of 1981 and then brought in the area assemblies, and the area assemblies were going to reflect pretty much what this bill is trying to do.

Fundamentally, we are not having a struggling debate and honest debate about what system of government we need and if we are going to do it, let's do it properly. We are still in the Provincial Government System talking about the Federal State Government System and bringing this thing in, not knowing where it sits with regards to all of the above.

If the state government system comes in, and that is a very, very big if, how is this thing going to sit with it. Some forethought needs to be given to that. It is because of lack of consultation that's why there are no answers to those things. So like you quite rightly pointed out, this innocent looking piece of three or four pages of words represents a significant intrusion of bad governance really sanitizing or legitimizing what is actually really bad practice in its current form.

We are very heartened or I am heartened to see your written presentation this morning and to hear you speak to it. It is unfortunate that the wider population has not been consulted on such a significant piece of legislation being proposed but we would encourage you to try with perhaps other organizations. I see that the Anticorruption Network Solomon Islands is here and the Ma'asina Forum as well; these civil society organizations try and garner greater, perhaps even independent of this legislation or this consultation process, a dialogue, a debate within the country to force Members of Parliament to look beyond themselves. This thing is difficult because members of Parliament who are going to legislate it have a deep hand in it, and so if there is an

independent process may be it will force Members of Parliament to do the right thing. We have been asked to do the right thing in spite of ourselves, in spite of our own fears of not being re-elected if we do not have access to these funds is one of those issues that Members of Parliament are struggling with. Let us not trivialize it because they have to make those decisions. We need to disabuse them and disarm them of those fears that it is alright to move to a system that is going to really work and so forth.

Chairman, those are my comments that I wanted to make.

Mr Chairman: Thank you very much, in fact we will say amen to that. The MP says himself but we all share the views expressed and really appreciate the written submissions. As much as we would like to continue with these discussions but it looks like it is time up now and we take full note of what you are saying. We will not take those things lightly, but we will make some serious recommendations to the government on this bill. Once again I would like to thank you very much for appearing before the Committee. Thank you.

Mr Bob Pollard: Mr Chairman, just to say thank you very much for the opportunity. We appreciate the opportunity to come and present our submission. The careful and considerate response you have given to us is appreciated. This is something we are doing in the best interest of the country and we look for the country's interest to benefit most from us. Thank you very much.