

SOLOMON ISLANDS GOVERNMENT



THE PARLIAMENTARY HANDBOOK

**Department of Prime and Cabinet
November 2005**

FOREWORD

The Parliamentary Handbook contains the principles and conventions by which the elected Members, Permanent Secretaries and other officers must be guided. It also clarifies the procedures necessary to ensure that the relationship between the public service and the Parliament is efficient and effective. The Handbook should be seen as complementary to the Standing Orders of the Parliament.

This Handbook and its companions ***The Cabinet Handbook, The Ministerial Handbook, The Permanent Secretary's Handbook and The Legislation Handbook*** will be revised when necessary to reflect changing technological and other needs over time.

We ask that Ministers, Members and officials ensure adherence to the principles and procedures outlined in the Handbook. The Speaker, Secretary to Cabinet, the Cabinet Office staff, the Clerk to the Parliament and the Parliamentary staff are available to advise and assist.

Hon. Sir Allan Kemakeza, MP
Prime Minister

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1. THE PARLIAMENT

- 1.1 The role and function of the Parliament of the Solomon Islands is set out in the Constitution (Solomon Islands Independence Order 1978). Chapter VI section 46 says that “there shall be a national legislature for Solomon Islands, which shall consist of a single chamber and shall be known as the National Parliament of Solomon Islands”.
- 1.2 The Constitution provides for one member constituencies. Members are elected in accordance with the provisions of the Constitution. Sections 48 and 49 identify who is entitled to stand for election and the grounds on which those who are not entitled are precluded. In the case of any dispute the High Court is empowered under section 52 to determine the validity of parliamentary membership. No member is permitted to take part in the proceedings of parliament unless he or she has taken an oath or affirmation of allegiance as prescribed by the Constitution.
- 1.3 Section 53 provides for a commission entitled the Constituency Boundaries Commission whose role it is to make recommendations to Parliament about the number and boundaries of constituencies in the Solomon Islands. The number must fall between 30 and 50. Sections 55 and 56 identify those who are entitled to register as voters and sections 57 and 58 establish the Electoral Commission whose responsibility it is to supervise the registration of voters and the conduct of elections.
- 1.4 It is a constitutional requirement that Parliament shall be held at such a time and at such a place as the Governor General proclaims and as is published in the Gazette. Parliamentary sessions must be held so that a period of twelve months does not intervene between them. Proceedings of the Parliament are public except where the rules of procedure otherwise provide.
- 1.5 Parliament may decide at any time to dissolve or prorogue itself, however, if this does not occur it shall continue for four years from the first date of sitting after which it shall stand automatically dissolved.

The Speaker

- 1.6 Section 64 of the Constitution makes provision for the election of a Speaker, from amongst persons qualified for election as a Member of Parliament and a Deputy Speaker, from amongst the Members, on the first day of sitting of the Parliament after a general election. These positions are crucial to the workings of Parliament as no business, except the election of the Speaker, can be conducted at any time when the Office of the Speaker is vacant.
- 1.7 The Speaker is elected in accordance with the Constitution. Members are provided with a list of candidates for whom they vote by secret ballot. Candidates are eliminated by sequential ballots unless a candidate achieves an absolute majority in the first ballot. If this is the case that candidate is duly elected.
- 1.8 The Constitution also provides for the occasions when the office of Speaker or Deputy Speaker becomes vacant (section 64 (1) (a) (b) and (2) (a) (b) (c) and (d) (i)). Should none of these conditions prevail the Speaker will automatically vacate

the position when the Parliament sits for the first time after a general election (2) (ii).

1.9 It is the Speaker who, under section 66 (1), recommends to the Governor General who should be the Leader of the Opposition. Similarly, it is the Speaker who advises the Governor General from which independent group, with the numerical strength, the Leader of the Independent Group should be appointed [section 66 (2)].

1.10 It is also the Speaker who manages the business of the Chamber and ensures that Members are behaving in a parliamentary fashion. The Speaker has come to be viewed as the role model and leader of the Parliament. He or she is responsible for the setting of standards and the upholding of the **Standing Orders** by all Members. When the Speaker rises from his or her chair, during the proceedings, in the Parliament or in committee of the whole House, all members must be seated.

1.11 The Speaker is the ultimate arbiter on the rules of order in the Parliament and in committee. As such the Speaker's decision on a point of order is final (Standing Order 38). Where the Speaker thinks that a Member has been defamatory, irrelevant or tediously repetitive, he or she may ask the Member to stop speaking or withdraw their remarks. If the Member refuses to do so the Speaker will deem the Member's behaviour as grossly disorderly and will reprimand or suspend the Member.

1.12 The relationship between the Speaker and the Clerk is crucial to a well functioning Parliament. The Speaker is dependant on the Clerk to assist him or her in the proper interpretation of the **Standing Orders** and for keeping accurate records of the Parliament.

The Standing Orders

1.13 **The Standing Orders** are subsidiary legislation made under the Constitution (Section 62) and prescribe the manner in which the Members should conduct themselves and the way in which the business of the Parliament is arranged.

1.14 Arrangement of the business of the House, the presentation of petitions and papers, the timing of sessions, meetings, sittings and adjournments are all prescribed by these Orders. The manner in which petitions and papers are dealt with, the way in which questions are put, the rules of debate, the rules of order, voting and the procedure on bills are all governed by them. As a consequence, it is essential that Members learn how they operate as quickly as possible or otherwise they find themselves "out of order" and unable to participate in debates or speak.

1.15 It is also important that officials familiarise themselves with the **Standing Orders** as they identify the manner in which the select and special committees operate and the procedure for the passage of a Bill. The latter is a complex process and is outlined in detail in the **Legislation Handbook**. Permanent Secretaries, in particular, need to understand it in order to be able to furnish their Ministers with adequate information and appropriate tabling speeches.

1.16 In theory Parliament meets only when there is a **quorum** in the chamber or in committee. In practice, however, it is only when a Member objects to the lack of a

quorum (less than half the Members other than the Presiding officer) that the Speaker tests the issue and, if satisfied that a quorum does not exist, will adjourn the House to the next day of sitting.

1.17 When in session the Parliament normally sits on Monday through to Friday other than on public holidays. Friday is usually reserved for private members' business. Every sitting commences at 9.30 am and the adjournment motion is put by a Minister at 4.30 provided that the Speaker is satisfied that the deferment is appropriate.

1.18 The order of business of the Parliament at each sitting is transacted in a prescribed manner in accordance with Standing Order 13. Commencing with prayers, the business proceeds through: the administration of oaths; messages and announcements; petitions; papers and reports of committees; questions and answers; statements by Ministers, the Prime Minister and the Chairman of the Business Committee; personal explanations; obituary and ceremonial speeches; matters of privilege, and motions and bills.

1.19 Voting in Parliament is undertaken in accordance with the Orders and may be decided on the voices or by means of a division. If, when the Speaker has called for a vote by means of hearing those in favour and those against and rules as to whether the Ayes or the Nos have it, any Member challenges the Speaker's ruling, a division will be held.

1.20 The Standing Orders spell out the manner in which the Governor General is elected by the members as prescribed in section 27 of the Constitution. The Governor General may deliver a speech at the opening of Parliament and will be responsible for the proroguing or concluding of Parliament in accordance with section 73(1) of the Constitution.

The Clerk

1.21 It is the duty of the Clerk to keep the minutes of proceedings of the Parliament and the committees for the Speaker's signature and for distribution to Members at the commencement of the next sitting. It is also the duty of the Clerk to keep the Order Book up to date showing all the business for which notice has been given.

1.22 For each sitting The Clerk, on advice of the Secretary to Cabinet, is responsible for preparation of:

- an Order Paper which shows the business for that sitting, and
- a Notice Paper which shows all motions for which notice has been given

1.23 As prescribed in the Standing Orders, the Clerk is responsible for the safe keeping of all votes, bills, records and documents laid before the Parliament. These must be maintained in a transparent system for easy inspection by Members and other persons of whom the Speaker has approved.

1.24 The Clerk is required to: respond to direction from the Speaker and the Parliament; provide staffing to the select and standing committees and, provide an official report (the Hansard) of the speeches made in Parliament and in committees of the whole House.

The Attorney General

1.25 Section 42 of the Constitution provides for the office of the Attorney General who is the principal legal adviser to the Government. Where the Minister for Justice is not a person entitled to practice in the Solomon Islands as an advocate or as a barrister and solicitor, the person holding the office of Attorney General is entitled to take part in the proceedings of Parliament as an adviser to the Government. Although the Attorney General sits in the Chamber with the Members, he or she is not entitled to take part in the election of the Prime Minister or to vote in the Parliament.

Committee of Supply

1.26 Before the commencement of each financial year, the Minister of Finance shall cause to be prepared and laid before the Parliament the financial year estimates of the revenues and expenditure of the Government for that year in accordance with section 102 (1) of the Constitution. The heads of expenditure contained in the estimates shall be included in a bill known as the Appropriation Bill Parliament.

1.27 The Standing Orders provide for a Committee of the whole House known as the **Committee of Supply**. Once the estimates have been presented to the Parliament the Appropriation Bill will stand referred to the Committee of Supply after the Second Reading. A maximum of four days will be allotted to discussion in the Committee. The Standing Orders provide for a complex procedure to be followed during the debate and movement of amendments whilst in the House is in Committee.

1.28 Members of the Cabinet are closely concerned with the discussions which take place in the estimates of the services within their portfolios and the examination of estimates in the Committee of Supply. Ministers will arrange for their Permanent Secretaries or other appropriate representative(s) to be present in the official box for the purpose of passing information to the Ministers.

Special Select Committees and Standing Select Committees

1.29 Standing Order 68 empowers the Parliament to establish Select Committees to consider matters or Bills referred to it. These committees may be Standing Select Committees or Special Select Committees depending on how they are appointed. The Speaker will decide on the size, membership and chairman of these committees.

1.30 Select Committees proceed in accordance with Standing Order 72 and at such times as determined by the Chairman. A quorum of a Select Committee is one third of the members minus the Chairman. Once a Special Select Committee has considered the matter referred to it and reported to the Parliament it will dissolve. A Standing Select Committee does not dissolve even on the dissolution of the Parliament but remains to continually report to Parliament from time to time on the matters referred to it.

Public Accounts Committee

1.31 Standing Order 69 provides for a Standing Select Committee called the **Public Accounts Committee** whose role it is to examine the accounts prescribed under section 38 of the **Public Finance and Audit Act**, together with the report of the Auditor-General. The Committee examines the draft Estimates prior to the Parliament

debating the Annual Appropriation Bill and may call before it any public officer to give information or explanations, or to, produce records and documents. The Committee reports to Parliament and draws to the Members' attention any matters it feels relevant to the debate on the Appropriation Bill.

Parliamentary House Committee

1.32 Standing Order 70 provides for the establishment of a Standing Select Committee called the **Parliamentary House Committee** whose role is to: advise on Member's terms and conditions; oversee the management of the facilities and property of the Parliament; advise on parliamentary business and make rules and guidelines for members on the use of facilities etc. Like other Standing Committees it reports to Parliament from time to time.

Bills and Legislation Committee

1.33 The **Bills and Legislation Committee** established under Standing Order 71 is also a Standing Select Committee whose role it is to: examine all draft legislation for introduction into Parliament; review all subsidiary legislation; monitor all motions; review current legislative measures and examine any such matters of legislation the Committee believes requires examination. The Committee provides a written report to Parliament at each meeting which contains observation and recommendation to the Parliament.

Constitutional Review Committee

1.34 Standing Order 71A provides for the establishment of a Select Standing Committee to review the Constitution regularly and advise the Government on any changes that may be deemed necessary and any matters relating to the use, abuse and misuse of constitutional powers, rights and responsibilities. The Committee report to the Parliament by way of the laying their recommendations on the table, or if the Parliament is not in session, delivering it to the Clerk.

Foreign Relations Committee

1.35 Standing Order 71B establishes a Select Standing Committee on **Foreign Relations**. This committee's role is to observe and make recommendations on the: review, establishment and severing of diplomatic and consular relations; ratification of international treaties and conventions; appointment of Ambassadors, High Commissioners and other SIG representatives and accredited international organizations; application of the Geneva Convention to diplomatic immunities and privileges; terms and conditions of service of employees of regional bodies of which the SIG is a member and the conduct of the Government's foreign policy. The manner of reporting of this Committee is not prescribed by the Standing Orders.

Members of Parliament Entitlements Commission (PEC)

1.36 Section 69 and 69A of the Constitution makes provision for the establishment of a **Members of Parliament Entitlements Commission (PEC)** and describes its powers and responsibilities. The Chairman, who is a constitutional office holder, and members of the Commission are appointed by the Governor General on advice of the Prime Minister. The Commission is vested with the power to determine the

entitlements of the Parliamentarians and to amend them by yearly review.

1.37 The Commission is also entitled to make regulations in accordance with the Constitution on the following matters: scale of salaries and other entitlements; terms and conditions of loans; travel and transport; tax exemptions; and any other such matters as would facilitate the discharge of parliamentarian's duties. The Members of Parliament (Entitlements) Commission Regulations provide detailed prescriptions about Members': payments; traveling imprests; advances and loans; accommodation; travel; medical treatment; Constituency Development Fund allocations and free services.

2. THE LINK WITH CABINET

2.1 The Secretary to Cabinet is responsible for arranging the business for meetings of the Parliament in conjunction with the Clerk of the Parliament. In addition, the Secretary is responsible for arranging the business for Cabinet, keeping the minutes of Cabinet and for conveying decisions of the Prime Minister in Cabinet to the appropriate person or authority and has such other functions as the Prime Minister may from time to time direct. These functions are set out in more detail in the ***Cabinet Handbook***.

2.2 The Secretary to Cabinet is also responsible for ensuring that the work of the Departments which is directed towards the Cabinet, or which results from the Cabinet decisions, is properly coordinated. To this end the Secretary must maintain close contact with the Permanent Secretaries. The Permanent Secretaries have a corresponding duty to facilitate the maintenance of this contact. These duties are set out in detail in the ***Permanent Secretaries' Handbook***.

2.3 The Secretary to Cabinet is also the channel through which passes all routine papers submitted to the Prime Minister by Departments other than the Department of Prime Minister and Cabinet and all papers intended for the Cabinet Ministers. It is the Secretary's duty to draw the attention of departments to any lack of coordination in them. When so directed by the Prime Minister, the Secretary will send such papers back for further consideration for clarification. He or she is responsible for the general coordination of all departments and holds periodic meetings of all Permanent Secretaries or their equivalent to maintain official intercommunication and understanding.

Legislations returns

2.4 The Attorney General will on request supply returns of legislation to the Secretary to the Cabinet, showing the drafting position in his Chambers. These returns may be sought at quarterly intervals, and should form the basis for an Information Note to Cabinet.

Register of Bills

2.5 The Cabinet Office keeps a ***Register of Bills*** so that information is readily available to show the progress of Bills through their various stages from being first proposed in Cabinet to being passed by the Parliament. The ***Register of Bills*** shows: (a) the title of Bill; (b) Priority; (c) Departmental file number; (d) the Minister or Member

responsible; (e) Cabinet memorandum number; (f) Conclusion number; (g) date put on the Order Paper, and (h) the date passed in Parliament.

Motions

2.6 Except in extreme circumstances, and then on the ruling of the Speaker, no Member can move a motion in Parliament unless that motion has appeared on the Notice Paper three clear days before the day on which it is to be considered by Parliament.

2.7 The Clerk to the National Parliament sends to the Secretary to Cabinet a copy of all Motions (including Government Motions) as soon as they are admitted. These are immediately circulated to members of the Cabinet under cover of a Note by the Secretary. The chief object of the note is to give the Motions a Cabinet reference number. A corresponding copy is sent to the Permanent Secretary concerned, for further action.

2.8 The Permanent Secretary prepares a memorandum for the Cabinet for consideration by the Minister, recommending the manner in which Government should reply to the Motion or asking for a decision on the attitude to be adopted by Government towards the Motion. The memorandum when approved by the Minister will be dealt with as an ordinary memorandum for the Cabinet. In very straightforward cases oral consultation with colleagues in the Cabinet may be sufficient.

2.9 In the case of Private Member's Motions, a copy of the Note (corresponding to the office copy of a normal Cabinet memorandum) is sent, by the Secretary, to the Department concerned for the preparation of a memorandum to the Cabinet, as a basis for discussion on the attitude to be adopted by Government towards the Motion.

2.10 The Cabinet may, just before, or in the early stages of a meeting of the National Parliament, go through the outstanding Private Members' Motions and decide on which Motions Government policy is clear and therefore discussion on the basis of a memorandum if not needed. This is useful sometimes when there is considerable pressure of work in preparing memoranda on Motions and when a Private Member's day is approaching, but it has the danger that it might lead to a hasty unconsidered decision on a controversial motion.

2.11 A register is kept for the Secretary to Cabinet of all Motions, official and private. On appropriate occasions a Note by the Secretary may be issued summarizing the decision of the Cabinet on the Motions for ease of reference by members. The **Register of Motions** is divided into Official Motions and Private Members' Motions and shows: (a) the serial number given by Clerk of the National Parliament; (b) the date of receipt; (c) the mover; (d) the subject; (e) the date circulated; (f) the Cabinet memorandum number; (g) the Departmental case file number; (h) the Cabinet Conclusion reference; (i) the Minister or Member responsible; (j) the date on the Order Paper; (k) the date debated, and (l) the result.

2.12 During a meeting of the Parliament the Government Printer or the Clerk, as appropriate, sends to the Secretary to the Cabinet a copy of the verbatim report, day by day, and also Order Papers and Minutes, as soon as ready so that the Secretary can see how business is progressing and note any matter that should go before the Cabinet.

2.13 The Cabinet Office is only concerned with those Questions put to Parliament on which the Member responsible wishes to have a decision of the Cabinet regarding the answer. Action on such questions follows the normal procedure by which any matter is put to the Cabinet for a decision. A record of them is however kept separately in the Register for ease of reference should the same question be raised regularly.

2.14 It is one of the duties of the Cabinet Office to circulate to members of the Cabinet copies of official diplomatic notes to and from the Permanent Secretary of Foreign Affairs to other Governments, other than those dealing with staff or reserved subjects. Other communication which is not in the nature of petitions may be addressed to the Cabinet or to the Secretary from time to time, and they may also be circulated in the same way, unless they are of such importance that they should be distributed as Cabinet documents under a Note by the Secretary.

Government publications

2.15 Copies of Government publications should be serially numbered and registered and indexed by the Cabinet Office so that immediate access can be made to any publication required by the Prime Minister, the Secretary or the Cabinet. Copies of Order Papers, Minutes and Official Reports of the Parliament should also be kept for ease of reference in separate covers in the Cabinet Office.

2.16 The supplements to the Gazette and any unbound legislation must also be divided into various categories of legislation and kept in separate covers, each with an index so that there can be ready access at any time. A **register of subsidiary legislation** is kept in the Cabinet Office and in the Attorney General's Chambers. Showing: (a) the title; (b) the Cabinet memorandum number; (c) the Conclusion reference; (d) any remarks; (e) the date sent to Gazette clerk ;(f) the Gazette number, and the (h) Legal Notice number.

Ministers' movements

2.17 A **Chart of Ministers' Movements** is kept by the Cabinet Office showing the dates when Ministers are touring or are absent from Honiara for other reasons. The Prime Minister, the Governor General, the Secretary to Cabinet and all Permanent Secretaries must be kept informed of the planned movements of all Ministers.

3. BUSINESS OF PARLIAMENT

The government bench

3.1 Members of the Cabinet sit as the **government bench** in the Parliament and all members are expected to use their influence and powers of persuasion to ensure that the policy decided upon by the Cabinet is endorsed by Parliament.

Debates

3.2 Members of Cabinet who have been charged with responsibility for any matter or group of matters are responsible for initiating and answering debates on subjects

within their portfolios. Fellow members may also answer by prior mutual agreement on behalf of absent Ministers when the subjects under discussion do not involve questions of policy on which the Cabinet has not decided.

Divisions

3.3 A division occurs when a Member challenges the Speaker's ruling on a vote on the voices. When a division has been called for, the Speaker orders the "ringing of the bells" which calls all the members to the Chamber. The bells ring for a period of two minutes unless all Members are present. The Clerk records who the Ayes and the Nos are when the Speaker calls for them and presents the record to the Speaker.

Speech from the throne

3.4 At the beginning of a new session of Parliament the Governor General makes a speech outlining the programme and direction of the Government. Suggestions by Members of the Cabinet for subjects to be included in the Governor General's **speech from the throne** are sent to the Governor-General's Office through the Secretary to Cabinet so that the material can be assembled before the draft speech is put to the Governor General and finally the Cabinet for approval.

3.5 A Member from among the Government's supporters will move a motion without notice on the day following that on which the speech is delivered from the throne, that an address of thanks be presented to His/Her Excellency the Governor as follows:-

"We the National Parliament of Solomon Islands here assembled, beg leave to offer thanks for the speech which has been addressed by you to the Parliament".

The debate on this motion should be conducted in the normal way. A maximum of three days should be provided for this debate.

Questions in parliament ("PQs")

3.6 Permanent Secretaries are essential to a well performing minister in Parliament as well as in Cabinet. It is crucial therefore that Permanent Secretaries provide Ministers with quality material to answer questions and deliver speeches. The detailed procedure outlined below should be followed by departmental officials responsible for drafting answers to Questions in Parliament, commonly called "**PQs**" and these must be given the highest priority at all stages and the deadlines for submission meticulously observed.

Question Time

3.7 In general, questions can only be asked after Members have tabled questions to Ministers with the Clerk and notice of them appears on a Notice Paper. This is circulated by the Clerk to the Cabinet Office and to Departments for immediate personal delivery to the Permanent Secretary, as well as to Members and Officials in the House. Experienced MPs table many Questions to Ministers in the hope that they will be able to put supplementary questions. This is why it is important that a draft answer to a Question should always contain both background material and notes for supplementing.

Notice of Questions

3.8 MPS have to give at least five clear days' notice of Questions to the Clerk to Parliament, but at least one of these days is taken up in the Speaker's examination of the Questions and the introducing of the Notice Paper. This leaves the Department and Permanent Secretary only limited time to draft the answer and have it cleared up to the Member of the Cabinet who will answer it. Parliamentary traditions on "**PQs**" are strict. To assist the reporters, draft answers to all Questions must also be with the Clerk's Office on the day on which they are for answer although the wording of an oral reply may be changed at the Minister's discretion at any stage.

Handling questions and presentation "PQ" folders

3.9 A Question should be sent directly to the appropriate departmental officer by the Permanent Secretary or other responsible official immediately he or she receives the Notice Paper upon which it appears. A special single folder should always be used for enclosing all papers containing "**PQs**" and no extraneous papers or departmental files should be attached. The folder will be returned to the Permanent Secretary by the Minister when the Question has been answered or at the end of the parliamentary sitting week for updating. The Question, answer and material for supplementary questions should be submitted in a standard layout which is enclosed in the folder.

3.10 The top of the layout should have the Question typed in single spacing and with the MP's name, constituency (and party if any) in the top left hand corner. The date for expiration of notice for this Answer as given in the Notice Paper or as the Clerk's Office may intimate and should be typed in the top right hand corner of the sheet. The draft Answer should be typed below the Question in double spacing. An example of the layout is shown in Appendix 1.

3.11 Notes for supplementary questions and background notes should be typed on separate sheets with the Question number and MP's name typed in the top right hand corner. The Answer together with supplementary and background notes should be submitted with four spare copies (making five copies in all). Three copies of supporting material such as extracts from "Hansard", should also be submitted, except that, where the supporting material is in short supply or necessarily bulky (e.g. a complete White Paper), only one copy need be submitted.

3.12 It should be noted that no papers other than the draft Answer should be included in the "**PQ**" folder. Where the Answer depends on approval being given to a submission or draft letter then that approval should be included in the explanatory notes.

3.13 The original of the Answer is for the Minister's use in Parliament and (normally) subsequent filing. Spare copies are provided for the Permanent Secretary and other appropriate officers, for the Clerk (or the reporter) and for the file. If the original is mislaid.

Circulation

3.14 The answer to the Question should be agreed, before it is submitted by the

relevant officer or Permanent Secretary, with all interested divisions in the Department and outside offices. A note in the folder should indicate that this action has been done elsewhere. Occasionally consultation is particularly important an additional copy of the Question will be sent to any officer with a secondary interest.

3.15 In addition officers should ensure that the Government Communications Unit in the Cabinet Office is informed in advance of answers being prepared for all arranged “PQs” In other cases, when an answer of substance is being submitted, a copy should be sent to the Director of Government Communications to consider whether action should be taken to bring the Answer to the notice of the “media”. The Director remains personally bound by any classification of confidence or privacy imposed before delivery.

3.16 When the officer responsible for originating a draft Answer has it agreed at the official level, he or she should sign it and also ensure that his name or initials appear on the spare copies of the Answer and submit it in the folder, marking on the outside of the folder the date and time at which it leaves him. The Minister then knows to whom to refer in an emergency if other advice is unavailable. “PQ” folders should be passed by hand at all stages, and classified as “restricted” (occasionally “confidential”) until the Answer has been given.

3.17. Draft replies to all questions should normally be submitted through the Permanent Secretary who will decide whether other senior officials should see them. Any amendments at this stage should be clearly entered on all five copies.

3.18 Occasionally a Minister may call for further direct briefing, or comment on an Answer which he has redrafted. It is important in these circumstances that officers should send copies of any additional material submitted to the Permanent Secretary as well as to the private office of the Minister.

Timing

3.19. In order to ensure that the folder reaches the Permanent Secretary for the Minister in time, the officer responsible for drafting should submit it two full days before the a, calculated deadline. Very occasionally an important Answer must be cleared with the Cabinet by written opinion or at an urgent meeting, and this possibility must be borne in mind.

Transfer of Questions

3.20 MPs may put down a Question to the wrong Minister. When this occurs the Permanent Secretary or departmental officer to whom it is referred is responsible for arranging transfers, either away from the Department or from another Department to their own. Officials can help this process by telling the relevant officer in the correct Department immediately they find that they have been sent a “PQ” which is not for them.

3.21 The Permanent Secretary should also ascertain if there are any “PQs” on the Notice Paper to other Ministers which they think their Minister should answer. When demarcation disputes occur and cannot be resolved, reference to Ministers may even be necessary.

Some hints on drafting questions

Length

3.22 The Answer to an Oral Question should be as crisp and factual as possible. It is a mistake to try to pack in too much information. Question Time is not a debate or for speeches. The drafting officer should therefore aim at answering the Question in preferably not more than two sentences. It is sensible precaution to read the Answer out loud to ensure that it is easy to read without tongue twisting, and also so far as possible that it is good spoken prose which suits the Minister's personal style. Special care should be taken that if technical terms must be used they are used correctly. It may be necessary to explain them in the background notes.

3.23 It is a frequent parliamentary convention, if the Answer would merely repeat information already given recently, to refer the MP back to a previous Answer. An example of this would be to say:

"I would refer Hon .Member to the Answer I gave on.....
to the member for"
or "I have nothing to add to the Answer given to similar
Question.....to the....."

The draft Answer should refer to the date when the Answer was published in the Official Report and should include the volume and column reference of the previous Question.

3.24 It is quite normal to refer back to an Answer given in the previous session; the Answer should not however refer back more than six months nor to an Answer given to a previous Parliament session.

Party

3.25 Draft Answers should take account of the questioner's identity and motive, and answers should be written with the public interest in mind.

3.26 Officials should remember that in referring to members of the Opposition the Answer should refer to "the Hon. Member forIn referring to Government supporters the Answer should refer to "my Hon. Friend the Member for Care should be taken to remember the more unusual titles such as "learned" or "reverend".

Questions together

3.27 It is quite normal for Questions to be grouped together and given the same Answer. The usual preamble in answering grouped Question is:
"With permission, I will answer this Question and Question
Nos together".

Supplementaries and Background Notes

3.28 With the main Answer a background note should normally be provided and, if necessary notes for any supplementary questions which may arise if the Answer is given orally in the House. The following points should be borne in mind:-

- Notes for Supplementaries should be distinguished clearly from Background Notes. They must be short, clear and, so far as the subject allows, in everyday language. They should be in the form of brief notes with shoulder headings - underlined, and the headings should normally reflect likely of possible Questions; the Question and Answer form should not be used. Any points made in the Notes for Supplementaries which are not fully self-explanatory should be dealt with in a Background Note.
- Officials responsible for preparing material should consider carefully what Supplementaries are likely to be asked and in particular try to anticipate any hostile Questions which the Minister may have to answer.
- It should be remembered that, properly used, Question Time can provide one of the most effective means of publicising any points which it would be useful to get across to the public. In addition, therefore, to answers to likely hostile Questions, the Notes for Supplementaries should include any point or points which it would be advantageous to bring out in a newsworthy way.

3.29. The background note should explain why the particular Answer has been suggested, and what lies behind the Question if that is possible. Sometimes the MP will already have revealed his motive in an earlier Question, a speech, an interview or a public or private statement. Sometimes the officials can recognise that the Question is inspired by an outside interest group. All such information is very helpful to Ministers and should be included in the background note. The note need not repeat information given in the Answer or supplementary. If confidential information has to be given this should be done separately and clearly marked with a sideline and the classification, so that the Minister does not read it out in the House.

3.30 The notes should be as short as possible, consistent with briefing Ministers fully on all the points involved. Anything longer than two pages for supplementaries and two pages of background notes is likely to be counterproductive.

Quotations of sources

3.31 Officials when handling “PQs” should specify the sources of any published statistics contained in the Answer. In cases where a Member requests information which is already available from published sources, and the Speaker has not disallowed the Question under Standing Orders, the correct practice is to reply by referring him directly to the appropriate sources. Where an Answer contains figures which have been re-arranged from published statistics, replies should normally identify the source from which these figures have been extracted. It can then be inferred that any figure quoted without an identified source had not previously been published.

Cost of questions

3.32 It has become regular Commonwealth parliamentary practice for Ministers to refuse to answer unconstructive or vexatious Questions if answering them would involve disproportionate expenditure in terms of official time, with no benefit to the public welfare. The usual form of such an answer is:

“This Question could only be answered at the cost of disproportionate time and

effort”.

3.33 Ministers should be advised, through the Permanent Secretary, if some less costly or less full Answer can or should be given. In either case the decision whether to refuse an answer on those grounds must be the Minister’s alone.

4. PREPARATION AND ENACTMENT OF LEGISLATION

4.1 The procedure for the enactment of legislation is set out in detail in the *Legislation Handbook*. A summary of the process, which is divided into the following three stages, appears below:

- Preliminary steps to obtain the approval of the Cabinet for the introduction of a bill in Parliament.
- Intermediate steps after stage one, until the Bill has been passed by Parliament.
- Final steps to make the Act operative.

4.2 Once Cabinet has considered the Cabinet Memorandum and decided upon the policy it will authorise the preparation of a Bill. The Cabinet conclusions will normally indicate the degree of priority to be accorded to the drafting. Drafting instructions to then be prepared and conveyed by the relevant Permanent Secretary to the Attorney General in pursuance of the Cabinet’s decision.

4.3 The Bill having been drafted, the Cabinet member responsible will put it to the Cabinet under cover of a memorandum explaining and commenting on it. If the Cabinet approves the Bill, with or without amendments, the conclusions will state at which particular meeting of Parliament it is to be presented.

4.4 If the proposed Bill is short and raised no important issues of policy, the member concerned may, before consulting the Cabinet, ask the Attorney General to prepare a draft Bill. Then, if the Attorney General agrees, the member responsible will present the draft to the Cabinet with a memorandum explaining the necessity for legislation and showing how the draft meets it. A copy of the Bill is then sent to the Clerk of the National Parliament as preliminary warning.

4.5 The Cabinet may also decide, on its own initiative during discussion of a memorandum, that legislation is desirable and invite the Attorney General to draft a Bill. In such a case the Bill will be presented to the Cabinet under cover of a memorandum by the member responsible for the matter with which it deals.

Presentation to the legislature

4.6 Presentation of the Bill is undertaken by the member responsible for sending to the Clerk of the Parliament written notice under the Standing Orders of his or her intention to present the Bill, accompanied by a copy of the Bill and the Objects and Reasons signed by the Attorney General. The Bill will be placed on the Order Paper for first reading on the next sitting day after it is distributed to Members of Parliament and thereafter the second reading and the committee stage will be taken on days determined by the Prime Minister.

4.7 In addition to those set out above the responsibilities of the Department

concerned in this stage are to:

- ensure, in consultation with the Attorney General, that the copies of the Bill published and submitted to the Clerk to Parliament are in the form approved by the Cabinet, with special reference to amendments required by the Cabinet to be inserted in the draft originally laid before it;
- obtain the signature of the Attorney General to the Objects and Reasons and to ensure that they accompany the Bill; and
- give full publicity to the Bill through the Government Communications Unit, and to send copies to all relevant stakeholders.

4.8 Prior to any meeting of the Parliament the Secretary to Cabinet is responsible for ensuring that a list of the Bills to be introduced during the meeting is prepared, showing the Member of the Cabinet responsible for each Bill is prepared for the Clerk and Prime Minister.

4.9 The Secretary to Cabinet is also required to track when a Bill is to be amended during the Committee stage and to obtain approval to the amendments from the Prime Minister or Cabinet. Any such amendment will need to be drafted by the Office of the Attorney General and the member responsible for moving the amendment must give notice (normally not less than one clear day) of his or her intention to move the amendment in accordance with the Standing Orders.

Assent and publication

4.10 Once the Bill has been passed, the Clerk to Parliament is responsible for:

- inserting into the Act any amendment accepted;
- sending a copy of the Act with any such amendments included to the Attorney General for checking;
- arranging for sufficient copies of the Act to be prepared
- authenticating the Act
- obtaining a Certificate of Assent from the Attorney General;
- affixing the Public Seal to six authenticated copies of the Act; and,
- forwarding the six authenticated copies of the Act together with three copies of the Certificate of Assent to the Governor-General's Office.

4.11 The Governor-General's Office is then responsible for:

- submitting the six authenticated copies of the Act together with the three copies of the Certificate of Assent to His or Her Excellency for assent and signature, and
- forwarding the Act, signed by the Governor-General, to the Attorney-General's Chambers for further processing and return to the Clerk to Parliament.

4.12 The Clerk to Parliament will:

- arrange, in consultation with the Attorney General, for the publication of the Act in the Gazette;
- send one authenticated copy of the Act to the Permanent Secretary of the Department concerned;
- obtain from the Attorney General the Legal Report on the Act;
- deposit one copy of the Act with him; and
- forward three of the authenticated copies of the Act together with three

copies of the Legal Report and ten ordinary copies of the Act to Governor-General's Office.

Sample Question and Answer

QUESTION NO 6

ORAL

Notice expires on TUESDAY 13TH MAY 1987

Independent - Fataka

MR E.O. ISLANDER: To ask the Minister of Transport Works & Utilities whether, in planning a new marine policy he will consider doubling the fares inward to Honiara, Kira Kira, Auki and Gizo, and halving the outward fares, to encourage rural development and decentralisation.

Draft reply

No Sir, I have it in mind in consultation with Provinces, the Chamber of Shipping and the Consumers' Council, and the support of my Hon. Friend the Minister of Finance, to impose an outward passenger service charge which will achieve a comparable result while in some measure recovering expenditure on wharves.

QUESTION NO 6 - MR ISLANDER

Material for Supplementaries

- 1 The Consumer's Council will be set up on 1 July.
- 2 The Chamber of Shipping meets on alternate Tuesdays.
- 3 Expenditure on wharves Increased 72% capital and 48% recurrent between 1984 and this year's estimates. Marine revenue fell from 60% of outgoings (including amortisation) to 23% in the same period
- 4 Subsidisation by Provincial government and prime trade users has been suggested but is still under critical consideration and unlikely to meet with approval (**confidential**).

Background

Mr Islander has a small interest in a cutter which is available for hire. Fataka has been suffering from population emigration.