

What Happens in Parliament?

Teacher Resource Booklet

Helping Students Understand The Functions of Parliament





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We wish to present our special thanks to Ms. Emma Wakeling and to the Australian Government's Australian Volunteer Program, of which she was part of. In her role as Curriculum Support Officer she dedicated her time to the final editing of the text and in that process compiled the Teacher Reference Booklet and Student Activity Booklet which makes the material even more user friendly. Finally to Mr. Alex Seama for the team work and support throughout.

Tagio tumas.



Mrs. Marisa Pepa-Galo

Director, Parliament Education Unit

Purpose of Resource

The law is the framework within which citizens of nations consent to be governed. The theory of democracy is that once people elect their members of Parliament (law makers), they recognize the legitimacy of the laws made on their behalf by the lawmakers and consent to abide by those laws. Parliament legislates by examining bills (proposed laws), making amendments, and agreeing to their final form. These bills then become, 'Acts of Parliament'. For a country to have a healthy, thriving and successful democracy it is important for all citizens to have an understanding of these basic principles. In Solomon Islands a bill passes through several stages before it becomes an Act of Parliament and a bill follows a prescribed formula set in the Standing Orders (procedural rules).

This resource book was prepared by the Solomon Islands Parliamentary Civics Education Unit to assist Social Science teachers understanding and knowledge of the steps involved in passing Acts of Parliament.

Specifically, the information in this reference book relates to the 'National Government' sub-strand that is taught to students in **Year 8 (Form 2)**. At this level students are expected to know the political machinery and parliamentary processes in Solomon Islands. To this end this resource book directly relates to the following national learning outcomes:

Year 8

- 8.5.2.6 Describe the roles of the Prime Minister, Cabinet and the Opposition Group
- 8.5.2.7 Outline the processes by which laws are made in Parliament
- 8.5.2.9 Define the terms Executive Legislature and Judiciary, Political Parties and Parliament Committees
- 8.5.4.4 Explain the role of political parties and Parliament committees and how they function

More specifically, the learning objectives of this resource book are as follows:

Learners should:

1. Understand and explain the three arms of the state; the executive, Parliament and judiciary
2. Know what the Westminster Parliamentary System is and that it was adopted in Solomon Islands from Great Britain
3. Describe the three political groupings in Parliament, the Government, Opposition and Independent Offices and their roles
4. Understand the four core functions of Parliament; representation, law making, scrutiny or oversight of the executive, passes budgets and appropriation of funds.
5. Describe the role of the Speaker of Parliament
6. Explain the law making process from a bill to an Act of Parliament
7. Describe the role of the Governor General
8. Understand and explain Parliamentary Committees
9. Describe the departments within Parliament

While this reference booklet's main purpose is to provide further information and explanation to teachers about the Parliamentary system of Solomon Islands, a teachers support and student activities booklet have also been included to supplement the information found in this booklet. The use of these documents are at the discretion of individual teachers and teachers are encouraged to use those resources that best meet the needs of their students.

Introduction to Parliament

At the independence of Solomon Islands from Great Britain in 1978, Solomon Islands adopted features of the British system of parliamentary democracy (known as the Westminster system). Under that system, Britain is symbolically ruled by the Monarch (the Queen) but most powers, including that to make laws for the land, lie with Parliament. Parliament in turn comprises two Houses – the House of Commons (Lower House) and the House of Lords (Upper House). Britain's Parliament is thus bicameral (two-tier) with the Lower House making laws and the Upper House providing oversight. Under the Westminster system, governance of the land is undertaken by three distinct arms of government founded on the doctrine of separation of powers. That doctrine holds that the power to rule is vested in and exercised by three separate arms, the legislature which makes laws, the executive which runs the affairs of the nation, and the judiciary which interprets and applies laws. In theory, each arm of government has a specific mandate and must not interfere with another arm of the State.

Upon independence, Solomon Islands adopted the Westminster system but adjusted it to suit local circumstances. This was done through the Constitution of Solomon Islands 1978. The doctrine of separation of powers was maintained but the mandate of each arm of government was modified. Thus, Parliament was established as a unicameral (single house), legislature instead of a bicameral legislature. Representing the Monarch, the office of Governor-General was established as the representative of Her Majesty, who is the Head of State of Solomon Islands. The power to govern or executive authority, is vested in the Head of State as represented by the Governor-General, but to be exercised by the Cabinet (the executive). The Constitution also establishes the third arm of government, the judiciary (represented by the High Court) which has the same mandate as the judiciary in the Westminster model. Apart from some modifications, Solomon Islands retained most of the basic features of the Westminster system. This resource book focuses on the first arm of government – that being Parliament or the Legislature.

Solomon Island Parliament, being a unicameral house of representatives, has fifty seats. Each seat represents a constituency of Solomon Islands. Solomon Islands is divided into fifty geographical areas known as constituencies. Citizens of the nation are registered as voters in the constituency within which their respective home village or other place of residence is and in each constituency its voters elect from within that constituency one person to represent them in Parliament. Any citizen who is eighteen years of age or over is eligible to register as a voter but in order to be eligible to contest in any national election; a person must be at least twenty-one years of age and a citizen of Solomon Islands.

Parliament has a lifespan of four years, starting from the date on which Parliament meets for the first time following general elections and ending when Parliament dissolves (ceases to exist) exactly four years from that date. Since independence in 1978, Solomon Islands has had a total of nine terms of Parliament, each ending in dissolution. The current Parliament (2018), is technically known as the tenth Parliament since independence. Every four years, after a term of Parliament has lapsed via dissolution, voters go to the polls in general elections to elect their representatives in Parliament for the next four years. Persons elected by citizens into the fifty seats of Parliament are known as Members of Parliament, or more commonly, as Honourable Members. After being elected into Parliament, the first task of Members is to elect a Prime Minister so that he or she can form government (the executive).

The process for electing a Prime Minister falls to elected members of Parliament but this process is recognised and formalised by the Constitution. The election is by secret ballot and conducted by the Governor-General representing the Monarchy in whose office the power to govern Solomon Islands (symbolically) rests. Once a Prime Minister has been elected, his or her immediate responsibility is to appoint Ministers of the Crown, including a Deputy Prime Minister. Together with the Prime Minister and Deputy Prime Minister, Ministers comprise the Cabinet, another creation of the Constitution.

Each Minister is thereafter given an area of responsibility known as a Ministry. Every Ministry is administered by a Permanent Secretary and other public officers but under the policy guidance of the Minister. Ministries implement the policies of the government. Outside Parliament, Cabinet sets out its vision through policy statements and the Ministries ensure that this vision is carried out. For this reason, Ministries generally cover all areas of responsibility of a government including social services such education, health, communication, transportation, fisheries, mining and energy, forestry, civil aviation and public service. This is how the government or the executive govern Solomon Islands.

Following the formation of a government, the next task for Members is to hold the first meeting of the new Parliament. In that meeting, Members elect a Speaker (who is not a Member of Parliament but usually a senior statesperson) and a Deputy Speaker (who is a Member of Parliament). The Speaker presides over all Parliament meetings and administers parliamentary business and the Deputy Speaker assumes the role of the Speaker when the latter is absent. The Speaker is assisted by the Clerk, the Deputy Clerk and the Serjeant-at-Arms who are all officers of Parliament. The Serjeant-at-Arms normally carries the Mace when Parliament is sitting. The Mace is the symbol of the privilege and authority of Parliament and must be in the Chamber of Parliament before it can meet.

DID YOU KNOWThe Mace was a special gift from the New Zealand Parliament and was given to Solomon Islands when it gained Independence from Great Britain in 1978. The Mace is made from New Zealand timber, its design reflects the history, diversity, tradition, culture and languages of the Solomon Islands and the head of the mace has the Solomon Islands coat of arms engraved on it.

In Parliament, the government comprises the majority of Members. Those Members who support the Prime Minister and his or her Cabinet remain with government as 'backbenchers'. Those who do not support the government form the Opposition and act as an alternative government. The Opposition is constantly scrutinising the government's policies and its proposals that end up in Parliament. The Opposition thus is primarily responsible for maintaining Parliament's role (as a distinct arm of government), of scrutinising the executive and its actions. Often some Members choose neither to support the government nor the Opposition but offer their support based on how they feel about a particular proposal on an ad hoc basis. These Members normally form the Independent Group. The Opposition is led by a Leader of Opposition and the Independent Group is guided by a Leader of the Independent Group. Both Leaders are appointed by the Governor-General on the advice of the Speaker of Parliament.

If for whatever reason a Prime Minister is considered by Members as no longer fit to lead the government, there is provision in the Constitution for his or her replacement by another Member of Parliament even before the four year term of Parliament lapses. This is done by way of a motion of no confidence in the Prime Minister. If this motion is passed by an absolute majority of all fifty Members, the Prime Minister will be removed from office by the Governor-General, and his or her Ministers will also have their appointments revoked. In this situation, a new Prime Minister will be elected in accordance with the Constitution. Removal and replacement of a Prime Minister is usually arranged by the alternative government, the Opposition, whose Members will naturally form the next government if the Prime Minister is removed.

DID YOU KNOW?.....While there have been 27 occasions where Members of Parliament have begun the process to move a vote of no confidence in the House of Parliament, there have been 11 actual votes taken in the House. Out of those 11 times, 2 of them were successful. In December 2007 and then in November 2017 Manasseh Sogavare had two votes of no confidence upheld against him.

As the Legislature which is distinct from the executive, Parliament has four core functions under the Westminster system. These functions are (1) to represent the people, (2) to make laws, (3) to scrutinize the executive or government and (4) to approve government finances (budget).

One way through which Parliament scrutinizes the government is through the use of a Parliamentary Committee system. Parliamentary Committees are established under Standing Orders. These Committees are in effect extensions of Parliament; however unlike Parliament they have the capacity to inquire deeply into issues. These committees go to the people, hear directly from them and then report back to Parliament for its consideration and action as it sees fit.

Committees comprise of Members of Parliament except for Special Select Committees which may also include non-members of Parliament (usually technical experts). At the beginning of each Parliament the Speaker is responsible for appointing the Chairman and Members of the Committees. Parliament has two types of committees. They are Standing Select Committees and Special Select Committees.

Teacher Support Document

The above information links with the following teaching resources:

- Teacher Support Document 1 'Separation of Powers'
- Teacher Support Document 2 and 2.1 'Solomon Islands National Parliament Seating Arrangement'

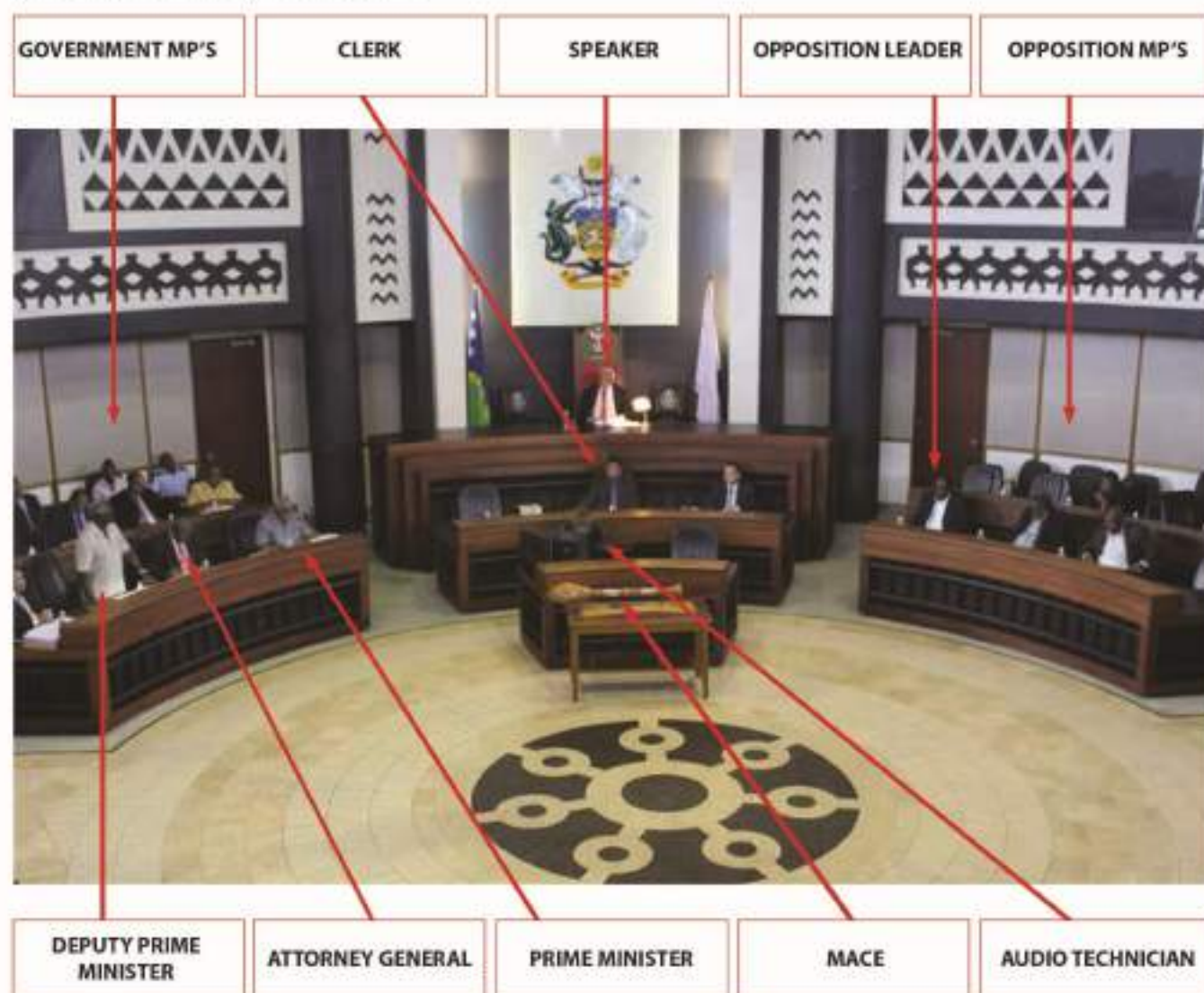


Student Activity

- Student Activity 1 'What Happens in Parliament after a National General Election?'
- Student Activity 2 and 2.1 'Solomon Islands National Parliament Seating Arrangement'
- Student Activity 3 'The Four Functions of Parliament'



The Parliament Chamber



Standing Select Committees

Standing Select Committees are also appointed under the Standing Orders and are the permanent committees of Parliament. At the dissolution of Parliament the membership of the Standing Select Committees also dissolves, once Parliament resumes with a new Government the Standing Select Committees will also resume with new members.

From time to time, Standing Select Committees conduct inquiries and produce reports to Parliament on the issues and matters that they are assigned to undertake. Currently there are ten Standing Select Committees. Committee work includes; detailed examination and scrutiny of bills (proposed laws), as well as providing oversight that ensures that the government is held accountable for its actions or non-actions. The ten Standing Committees and their responsibilities are as follows:

Public Accounts Committee (PAC) is responsible for examining public accounts and finances that are prepared by each Government Ministry for approval by Parliament.

Parliamentary House Committee (PHC) is responsible for overseeing the conduct of Members of Parliament and their general welfare. This committee also oversees and advises on matters connected to the management of the facilities and property of the National Parliament.

Bills and Legislation Committee (BLC) is responsible for reviewing all draft legislation (or bills) introduced to Parliament and for reviewing subsidiary legislation (regulations, ordinances, rules, by-laws, orders etc) made by other authorities with power to make such laws.

Constitution Review Committee (CRC) is responsible for reviewing the Constitution regularly, especially when amendments are proposed. The Committee also deals with issues arising from the use, abuse or misuse of constitutional powers, rights and responsibilities.

Foreign Relations Committee (FRC) is responsible for reviewing the foreign policy of the government, its diplomatic ties and diplomats as well as its international obligations regarding treaties and conventions.

Health and Medical Services Committee (HMSC) is responsible for examining and making observations and recommendations on matters relating to health and medical services.

Education and Human Resources Training Committee (EHRTC) deals with matters and issues pertaining to education and the development of human resources in Solomon Islands.

Police, National Security and Correctional Services Committee (PNSCSC) is responsible for examining and making recommendations on matters relating to Police, National Security and Correctional services.

Public Expenditure Committee (PEC) is responsible for monitoring the government's budget and how it is spending public funds.

Environmental and Conservation Committee (ECC) is mandated to examine, monitor and make recommendations to Parliament or Government on measures adopted or that are required to be adopted in implementing international, national and provincial policies and laws posed by environmental challenges.

Student Activity

The above information links with the following teaching resource:

- Student Activity 4 'Standing Select Committees'



Special Select Committees

Special Select Committees are also appointed by Parliament. They cease to exist after completion and tabling of their final reports to Parliament. This type of Committee is useful if a matter which concerns Parliament arises that, for different reasons, none of the Standing Select Committees are able to look into. For instance, the matter may be too technical for the Standing Select Committee and thus requires expertise advice. In such or similar situations, any Member may move a motion in Parliament to establish a Special Select Committee to inquire into and report back to Parliament on the special area of concern. If the motion is passed, such a committee is established with terms set out in the motion as its terms of reference (ToR).

There are various examples of Special Select Committees in the past, which have investigated and reported on important issues. Two examples, include the inquiry into the Honiara Short Bus Route and the inquiry into the Quality of Medical Services provided at the National Referral Hospital.

Summary of the types of Parliamentary Committees

	Standing Committee	Special Select
Establishment	Parliamentary Standing Orders 10 Standing Committees	By Order of Parliament
Membership	Members of Parliament - <i>Backbenchers</i> - <i>Opposition</i> - <i>Independents</i>	Members of Parliament & Specialist Advisors
Appointment	By the Speaker of Parliament	By the Speaker of Parliament
Terms of Reference	Standing Orders	Defined by the Orders of Parliament
Duration	During term in government	Dissolves once its Report is tabled

Example

In 2013 a Special Select Committee ("Committee") was established in Parliament after a petition on short bus routes was brought to Parliament by the Young Women's Parliamentary Group (YWPG). The petition contained 4,143 signatures and was presented in Parliament by Hon. Douglas Ete, Member of Parliament for East Honiara Constituency on the April 11, 2013. Parliament unanimously supported the petition and established the Committee under Standing Order 73 of the National Parliament.

The Committee received 11 written submissions and over a 2 month period had 7 Committee hearings. During these hearings the Committee heard testimony from 127 witnesses. Issues raised by these witnesses included the financial burden of having to pay for multiple short bus rides, the lack of regulation in the public bus service and the impact of road congestion. At the conclusion of the inquiry, the Committee recommended that an independent assessment of the entire road transport system be conducted, that work to improve the roads and bridges of Honiara begin and that the regulations around bus registration and public transport services be strengthened.



Road congestion on Mandana Ave, Honiara



Public Committee hearings into the short bus routes inquiry

Chapter 1 – The Lawmaking Process (General)

The theory of democracy is that once people elect their members of Parliament (law makers), they recognise the legitimacy of the laws made on their behalf by the lawmakers and consent to abide by those laws. Parliament legislates by examining bills (proposed laws), making amendments and agreeing to their final form. These bills then become, 'Acts of Parliament'. This chapter examines the law making process that Parliament follows.

Step 1. Notice of Submission:

There are two types of bills that can be submitted to the Speaker for examination:

- Government sponsored bills - a bill that is based on government policy and is submitted by the government.
- Private member's bill - An ordinary Member submits a 'Private Member's bill.' A Minister or backbench Member can also propose a private Member's bill in their own name and not on behalf of the Cabinet.

Step 2. Examination of the Notice:

- The Speaker carefully **examines** the details of the bill and the implications it might have.
- The Speaker checks the bill to make sure that it complies with the requirements of the Standing Orders.
- If the Speaker is not satisfied, he or she can decide that the bill will go no further.

Step 3. Presentation and Publication:

- A bill has no formal existence until it is presented to the House.
- After examining the notice of the bill, the Speaker checks for certain formal requirements of all bills. These include checking that the bill has an 'explanatory memorandum,' this sets out the policy that the bill seeks to achieve. (see chapter 3, 'Structure of a Bill' for more information)
- Once the Speaker is satisfied that the bill meets the formal requirements set out in the Standing Orders, he or she must endorse the bill.
- Following this, the Speaker instructs that the proposed bill be printed and distributed to all Members, this amounts to **publication of the bill**.

Step 4. First Reading:

- When the bill is ready for **first reading** its short title will be set down on the Order Paper (the agenda for each sitting day of Parliament).
- First reading of the bill entails the Clerk reading out the short title of the bill.
- There is no motion or debate on the bill at this stage.
- Once the Clerk has read the short title, the bill is deemed to have been read the first time (i.e. first reading) and it is then set down for second reading.

Standing Select Committee Review:

- After the first reading, the bill will be open for review by the Bills and Legislation Committee, **Standing Select Committee (BLC)**.
- The Bills and Legislation Standing Select Committee reviews the bill by analysing and formulating questions, these are then put to those responsible for the bill and other stakeholders at the Standing Select Committee public hearings. For instance, if a bill was proposing to increase taxes, representatives from the Ministry of Finance and Treasury would attend the BLC.
- After the review, the committee prepares a report which is tabled in Parliament before the second reading of the bill.

Step 5. Second Reading:

- The Minister or Member in charge of the bill moves a motion for the bill to be read a second time.
- The main debate on the bill now begins.
- The debate is confined to the principles and merits of the bill
- Members are not allowed to debate the clauses of the bill.
- No amendments are made during this stage.
- Each Member is permitted to speak once during this debate, except the Minister or Member in charge of the bill who can speak as often as they like.
- To end the debate, the Minister or Member in charge of the bill gives one final speech.
- The Speaker now asks Members whether they support the motion or not.
- A 'voice collection' vote is taken.
- If there are more 'ayes', the motion is passed and the bill is considered as having been read the **second time**.
- If there are more 'nos', the motion is defeated and that is the end of the bill.
- Sometimes, it is unclear which answer is the loudest so a vote by a roll call of Members is held, this is known as a 'division'.
- If the second reading motion is passed at voice collection or in division, the bill is ready for committal.

Note: If the bill needs to be passed by a special majority, the Speaker will skip a voice collection and go straight to a division. For instance, a bill that seeks to amend the Constitution must be passed by a special majority of 2/3 of Members of Parliament.

Step 6. Initial Committal Stage (Committee of the Whole House):

The **Committee** comprises all 50 **Members of the House**.

- Despite the Committee being made up of all 50 Members of Parliament it is considered as a separate entity and Parliament is temporarily suspended while it sits.
- The Speaker is now known as the Chairman of the Committee.
- The Committee of the Whole House considers the bill in detail, clause by clause and schedule by schedule (if any).
- Such consideration is less formal and Members may speak as often as they wish and on any part of the bill.
- Any Member (usually the Minister or Member in charge of the bill), may move amendments to any clause or schedule of the bill.
- When the Committee of the Whole House has completed its consideration of the entire bill, the Chairman will call on the Minister or Member in charge of the bill to report back to Parliament.
- Once Parliament has been informed that the Committee of the Whole House has considered and approved the bill, the bill is ready for Step 7, Third Reading.

Recommittal (Optional):

- If halfway or at the end of committal of the bill (Step 6) a Member realises that a clause should have been amended but was not, it is too late to make such amendments.
- In such a situation the Committee of the Whole House will have to relook at the bill.
- This is known as **recommittal** of the bill.
- Immediately after the Minister or Member in charge of the bill has reported back to Parliament they must move a motion to recommit the bill.
- This new motion is debated and voted on like any other motion.
- If the recommittal motion is passed, recommittal will occur and the processes in Step 6 will be followed.
- If defeated, Parliament will continue straight away with the third reading.

Teacher Support Document

The information above and the law making process flow chart on page 12 links with the following teaching resource:

• Teacher Support Document 3

'The Law Making Process'



Step 7. Third Reading:

- The final stage of the bill in Parliament.
- A motion (moved by the Minister or Member in charge of the bill), that the bill, "be read a **third time** and do pass" is introduced to Parliament
- The Speaker puts the motion to a vote by voice collection, or if requested, by division.
- If passed, the Clerk will read the short title of the bill one last time, then write at the end of the bill the words, "Enacted by the National Parliament of Solomon Islands this day [date]".
- At this point in time, the bill is considered to have been enacted and becomes an Act of Parliament.
- If the third reading motion is defeated, the bill is also defeated and Parliament will not take any further action.

Step 8. Royal Assent:

- The formal blessing or royal assent must be given by the Governor General (Head of State).
- The Governor General does not have any power to refuse the royal assent and must give it immediately.

DID YOU KNOW?

- There have been 6 Governor Generals
- There have been no female Governor Generals
- Sir Baddley Davis was the youngest Governor General, he was 37
- Sir Frank Kabui was the oldest Governor General, he was 62
- Sir Braddley Davis has been the longest serving Governor General, he was Governor General for 10 years

Step 9. Gazettal:

- The Act does not have any legal force until it is published in the National Gazette (maintained by the government printer).
- The Attorney General arranges for the gazettal of the Act.
- The Act attains full legal status when it is published in the Gazette.

Note. Appropriation Bills:

- An appropriation bill sets out the national budget of the government.
- It is required to be passed each year.
- When the budget is low (halfway through the year), the government may bring to Parliament a supplementary appropriation bill seeking additional finances.

For an appropriation bill (including supplementary), the law making process is generally the same as all other bills (Steps 1 to 9). However, some differences must be noted:

Step 1: Notice of the bill must be accompanied by the budget estimates. It is also at this stage that the bill is forwarded to the Public Accounts Committee Select Committee for review. Therefore Step 5 occurs after Step 1 for this type of bill.

Step 5: At second reading, after the Minister of Finance and Treasury (who is in charge of the bill), moves the motion and makes their opening speech, Parliament must adjourn for the day instead of continuing with the debate. The debate must resume the next day and may only take up to three more days. During these three days, Parliament cannot consider any other business.

Step 6: When the bill is committed, it goes to the Committee of the Whole House but in this instance, it is formally known as the Committee of Supply. When that Committee considers the bill in detail, unlike ordinary bills, it starts with schedules of the bill before going through the clauses. This is because the schedules contain the heads of the budget so these must be passed first before the clauses can be.

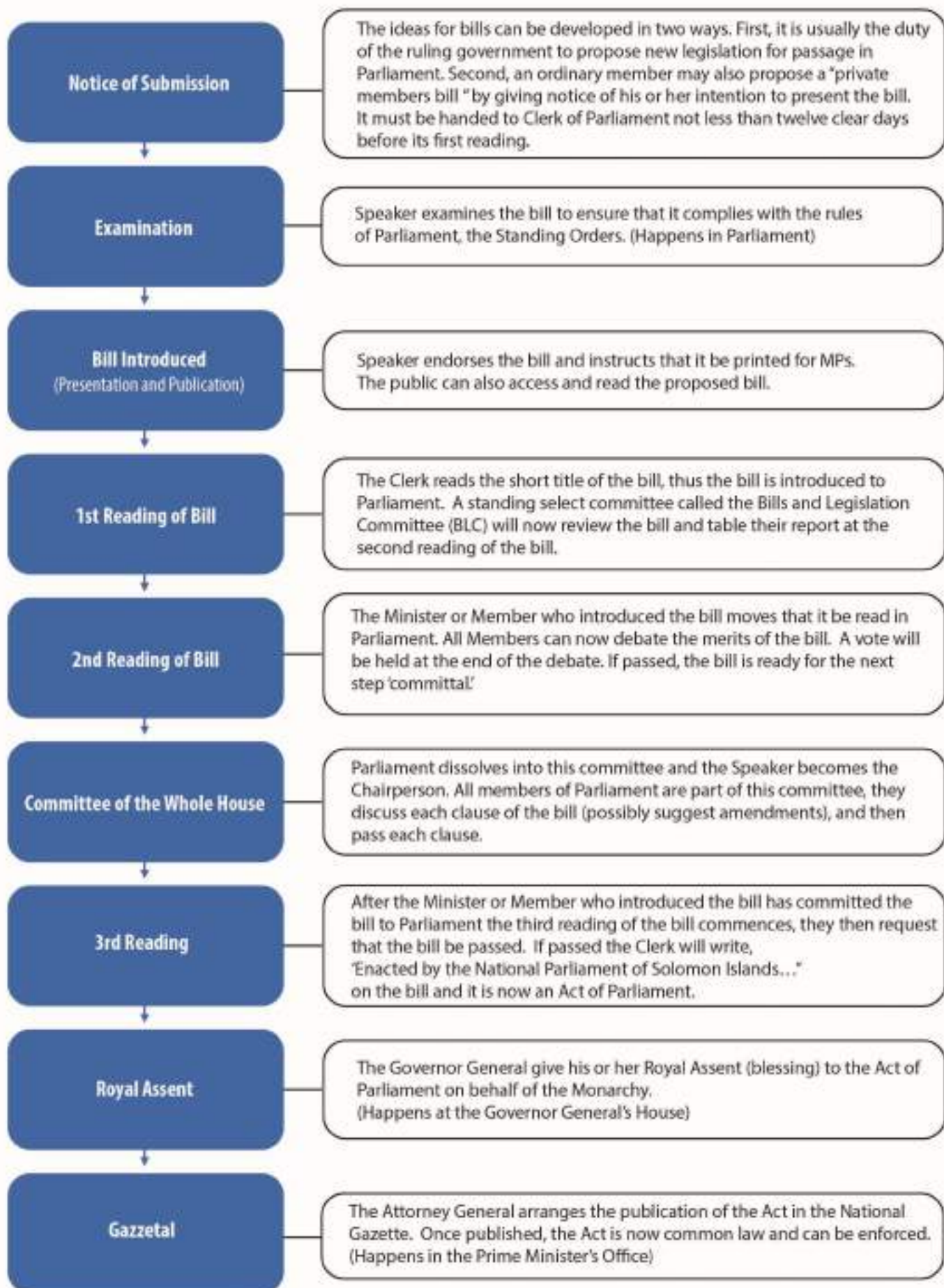
Student Activity

The information above and the law making process flow chart on page 12 links with the following teaching resources:

- Student Activity 5, 5.1 and 5.2 'The Law Making Process'



A Summary of the Lawmaking Process



Chapter 2 – From National Policy to a Bill

This chapter looks briefly at the processes that take place outside Parliament before a bill reaches Step 1 (Notice of Submission), of the lawmaking process set out in Chapter 1. In this chapter we look at how a bill is developed from policies. As discussed in Chapter 1, there are two types of bills, government bills and private bills; the most common type that is introduced in Parliament is a government bill which is formulated from government policies. Therefore the focus in this chapter will be on government sponsored bills only.

The Policy Behind A Bill

It is for the ruling government of the day to propose new legislation for enactment by Parliament. The government, however, does not propose such legislation out of the blue, normally a bill reflects government legislation or policy.

In order to understand the development of government policy, it is important to know about “Political Manifesto”. A political manifesto is usually described as the platform or ideas of the political party and its candidates. When the political party wins a general election and leads the government, the political party’s manifesto becomes the foundation of the policies of the ruling government. For example, PM, Hon Danny Philip and his National Coalition for Rural Advancement (NCRA) government ruled the country after a general election in 2010 and since the NCRA government was formed by six political parties they had to include all six political party manifestos in order to put together a government policy that was agreed upon by all.

When a government comes into power with the election of a Prime Minister, whether at the start of a new Parliament after a general election or following the Prime Minister being successfully ousted from office through a vote of no confidence, its most important task at the outset, is to develop the government’s national policy. Since most governments are a coalition (combination) of several political parties, each with its own plans or policies, formulating a national policy for that government normally involves negotiations between such parties as to which policy should be made a priority of the government.

Once the parties of the ruling coalition agree, the government then launches its national policy statement. This document sets out the principles which the government considers to be important in terms of the direction it wants to take in running the country. For instance, a government which prioritises education, health and national security at the national level will usually state these three areas as the first three priorities in the government’s national policy statement.

Student Activity

The information above about Political Manifestos links with the following teaching resource:

- Student Activity 6 ‘Political Manifestos and Policy Statements’



Once the national policy statement has been formulated, the government’s next task is to explore how priority areas in that policy statement can be implemented. Often these new actions can be implemented by the appropriate Ministry via a simple administrative action. This might, for instance, include restructuring certain departments, establishing new public offices or changing internal rules of certain institutions. For instance, implementing improved national security might require amending the Royal Solomon Islands Police Force’s internal regulations or restructuring the force to weed out the unwanted elements.

Implementation of the national policy statement, however, does not always entail mere administrative action. In certain instances, it becomes clear to the government that a particular priority area cannot be implemented without major legal implications. In such instances, the only way forward might be introducing new legal frameworks or amending existing laws to cater for the proposed changes. On such occasions, the only means open to the government would be through legislative changes – meaning amendments to or introducing new laws. This is where a bill would be useful, as it effectively translates policy into law.

For example, in 2014 the Government recognised that domestic violence was an on-going issue that the country needed to address. Thus it introduced, the Family Protection Bill 2014 to Parliament.

Preparing drafting instructions

Once the government decides that implementing a particular top priority policy requires legislative changes, Cabinet would normally then direct the relevant Ministry or department to begin exploring how to go about making such legislative changes. In the family protection example above, it was the Ministry of Justice and Legal Affairs, with consultation from the Ministry of Women, Youth and Family Affairs, which was put in charge of exploring legislative changes to domestic violence and family protection laws.

Note, however, that apart from top priority policies, once the national policy statement has been officially launched, it is the mandate of every Ministry (without the need for specific Cabinet prompting), to see to it that their medium and long term plans are geared towards implementing any changes set out in the policy statement which falls under that Ministry's purview.

Regardless, of if a Ministry has been specifically directed by Cabinet to work on legislative changes, or it begins to do this on its own initiative, the Ministry will employ technical officers or form a working committee to begin to explore the issues around said legislative change. A working committee should not be confused with the Select Committee which is a parliamentary committee.

Technical officers of the Ministry or the working committee will then undertake research on the subject matter and report back to the Ministry with recommendations as to how the policy could be achieved through legislation. Based on such a report, the Ministry may then prepare a 'drafting instruction', this sets out what the Ministry believes should be in the proposed legislation.

Example

In 2008, with the support from the Solomon Islands Ministry of Health, the World Health Organisation's Commission on Social Determinants of Health released a report, entitled, "Violence Against Women in Solomon Islands." This report found out among other things that, "73% of men and 73% of women believe (that) violence against women is justifiable, especially for infidelity and 'disobedience', when women do 'not live up to the gender roles that society imposes'". This statistic clearly demonstrated that government policy was required to address violence against women. Thus with the support of the United Nations, faith based and Non-Government Organisations as well as donor agents, the Solomon Islands government conducted the first national study on violence against women the, "Solomon Islands Family Health and Safety Study: A study on violence against women and children(SIFHSS)." After this study the Government agreed to develop a national policy to stop and eliminate violence against women and children. One such measure was the introduction to Parliament and subsequent passing of the Family Protection Bill 2014.

A Legal Drafter is responsible for the 'drafting instruction' of all government bills. The Drafter's job is to study the relevant Ministry's wishes and then develop a legislative scheme which would best give effect to these wishes. A legislative scheme forms the skeleton of a bill and suggests how various legal rules and authorities can interact to achieve the vision set out in the drafting instructions.

In the family protection example used earlier, the drafting instruction to explore the extent of family violence in Solomon Islands and the laws linked to it from the Ministry of Justice and Legal Affairs required the Legal Drafter to propose a legislative scheme which suggested some of the following:

- Family violence effects all members of the family, not just women
- More programs were required to meet the needs of victims and support the people impacted by family violence
- Strengthening the powers that police had to protect victims of domestic violence and prosecute offenders
- Expanding the definition of what constituted family violence and expanding the punishments that the courts could impose

After a legislative scheme has been proposed, a period of further consultation between the Ministry and the Drafter follows. During this period, the Drafter will refine the scheme until the Ministry is satisfied. At this stage, the Drafter's main task begins – the drafting of the proposed bill.

The bill should be based on the legislative scheme and ties the various parts of that scheme together. Following this, further consultation will take place until the final draft of the bill has been agreed to. By this stage the final draft of the bill should reflect the original policy of the government and Ministry as closely as possible.

It should also be noted that in the case of a proposed private Member's bill, the Legal Drafter is not responsible for drafting such a bill. It falls on the Member who wishes to introduce a private bill to find means of drafting it. Parliamentary officers based in the National Parliament Office have junior legislative drafters whose services are always available and free for private Members if they require drafting. After the Legal Drafter completes the final draft of the bill, he or she will confirm that the bill has legal clearance, meaning it is consistent with all written laws. The Drafter will then submit the bill to Cabinet.

In order to secure support for the bill it is the responsibility of the Minister of the Ministry from which the drafting instructions originated to champion or promote the bill amongst Cabinet Ministers. Cabinet will go through the bill with a specific aim of ascertaining whether it has policy clearance or not, by this we mean if the bill reflects the policy of the government. Following this, the Cabinet may accept the bill by consensus or take a vote on it.

Decisions that Cabinet may take include accepting the bill without amendments, accepting it with amendments or rejecting it. This is where the champion Minister needs to work hard to lobby for the support of other Ministers before any vote is taken. Some Ministers, for instance may object that the bill does not reflect the national policy statement, others may feel that the subject matter of the bill is not as important as other issues. Often some Ministers argue in Cabinet that the bill is bound to attract unwanted criticism or anger foreign investors or local businesses. Whatever the reasons for objecting the bill, the Minister in charge of it must always be prepared to defend it against such reasoning.

If Cabinet approves the bill, it now has both legal and policy clearance and is ready to be submitted to Parliament (see Step 1 of the lawmaking process in Chapter 1).

Student Activity

The information above about 'Preparing Drafting Instructions' links with the following teaching resource:

- Student Activity 7 'Preparing Bills for Parliament'



Chapter 3 – Structure of a Bill

This chapter deals with the way a bill is set out – its structure. When drafting a bill, the Legal Drafter follows a set of legislative drafting rules that is followed in all Commonwealth countries. In the Solomon Islands the Legal Drafter must also pay attention to the drafting styles that are expected in Solomon Islands legislation. This style is set down in the Standing Orders, 'Procedure of Bills.' A summary of the process and expected style is explored in this chapter.

While teaching students on the structure of a bill, a teacher needs to take note of the following features of a bill: preamble, title, enactment formula, clauses, schedules and explanatory memorandum. These features are also mentioned in Chapter 1, The Law Making Process.

Preamble

Some bills have preambles. A preamble is a statement at the beginning of the bill setting out the background to and the vision behind the bill.

The preamble does not set out any legal rules but assists citizens to appreciate the intention of Parliament when it enacts the bill. To establish the intention behind Acts courts of law also rely on preambles when interpreting Acts of Parliament.

Since a preamble does not create additional rules, at committal of the bill, the Committee of the Whole House does not consider or vote on the preamble, they simply take note of it. Please note that only a few bills have preambles, one such bill is the Truth and Reconciliation Commission Bill 2008 (a link to this bill can be found in the Links section of this booklet).

Title (Long and Short Title)

Every bill must have a title, this is the name of the bill given to it by the government and the Legal Drafter.

The title takes two forms:

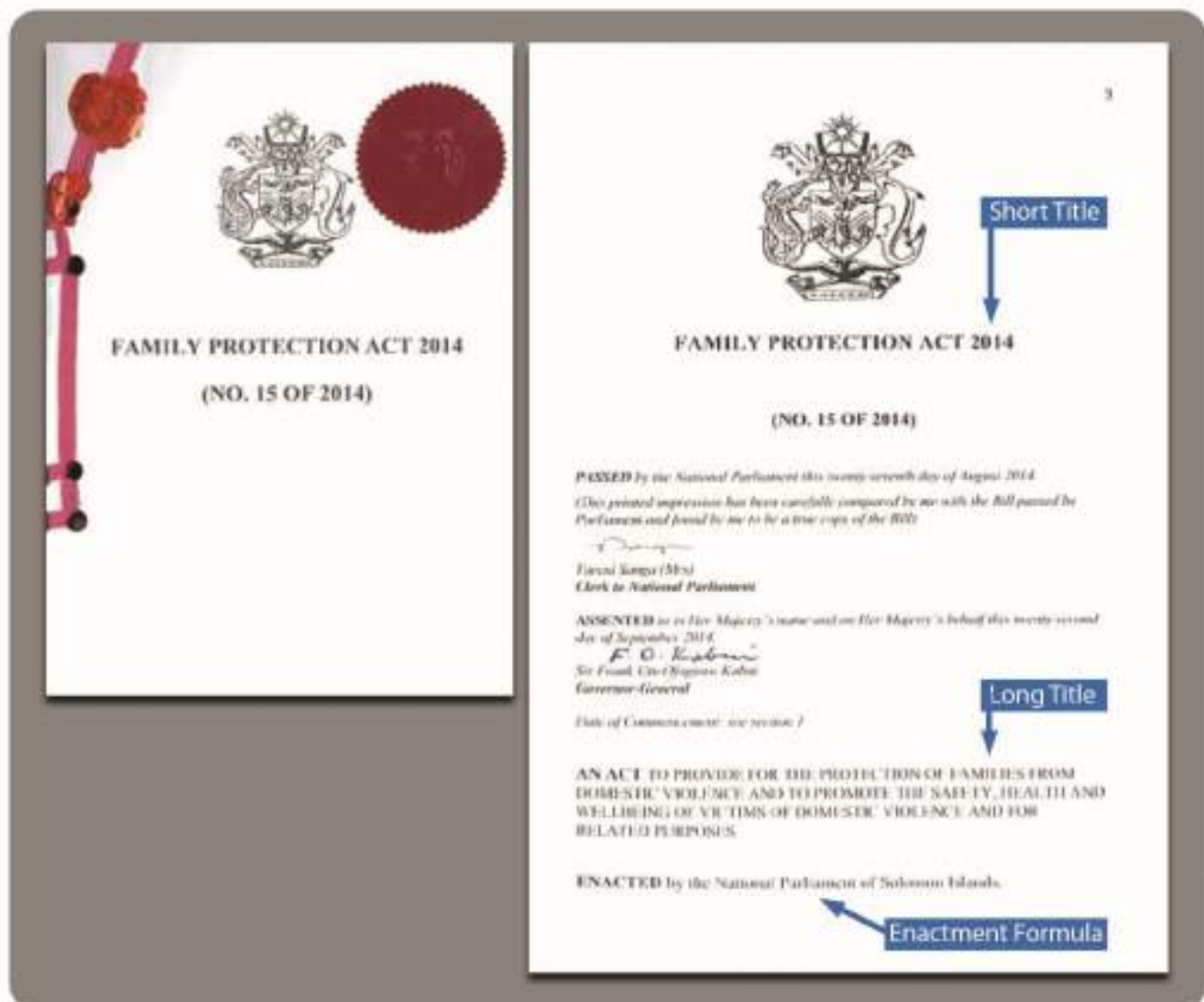
- The full name of the bill is known as the long title and it sets out the basic purpose for the bill. For instance, the long title of the Family Protection Act 2014, is indicated in the illustration on page 17.
- A bill also has a short title. This is a shortened form of the long title and it is used for ease of reference whenever anyone wants to cite the bill (or later Act).

Note

Both the long title and short title of a bill, as with preambles, do not create any legal rules. As such, when a bill is considered by the Committee of the Whole House at the bill's committal (Step 6, Chapter 1), the Committee does not consider or vote on the titles. If, however, amendments to the substantive clauses of the bill (see further below), are such, that there is a need to amend either the long or short title, the Chairman of the Committee will simply announce the change but no vote will be taken on that.

Example of a bill: Family Protection Act 2014

The structure of the first two pages of a bill:



Enactment Formula

A bill also has a statement. A statement usually appears after the long title and it declares that the bill has been enacted by Parliament. This statement is known as the 'enactment formula' and it is the formal evidence that the Act has been carefully considered and passed by Parliament. This is why in Step 7 of the lawmaking process (Chapter 1), the Clerk is required to write the words, "Enacted by the National Parliament of Solomon Islands this [date]" at the end of a bill to confirm such enactment.

Clauses

The contents or provisions of a bill are set out in separate statements known as 'clauses'. Clauses make up the substance of the bill and set out the actual rules to be enacted. A clause may in turn be divided into subsections. Subsections may also be divided into paragraphs.

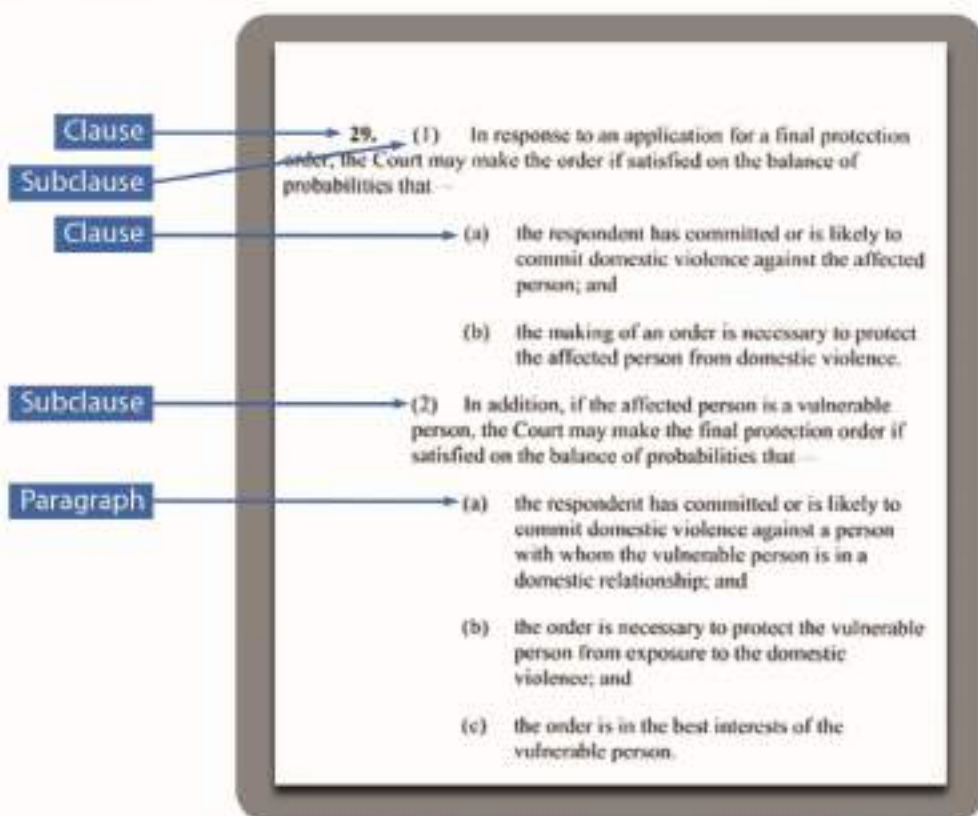
Typically, clauses are numbered (from 1 onwards), as are subclauses. Subclauses appear next to clauses and are located in round brackets (i.e., "(1)"). Paragraphs of a subclause, however, normally take the form of alphabetical letters in round brackets (from "(a)" onwards).

Every clause also has a note on the side indicating what the entire clause is about. This is known as a 'marginal note'. Marginal notes do not create separate rules but, like preambles, assist courts and citizens to understand the purpose of the clause. Examples of marginal notes can be seen in the Family Protection Bill 2014 on page 19 of this booklet. A link to the Family Protection Bill 2014 can also be found in the links section of this booklet.

The distinction and positioning of clauses, subclauses and paragraphs may be seen in the illustration below.

Once the bill has been enacted (after the third reading), and it becomes an Act of Parliament, the contents of the new Act are now known as "section" (for clauses), "subsection" (for subclauses) and "paragraph" (no change). Marginal notes retain their name in Acts. The change of terms to "section" and "subsection" reflects the change in status of the provisions from proposed rules in a bill (clauses) to actual legal rules of an Act of Parliament (sections).

Example of Clauses, from the Family Protection Act 2014



Schedule

Some bills have an appendix or appendices at the end. The proper term for these is "schedule". Most bills do not need a schedule. This is only required for bills which have many technical rules or require additional information to be explained.

For such bills, it can be confusing to include too many technical rules or detailed information in the body of the bill (as clauses), so as a matter of drafting, the usual practice is to pull these out and set them out at the end of the bill as schedules. The clauses will thus only make reference to more detailed rules, procedures or other information by reference to the schedule which contains these.

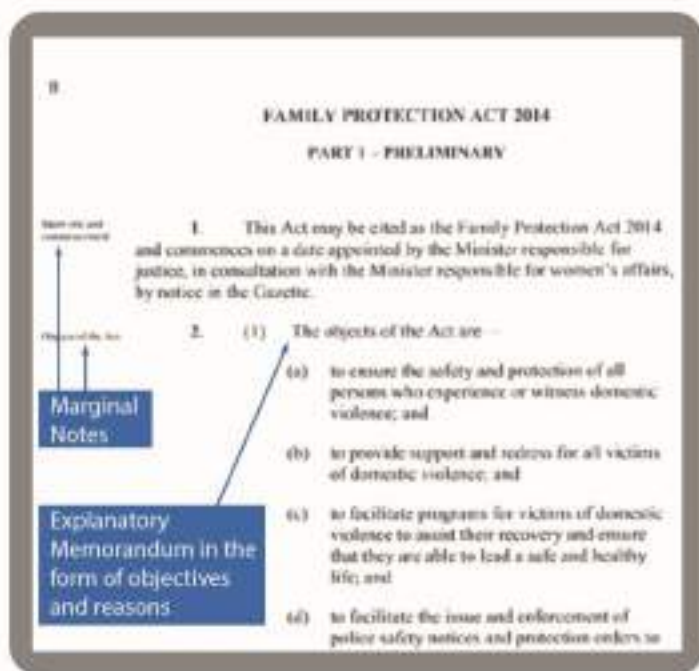
Examples of ordinary bills that required schedules include:

- The Electoral Bill 2018 (The schedule lists the electoral constituencies and provides information on voter registration)
- Family Protection Bill 2014 (the schedule provides information about protection orders)
- The Biosecurity Bill 2013 (the schedule sets out the penalties for offences committed)

For these bills, had the contents of their schedules been included in the body of the bill as clauses, the bill would have been very difficult to understand, hence the use of schedules instead. Note, that for an appropriation bill, its schedules are the most important part of the bill. As explained earlier, this is because the schedules set out the actual national budget and the breakdown of this according to Ministries. The clauses of an appropriation bill simply reflect the overall totals of the schedules.

Explanatory Memorandum For every bill to be presented to Parliament (see Step 3 of the lawmaking process set out in Chapter 1), the Standing Orders requires a statement that explains the main purpose of the bill to be attached to it. That statement is known as an "explanatory memorandum," it is prepared on the instruction of the Ministry responsible for the bill and is signed by the Minister.

At a bare minimum, an explanatory memorandum provides a summary of the objectives and reasons for the bill. The explanatory memorandum of the Family Protection Bill 2014 (see the right of this text) provides an example of this feature. Notice that in the illustration, the memorandum simply states the 'objects and reasons' for the bill, and then provides brief explanation for each clause. It does not set out any background as some other bills do.



For some bills, the memorandum provides additional background information about the subject matter of the bill, including the groundwork that was undertaken to make the bill possible. The memorandums of some bills also briefly explain the purpose of each clause.

Student Activity

The information above on the 'Structure of a Bill' links with the following Student Activities:

- Student Activity 8 and 8.1 "Structure of a Bill"



Chapter 4 – Debating Bills in Parliament

As described in Chapter 1, a bill goes through various stages in Parliament before it is passed and becomes an Act of Parliament. During this process, as discussed in Chapter 1, Parliament debates the bill at second reading (motion) whilst the Committee of the Whole House considers the details of the bill at committee stage.

This chapter considers the rules that apply when Parliament debates the second reading motion and when the Committee of the Whole House considers the bill at committee stage. These rules are set out in the Standing Orders of Parliament.

Debating The Second Reading Motion (Step 5 Of The Law Making Process)

The first point to note is that the second reading is a motion and is treated the same as any other motion. A motion is the way in which a Member seeks a decision of Parliament on a particular subject matter. In the case of second reading, the Minister or Member in charge of the bill uses a motion to ask Parliament to pass his or her bill in terms of its policy rationale (second reading motion). This is why as discussed in Chapter 1, debating the second reading motion must be confined to its principles (policies behind it) and merits and not the details of the bill.

Rules of debate - second reading

Since the second reading motion for a bill is treated just like any other motion, the following rules, which apply to all motions, apply to this particular motion during its debate:

- All Members who wish to contribute to the debate do so in the form of a speech.
- To contribute, every Member must rise and may only continue if called upon by the Speaker.
- While contributing, a Member must remain standing and address the Speaker as “Mr. Speaker” (male) or “Madam Speaker” (female), or simply as “Sir” or “Madam”.
- The Minister or Member in charge of the bill opens the debate by reading out his or her opening speech.
- Each Member is permitted to contribute only once to the debate, except the Minister or Member who moved the second reading motion (they are in charge of the bill).
- A Member’s speech must remain relevant to the subject matter of the debate (i.e., policy behind the bill) and the Member must not make reference to the conduct or private affairs of another Member. They must also be respectful towards the Governor General, Ministers, Members of Parliament, the Royal Family and judges.
- While a Member is contributing to the debate, other Members must remain seated and not interrupt the Member speaking unless there is a very good reason to – for instance, to object and express that the Member speaking is violating the rules of debate (eg. being disrespectful).
- When called upon by the Speaker, the Minister or Member in charge of the bill finishes the debate by giving his or her closing speech. This is known as the “speech in reply” and it responds to issues raised throughout the debate.

During the second reading, the Speaker has the ultimate authority to maintain order in the Chamber while the debate is on and Members must be orderly and respectful at all times.

The following rules are applied by the Speaker to maintain order:

- A Member must not make irrelevant or tedious repetitions in his or her speech, especially if he or she has already been warned by the Speaker not to do so.
- If the comment has no relevance to the second reading debate Members must not make a personal comment about any citizen or company during his or her speech
- A Member must not make a statement about any other person (Member or citizen), which is untrue and is likely to damage the reputation of that other person (defamatory statements).
- If a Member does not adhere to the rules set out above, the Speaker will ask that Member to withdraw such comments or to stop speaking.

If a Member refuses to adhere to the rules of debate, the Speaker will consider the Member's conduct as "grossly disorderly" and they have the power to penalise the Member as follows:

- Reprimand (tell him or her off);
- Fine him or her up to SBD\$100;
- Suspend him or her for a period up to fourteen days; or
- More than two of the above penalties.

If a Member is suspended by the Speaker, the Speaker will order the Serjeant-at-Arms to immediately escort the Member out of the Chamber and he or she cannot return to Parliament until the suspension is over.

The Speaker's decision made under these rules is final and cannot be challenged by any Member, person or authority.

Considering The Bill At Committee Stage (Step 6 Of The Law Making Process)

When a bill reaches Committee stage and Parliament becomes the Committee of the Whole House to consider the details of the bill, rules applied by that Committee are more relaxed than those applied to the second reading debate.

Rules of debate – Committee Stage

In the Committee of the Whole House, consideration of the clauses and schedules (if any), of a bill must adhere to the following rules:

- A Member who wishes to contribute does so by asking questions of the Minister or Member in charge of the bill and they must answer. Simple and short comments are also allowed during Committee stage but a Member must not debate during this time.
- Such questions or comments must be relevant to the clause or schedule being discussed and must not be about policies.
- When a Member makes such comments or asks such questions, he or she must rise on his or her feet; all other Members must remain seated during this time.
- A Member contributing to the discussion must address the Chairman as "Mr. Chairman" (male) or "Madam Chair" (female).
- A Member may ask questions or make a comment as often as he or she wishes to. Thus, a Member may comment on every single clause of the bill even if there are 300 clauses.
- The Chairman of the Committee determines how long the Committee will spend on each clause and will put it to the vote whenever he or she thinks enough has been said about each clause.

Rules of order in Committee

The same rules which apply during the second reading debate discussed at the beginning of this chapter apply equally to the discussion of a bill by the Committee of the Whole House.

Chapter 5 – Application of Legislation

In Chapter 1, we looked briefly at how laws are made by Parliament in Solomon Islands. In Chapter 2, we took a step back and considered how ideas (policies) are used by governments to propose new laws in the form of bills. In Chapter 3 we took a closer look at the structure of bills and Chapter 4 explored the rules of debate. In this chapter, we briefly examine the aftermath of the whole lawmaking process.

Legislation

As discussed earlier, the origin of a written law is in the policies of the government of the day. These are then converted into proposed laws (bills) and then put to Parliament for its consideration. If Parliament approves and passes a bill at all stages, it becomes an Act of Parliament. That Act is a piece of legislation.

“Legislation” is the general term used to describe primary written laws made by the legislature (law-making body) of a country. In countries where the legislature is a Parliament, such as the Solomon Islands, the specific term of its legislation is known as an ‘Act of Parliament’.

The term “legislation” is also used to distinguish between laws made by the national legislature of a country from the laws passed by a lesser body, such as a city council. These lesser laws are generally referred to as “subsidiary legislation”. In Solomon Islands, Parliament has passed Acts of Parliament, which give limited powers to lower bodies and authorities, such as provincial assemblies, to make subsidiary legislation. The terms for such subsidiary legislation depend on the lower body or authority with the delegated powers. For instance, the Honiara City Council and all provincial assemblies have delegated powers to make subsidiary legislation known as “ordinances”, “regulations” and “by-laws”.

Application of legislation

Once Parliament has passed a bill at third reading, Parliament has discharged its main function of lawmaking. From that point onwards, it falls to the Governor General and the Attorney General (for gazettal purposes), to complete the formalities of bringing the new Act of Parliament or piece of legislation into force as binding law. When this occurs, the new Act applies throughout Solomon Islands to all citizens alike (unless the Act itself excludes certain groups). Due to the nature of our democracy the Act will also continue to be enacted by successive governments, unless that government chooses to repeal or change the law in a separate piece of legislation.

In the process of carrying out the policies of the government in accordance with the new Act, the government must always ensure that its actions do not contravene (breach) that Act. However, no matter how careful government officers try to be, mistakes can be made or the Act can be misinterpreted by these officers, this can result in unfair treatment or experiences for citizens. If this occurs, every citizen has the right to take his or her complaint to the courts of law. Such a complaint would effectively be one against the executive for misinterpreting or applying the new Act incorrectly.

As explained in the Introduction, although the executive (government) applies Acts made by Parliament, it is the judiciary, as the third arm of government, which has exclusive authority to interpret such Acts. Thus, the High Court and lower courts (depending on how serious the complaint is), are mandated to look into any complaint about how the executive applies Acts of Parliament (and other laws) and they will make a decision about that complaint. If the courts believe that the real issue in the dispute is the Act itself – for instance its provisions are inadequate – it is open to the courts to make very strong statements in their judgment and suggest the need to change the Act. If the government agrees with this kind of suggestion, it may initiate a bill to amend the Act. This is then how the judiciary plays its part in the governing of Solomon Islands under the doctrine of separation of powers.

Student Activity

The following Teacher Support Documents and Student Activities bring all the ideas and concepts explored in this teacher reference booklet together.

- Student Activity 9 'Passing a Bill, a Role Play, Comprehension Questions'
- Student Activity 9.1 'Passing a Bill, a Role Play, Key Terms Definitions Task'
- Student Activity 9.2 'Passing a Bill, a Role Play, Write Your Own Play'



Teacher Support Document

- Teacher Support Document 4 'Further classroom Activities and Student Tasks'
- Teacher Support Document 5 'Passing a Bill, a Role Play'

- Field Trip
(for Schools in or around Honiara)
Organize a field trip to Parliament
This can be arranged with the
Civic Education Unit of Parliament
P: (677) 28520 Fax (677) 24272 I W: www.parliament.gov.sb
or follow us on Facebook and Twitter.



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Web Links

Parliament Civic Education Unit

<http://www.parliament.gov.sb/index.php?q=node/783>

Current and past Members of Parliament and Ministries of Parliament

<http://www.parliament.gov.sb/index.php?q=node/134>

Members of Parliament and their Constituencies

<http://www.parliament.gov.sb/index.php?q=node/149>

Standing Orders of the National Parliament of Solomon Islands

<http://www.parliament.gov.sb/files/legislation/StandingOrders.pdf>

Parliamentary Select Committees

<http://www.parliament.gov.sb/index.php?q=node/92>

Solomon Islands Constitution

<http://www.parliament.gov.sb/files/business&procedure/constitution.html>

Parliament Hansard

<http://www.parliament.gov.sb/index.php?q=node/123>

Solomon Islands Democratic Coalition for Change Government (SIDCCG)

Policy Statement | The 10th Parliament of Solomon Islands

<http://www.parliament.gov.sb/files/library%20and%20information/government%20documents/2018/SIDCCG%20Policy%20Statement.pdf>

Short Bus Route Special Select Committee Report

http://www.parliament.gov.sb/files/committees/SpecialSelectCommittee/ShortBusRoute/Special_Select_Committee_Report-Honiara_Short_Bus_Routes.pdf

Acts of Parliament discussed and referred to in this resource

Electoral Bill 2018

<http://www.parliament.gov.sb/files/committees/bills&legislationcommittee/2018/Electoral%20Bill%202018.pdf>

Family Protection Bill 2014

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Biosecurity Bill 2013

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Glossary

Act of Parliament	Written law passed by Parliament.
Appropriation bill	A bill that sets the national budget of the government. It must be passed each year.
Attorney General	The principal legal adviser to the Government as provided for by section 42 of the Constitution.
Attorney General's Chambers	The office of the Attorney General
Bill	A proposed law to be tabled and debated in Parliament, which if passed, will become an Act of Parliament.
Bills and Legislation Committee	A Standing Select Committee responsible for reviewing all draft legislation (bills) introduced to Parliament and for reviewing subsidiary legislation (regulations, ordinances, rules, by-laws, orders etc.) made by other authorities with the power to make such laws.
Cabinet	The core group in a government established by section 35 of the Constitution, which consists of the Prime Minister (as head) and other Ministers.
Clauses	The contents or provisions of a bill are organised into clauses.
Clerk	The parliamentary officer responsible for the daily administration of the Parliament Office and the procedures of Parliament when it is meeting. (For more details on the scope of the Clerk's responsibilities, see Standing Order 6).
Coalition	A government that is made up of more than one political party.
Committal (Initial)	When a bill's clauses and schedules are carefully considered and explored by the Committee of the Whole House.
Committee of the Whole House	The Committee that considers a bill in detail. The Committee comprises all Members of the House and is chaired by the Speaker.
Committee of Supply	The Committee that carefully considers and explores appropriation bills.
Constituencies	The 50 geographical areas that Solomon Islands is divided into for purposes of citizens being represented by members of Parliament.
Constitution	The doctrine that states the separation of powers that exists in Solomon Islands.
Division	A division is called when a voice collection (vote) is not clear and each Member must vote by roll call.
Dissolves / Dissolution	When Parliament ends after a four year term.
Drafting Instruction	A set of instructions from the Ministry stating what should be included in their proposed legislation.
Enactment Formula	A statement that declares that a bill has been enacted by Parliament.
Executive	Runs the affairs of the nation, the 50 members of Parliament make up the executive and they meet in Parliament.

Glossary (cont)

Explanatory Memorandum	A statement explaining the main purpose of a bill. The explanatory memorandum is attached to every bill.
Gazette (Gazetta)	An official document of the government which Acts of Parliament, government appointments, notices of bankruptcy and other legal matters are published and reported on.
Governor General	The representative of the Monarchy, known as the Head of State, they give Royal Assent to bills.
Judiciary	Applies and interprets laws that were made by the Legislature (Parliament).
Legal Drafter	The legal officer based in the Attorney General's Chamber who is responsible for drafting all government sponsored bills based on drafting instructions from Ministries.
Legislature	The law making institution of a country. In Solomon Islands, its legislature is the Parliament. It is one of the three arms of government, the other two being the judiciary and executive. The main function of the legislature is to make laws, scrutinize the executive, make representation and approve public expenditure.
Legislative Changes	Amendments to or introducing new laws.
Lobbying	The process by which politicians try to influence each other for their support on various issues. An example would be where the government attempts to influence the Opposition to support a government bill which needs the support of ¾ of all MPs in order for it to pass and become an Act of Parliament.
Member of Parliament	The person elected for a constituency by voters of that constituency at general elections. That person holds a seat in Parliament which represents his or her constituency. There are 50 constituencies and each constituency is represented by one Member of Parliament.
Minister	A Member of Parliament is appointed by the Governor General on the advice of the Prime Minister into the Cabinet (and thus into the executive), under section 33 (2) of the Constitution. A Minister is assigned to a Ministry, the main function of a Minister is to oversee the administration and management of his or her Ministry. Each Minister reports back to Cabinet and Cabinet is collectively responsible to Parliament.
Motion	Usually refers to a written or oral notice (application) given in Parliament requesting that it (Parliament) makes a special ruling or order on a bill.
National Policy Statement	Once government has been formed, a National Policy Statement is written, this sets out the government's principles and priority areas that they would like to focus on for the next four years.
Order Paper	The agenda of each sitting day of Parliament.
Parliament	The legislature of Solomon Islands established by section 46 of the Constitution which has the primary function of making laws for the peace, order and good government of Solomon Islands. Other functions of Parliament are to scrutinize the executive, make representation and approve public expenditure.
Political Manifesto	The platform and ideas that political parties and candidates hold and promote during election campaigns.
Preamble	A statement at the beginning of a bill that sets out the background to and vision behind the bill.

Glossary (cont)

Publication of the Bill	Publication of the bill happens when a bill has been endorsed by the Speaker and they instruct that it be printed and distributed to all Members of Parliament.
Recommittal of the bill	When a Member would like to change or amend clauses in a bill. If this happens the bill will need to be debated again.
Royal Assent	The blessing of the Head of State, which is required to be given to an Act which has been passed by Parliament. This completes the formalities of lawmaking. This assent is given by the Governor-General on behalf of the Monarchy.
Schedules	The name given to the appendix or appendices at the end of a bill. A bill will only have a schedule if technical rules or additional information is required.
Scrutinising/scrutiny	Critical observation.
Separation of Powers	The three arms of government; the legislature, executive and judiciary. Each arm has distinct and specific roles. Each arm must not interfere with each other.
Serjeant-at-Arms	Responsible for assisting the Speaker to ensure the rules of the Chamber are followed. The Serjeant is responsible for carrying the Mace, which is the symbol of the Speaker's authority.
Speaker	The Speaker is the head of Parliament and is in charge of all business of the House. The Speaker is also, under the Constitution, the Chairman of the Electoral Commission (section 57).
Special Select Committee	A type of Parliamentary Committee that looks into and addresses specific issues. It ceases to exist after the completion and tabling of its final report to Parliament.
Stakeholder	A person or group of people who have an interest or concern in something
Standing Orders	The set of rules which regulates the processes, procedures and proceedings of Parliament. These rules are made by Parliament itself and are only binding on Parliament.
Standing Select Committee	A type of Parliamentary Committee that is provided for under Standing Orders of the National Parliament and dissolves when Parliament dissolves.
Title	The name given to a bill. The title takes two forms; the full name of the bill is known as the long title, this sets out the basic purpose of the bill and a short title that is used to quickly cite and make reference to the bill.
Third Reading	Is the final reading of a bill in Parliament. There is no further debate about the bill at this stage, once it has been read the Speaker will call for Members to vote on the bill.
Unicameral House	Unlike other Commonwealth countries which have bicameral Parliaments; a House of Representatives and a Senate, Solomon Islands has a Unicameral House, meaning one house or chamber in Parliament.
Voice Collection	A style of voting that is used in Parliament. The speaker will ask Members if they support a motion or not and Members will respond verbally with 'ayes' or 'nos.'
Working Committee	A committee that conducts research for a Ministry to help them successfully pass a bill.

Appendix

Prime Ministers Of The Solomon Islands

Prime Minister	Date entered office	Date left office	Parliament Period	Political Affiliations	Reasons for Leaving Office
General elections held on September 1976 and 6th August 1980 (where Sir Peter was elected as Prime Minister on both occasions)					
Peter Kenilorea DPM Benedict Kinika	7th July 1978	7th July 1978	1st Parliament	Solomon Islands United Party	Sir Peter resigned after losing support from coalition group (Independent group lead by Francis Billy Hilly)
DPM Ezekiel Alebua (1981-31 Aug 1981)	Aug. 1980	Aug. 1980	2nd Parliament		
Solomon Mamaloni DPM Kamilo Teke	31 Aug. 1981	19th Nov. 1984	2nd Parliament	Peoples Alliance Party	Remained in office until term lapsed
General elections held on 24th October 1984					
Sir Peter Kenilorea DPM Ezekiel Alebua	19 Nov. 1984	19 Nov. 1984	3rd Parliament	Solomon Islands United Party	Resigned over allegations he used his position as Prime Minister to accept foreign aid for his village (Rara) in West Are'are
Ezekiel Alebua DPM Sir Peter Kenilorea (1981-31 Aug 1981)	1 Dec. 1986	28 March 1989	3rd Parliament		Remained in office until term lapsed
General elections held on 22nd February 1989					
Solomon Mamaloni DPM Danny Phillip 89 - 90 PPM Sir Baddeley Devesi	28 March 1989	18 June 1993	4th Parliament	Peoples Alliance Party/Group for National Unity & Reconciliation	Remained as Prime Minister for four years although under different governments
General elections held on 26th May 1993					
Francis Billy Hilly DPM Francis Saemala	18 June 1993	7 Nov 1994	4th Parliament	Non-Partisan/ National Coalition Partnership	Billy Hilly resigned because of lack of support after holding office for a year (victory as PM was only by 1 vote)
Solomon Mamaloni DPM Danny Phillip	7 Nov 1994	27 Aug 1997	4th Parliament 5th Parliament	Group for National Unity & Reconciliation	Remained in office until term lapsed
General elections held on 6th August 1997					

Appendix Cont.

Prime Ministers Of The Solomon Islands

Prime Minister	Date entered office	Date left office	Parliament Period	Political Affiliations	Reasons for Leaving Office
Bartholomew Ulufa'alu DPM Sir Baddeley Devesi	27th Aug 1997	30th June 2000	6th Parliament	Solomon Islands Liberal Party– Solomon Islands Alliance for Change	Forced to resign as Prime Minister by the Malaita Eagle Force (MEF)
Mannaseh Sogavare DPM Sir Allan Kemakeza	30th June 2000		6th Parliament	Peoples Progressive Party	Remained in office until term lapsed
General elections held on 5th December 2001					
Sir Allan Kemakeza DPM Snyder Rini	17 Dec 2001	20th April 2006	7th Parliament	Peoples Alliance Party	Only Prime Minister to remain in office under one Government for four years
General elections held on 5th April 2006					
Snyder Rini (Did not appoint a cabinet Association of Independent Members)	20 Apr. 2006	4 May 2006	8th Parliament	Solomon Islands United Party	Resigned from office as he lacked support also there was public outrage calling for his resignation (April riots of Chinatown)
Mannaseh Sogavare DPM Job Dudley Tausinga (resigned in Nov. 2007 before the motion of no confidence)	4th May 2006	13 Dec. 2007	8th Parliament	Solomon Islands Social Credit Party	Removed by a motion of no confidence by Opposition leader Fred Fono
Dr. Derick Sikua DPM Fred Fono	17 Dec 2001	20th April 2006	7th Parliament	Peoples Alliance Party	Remained in office until term lapsed
General elections held on 4th August 2010					
Danny Phillip DPM Manasseh Maelanga	25th Aug. 2010	16th Nov. 2011	9th Parliament	Reform & Democratic Party of Solomon Islands	Resigned from office as he lacked support from his own group (NCRA)
Gordon Darcy Lilo DPM Manasseh Maelanga	16th Nov. 2011	9th Dec. 2014	9th Parliament	SIPRA	Complete the rest the terms in office
General elections held on 19th November 2014					
Mannaseh Sogavare DPM Douglas Ete	9th Dec 2014	15th Dec. 2014	10th Parliament	DDC	
Rick Hounipwela DPM Mannaseh Maelanga	15th Dec. 2014	Present Dec 2018			

National Parliament Building Outside and the Surrounding Area



Front Security Entrance



Members of Parliament and
Parliament officer's entrance



General public's entrance,
the Eastern entrance



General public's entrance,
the Eastern entrance



View of Parliament from the bottom
of the hill. You can see the security
hut at the bottom of the hill and the
leaf hut at the top of the hill on the left
hand side of Parliament



Leaf hut, a meeting place for MPs
and their constituents

National Parliament Building Inside Parliament House



Parliament reception: MP's, official
guests and Parliament officer's enter
by this entrance



The security and surveillance office



Accounts Department



The Parliamentary Dining Room



The National Parliament Library



The Speaker's Office

National Parliament Building Inside Parliament House



Hansard office



The Select Committees office



Parliament Media room

National Parliament Building Inside the Chamber



The main door to the House/Chamber of Parliament



The Chamber. Looking at the Speaker



The Chamber. Looking away from the Speaker



The Speaker's Chair, the Clerk's Chair is in front of the Speaker's Chair and the Mace is in front of the Clerk



The Mace



The public gallery



The Speaker's Chair, the Clerk's Chair is in front of the Speaker's Chair and the Mace is in front of the Clerk



Chamber of Parliament and the public gallery (top right of pic)



The ceiling of the House / Chamber of Parliament

National Parliament of Solomon Islands

Traditional Designs and Symbols



The national flag consists of two main parts. The Blue and the five stars in the top left half represent the ocean and the five main group of islands. The gold strip represents the land and forest.



The round design represents the base of the forehead or breast ornaments; known as KapKap or Tema in Santa Cruz and in Temotu Province. The different shapes inside the round disc represent fish and frigate birds.

These are usually made from turtle shell and are part of the decoration on a KapKap or Tema ornament. The symbol along the edge of the round disc represent the breast ornament known in some languages as Dafe or Dafi.



The main door handle represents the top part of a canoe paddle



The design on the right hand side of the image represent the wings of birds, this specific design is found behind the Speaker of Parliament. The diamond or triangular design represent the four wind direction of the East, West, North and South.

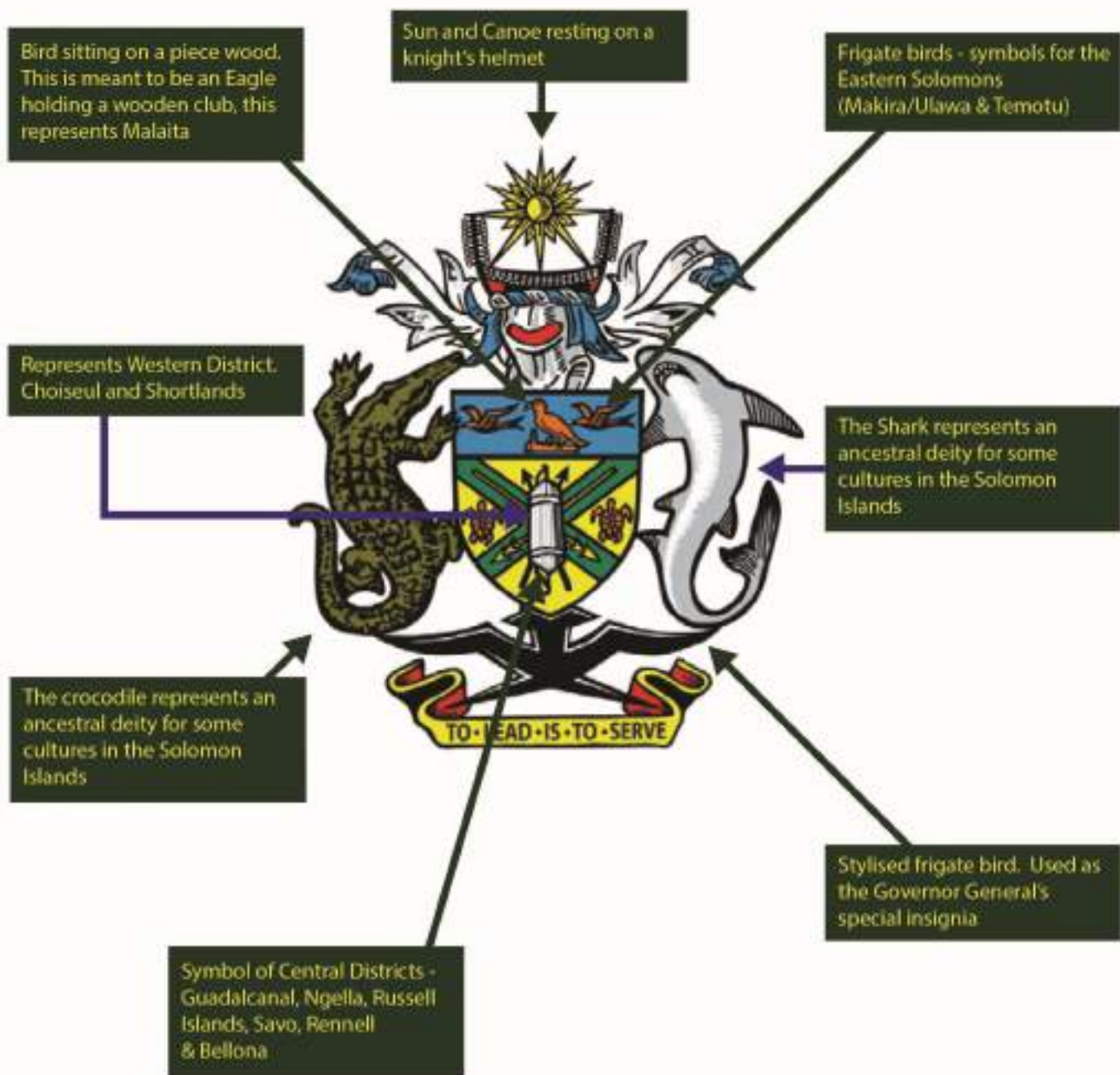
The squatting figures represent people sitting down and talking together. This design is copied from the carved fossilized clamshell pieces from Choiseul Province



The shapes of these doors represent the women and inlaid war or ceremonial shields that used to be found on Guadalcanal, Isabel, Ngella and the Western Province. The handles represent the wind of the frigate bird.

National Parliament of Solomon Islands Traditional Designs and Symbols

Coat of Arms Meaning



Family Protection Act 2014

(Excert of)



FAMILY PROTECTION ACT 2014
(NO. 15 OF 2014)



FAMILY PROTECTION ACT 2014

(NO. 15 OF 2014)

PASSED by the National Parliament this twenty seventh day of August 2014.

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true copy of the Bill)

Taeasi Sanga (Mrs)
Clerk to National Parliament

ASSENTED to in Her Majesty's name and on Her Majesty's behalf this twenty second day of September 2014.

Sir Frank Utu Ofagioro Kabui
Governor-General

Date of Commencement: see section 1

AN ACT TO PROVIDE FOR THE PROTECTION OF FAMILIES FROM DOMESTIC VIOLENCE AND TO PROMOTE THE SAFETY, HEALTH AND WELLBEING OF VICTIMS OF DOMESTIC VIOLENCE AND FOR RELATED PURPOSES.

ENACTED by the National Parliament of Solomon Islands.

ARRANGEMENT OF SECTIONS

PART 1 – PRELIMINARY

1. Short title and commencement
2. Objects of Act
3. Interpretation
4. Meaning of “domestic violence”
5. Meaning of “domestic relationship”
6. Meaning of “family member”
7. Meaning of “affected person”
8. Meaning of “respondent”
9. Meaning of “authorised justice”
10. Forms
11. Administration of Act

PART 2 – POLICE SAFETY NOTICES

12. Issue of police safety notice
13. Service of police safety notice
14. Duration of police safety notice
15. Conditions of police safety notice
16. Duty to assist affected person

PART 3 – PROTECTION ORDERS

Division 1- Jurisdiction to make protection orders

17. Jurisdiction of Magistrates’ Courts and authorised justices
18. Protection order in family or criminal proceedings

Division 2 – Applications for a protection orders

19. Who may apply for protection order
20. Application for vulnerable person
21. Form of application
22. Service of application

Division 3 – Interim protection orders

23. When interim protection order may be made
24. Service of interim protection order

- 25. Filing of interim protection order made by authorised justice
- 26. Duration of interim protection order
- 27. Application for final protection order continues

Division 4 – Final protection orders

- 28. Voluntary mediation
- 29. When final protection order may be made
- 30. Hearing of application in absence of respondent
- 31. Service of final protection order
- 32. Duration of final protection order
- 33. Withdrawal of application
- 34. Conduct of proceedings

Division 5 – Conditions of protection orders

- 35. Standard conditions
- 36. Conditions relating to behaviour of respondent
- 37. Conditions relating to property and accommodation
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Division 6 – Variation and revocation of protection orders

- 39. Application to vary or revoke protection order
- 40. Service of application
- 41. Decision to vary or revoke
- 42. Service of decision
- 43. Date of effect of revocation or variation

Division 7 – Appeals

- 44. Right to appeal
- 45. Conduct of appeal

PART 4 – ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE

- 46. Duty of health care providers
- 47. Duty of police officers
- 48. Assistance during prosecution

PART 5 – ADVICE, COUNSELLING, PREVENTION AND AWARENESS OF DOMESTIC VIOLENCE

Division 1 – Family Protection Advisory Council

- 49. Establishment and functions
- 50. Membership
- 51. Tenure of office of members
- 52. Meetings and procedures
- 53. Annual report

Division 2 – Registered counsellors

- 54. Registration of counsellors
- 55. Register of counsellors

Division 3 – Other duties of the Minister

- 56. Domestic violence prevention and awareness programs
- 57. Reporting requirements

PART 6 – OFFENCES

- 58. Domestic violence offence
- 59. Breach of order or notice
- 60. Obstruction of service provider
- 61. Proceedings for offences
- 62. Aggravating circumstances
- 63. Compensation

PART 7 – MISCELLANEOUS MATTERS

- 64. Time for giving and serving documents
- 65. Withholding address of affected person
- 66. Protection from liability
- 67. Review of Act
- 68. Funds for administering Act
- 69. Regulations

SCHEDULE

Form 1 – Police safety notice

Form 2 – Application for protection order

Form 3 – Protection order

Form 4 – Application for variation or revocation of protection order

Form 5 – Notice of variation/revocation of protection order

Form 6 – Affidavit of Service

Form 7 – Notice to attend

Form 8 – Withdrawal of application for protection order

FAMILY PROTECTION ACT 2014

PART 1 – PRELIMINARY

Short title and
commencement

1. This Act may be cited as the Family Protection Act 2014 and commences on a date appointed by the Minister responsible for justice, in consultation with the Minister responsible for women's affairs, by notice in the Gazette.

Objects of the Act

2. (1) The objects of the Act are—

- (a) to ensure the safety and protection of all persons who experience or witness domestic violence; and
- (b) to provide support and redress for all victims of domestic violence; and
- (c) to facilitate programs for victims of domestic violence to assist their recovery and ensure that they are able to lead a safe and healthy life; and
- (d) to facilitate the issue and enforcement of police safety notices and protection orders to stop domestic violence; and
- (e) to implement certain principles underlying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child; and
- (f) to create offences in relation to domestic violence and provide for increased sentences for persons convicted of such offences where certain aggravating factors are present.

(2) In enacting this Act, Parliament recognises—

- (a) that domestic violence in all its forms is unlawful; and

- (b) that domestic violence occurs in and impacts on all sectors of the community; and
- (c) that domestic violence may involve the exploitation of power imbalances or patterns of abuse over many years; and
- (d) the particularly vulnerable position of vulnerable persons who are exposed to domestic violence as victims or witnesses, and the impact that such exposure can have on their current and future psychological, physical and emotional well-being; and
- (e) that domestic violence is best addressed through a coordinated legal and social response of assistance to victims and measures to prevent violence and, in certain cases, by appropriate intervention by the Court.

(3) A court or a person that exercises any power conferred by this Act must implement the objects of, and follow the guidance provided by, this section.

3. In this Act, unless the context otherwise requires—

Interpretation

“affected person” has the meaning set out in section 7;

“authorised justice” has the meaning set out in section 9;

“child” means a person under 18 years of age;

“Clerk of Court” has the meaning set out in section 2 of the Magistrates’ Court Act (Cap. 20);

“Council” means the Family Protection Advisory Council established by section 49;

“Court” means the Magistrates’ Court established by section 3 of the Magistrates’ Courts Act (Cap. 20);

“domestic relationship” has the meaning set out in section 5;

“domestic violence” has the meaning set out in section 4

“economic abuse”, of a person, means any of the following—

- (a) unreasonably controlling behaviour which denies the person financial autonomy or prevents them from taking part in decisions over household expenditures or the disposition of joint property;
- (b) withholding financial support reasonably necessary for the maintenance of the person or of the person’s household;
- (c) the unreasonable and unilateral disposal, retention or subtraction of moveable or immovable property in which the person has a material interest, or damage to or destruction of their personal property, so as to interfere with their use of such property;

“family law proceedings” mean proceedings—

- (a) under the Affiliation, Separation and Maintenance Act (Cap. 1); or
- (b) under the Islanders’ Divorce Act (Cap. 170); or
- (c) otherwise related to family law;

“family member” has the meaning set out in section 6;

“final protection order” means a protection order made under section 29;

“firearm” has the meaning set out in section 2 of the Firearms and Ammunition Act (Cap. 80);

“harassment” means engaging in a pattern of conduct that induces the fear of harm in a person, including any of the following—

- (a) watching, or loitering outside of or near, a place where the person lives, works, studies or happens to be;
- (b) making unwarranted phone calls or inducing another to make such phone calls to the person, whether or not conversation ensues;
- (c) sending or delivering unwanted letters, packages, other objects, facsimiles, text messages or other electronic mail to the person;

“health care provider” means a doctor, nurse or health worker engaged in any facility that provides medical services;

“High Court” means the High Court established by section 77 of the Constitution;

“interim protection order” means a protection order made under section 23;

“intimidate”, a person, means to intimidate the person within the meaning of section 231(2) of the Penal Code (Cap. 26);

“Local Court” means a Local Court established under section 2 of the Local Courts Act (Cap. 19);

“officer in command” has the meaning set out in section 2 of the Police Act 2013;

“physical abuse”, of a person, means—

- (a) conduct causing bodily pain or harm to the person or danger to the person’s life or health; and
- (b) includes assault;

“police safety notice” means a notice issued under section 12;

“police station” includes police post;

“possess” includes control;

“protection order” means an interim or final protection order;

“psychological abuse” means conduct that degrades or humiliates a person, including any of the following—

- (a) insults, ridicule or name calling;
- (b) obsessive possessiveness or jealousy, which constitutes a serious invasion of the person’s privacy, liberty, integrity or security;
- (c) harassment;
- (d) stalking;
- (e) intimidation;

“registered counsellor” means a domestic violence counsellor registered under section 54;

“respondent” has the meaning set out in section 8;

“sexual abuse”, of a person, means conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the person;

“social welfare officer” means a person holding a position of that designation in the Ministry responsible for social welfare;

“stalk”, a person, means to engage in a pattern of conduct consisting of following or pursuing the person in an unwanted and unwelcome manner, whether in person or by telephone calls, text messages or other means of communication;

“victim”, in relation to an offence—

- (a) against section 58 – means the person against whom the act of domestic violence was committed; and
- (b) against section 59 – means the affected person for the protection order or police safety notice;

“vulnerable person” means—

- (a) a child; or
- (b) a person with a cognitive impairment that results in substantially reduced capacity in any of the following—
 - (i) self-care or management;
 - (ii) decision making or problem solving;
 - (iii) communication or social functioning;

“weapon” has the meaning set out in section 84(6) of the Penal Code (Cap. 26).

4. (1) “Domestic violence” is conduct committed by a person (the “offender”) against another person with whom the offender is in a domestic relationship, or the threat of such conduct, that constitutes any of the following—

Meaning of
“domestic
violence”

- (a) physical abuse;
- (b) sexual abuse;
- (c) psychological abuse;
- (d) economic abuse.

(2) Domestic violence may consist of a single act or a number of acts that form part of a pattern of behaviour, even though some or all of those acts when viewed in isolation appear to be minor or trivial.

5. A person is in a “domestic relationship” with another person if—

Meaning of
“domestic
relationship”

- (a) they are or have been family members; or
- (b) they are the parents of a child or are persons who have or have had parental responsibility together for a child; or
- (c) they are or were in an engagement, courtship or customary relationship, including an actual or perceived intimate or sexual relationship of any duration; or
- (d) one person is a domestic worker in the other person's household.

Meaning of
"family
member"

6. (1) A "family member", of a person, is a member of the person's family, whether related by blood, adoption, marriage or custom.

(2) Without limiting subsection (1), each of the following is a member of a person's family—

- (a) the person's spouse or de facto spouse;
- (b) the person's child, grandchild, step-child or child-in-law;
- (c) the person's parent, grandparent, step-parent or parent-in-law;
- (d) the person's sibling, half-sibling, step-sibling or sibling in-law;
- (e) the person's uncle or aunt or uncle-in-law or aunt-in-law;
- (f) the person's nephew or niece;
- (g) the person's cousin;
- (h) any other person who is treated by the person as a member of the person's family or a member of the person's household.

7. (1) An “affected person”, for a police safety notice or protection order, is a person for whose protection the notice or order is in force or is sought.

Meaning of
“affected person”

(2) More than one person may be named as an affected person in—

- (a) an application for a protection order; or
- (b) a police safety notice or protection order.

(3) If more than one person is an affected person for a police safety notice or protection order, a reference in this Act to “the affected person” includes a reference to any of the affected persons.

8. (1) A “respondent”, for a police safety notice or protection order, is a person against whom the notice or order is in force or is sought.

Meaning of
“respondent”

(2) Only one person may be named as a respondent in—

- (a) an application for a protection order; or
- (b) a police safety notice or protection order.

9. An “authorised justice” is—

Meaning of
“authorised
justice”

- (a) a Justice of a Local Court; or
- (b) a prescribed person or a person belonging to a prescribed class of persons.

10. A reference in this act to a Form by number is a reference to the Form of that number in the Schedule.

Forms

11. (1) The Minister responsible for women’s affairs is responsible for administering Parts 4 and 5 of this Act.

Administration
of Act

(2) The Minister responsible for justice is responsible for administering the remaining provisions of this Act.

NOTE

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