



# OFFICE OF THE LEADER OF OPPOSITION

P.O. BOX G19, HONIARA

*Please address all correspondences to:*

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28 Dec 2024

Honourable Prime Minister,

**RE: CONVENING OF CONSTITUENT ASSEMBLY ON 30<sup>th</sup> DECEMBER 2024.**

This letter follows and supersedes the previous letter delivered to you on 27 December 2024.

I write to register my profound concern regarding your decision to convene a meeting of the Constituent Assembly under Section 61(7) of the *Constitution (as amended by the Constitution Amendment Constituent Assembly Act 2023)*.

Section 61(7) grants you, the Prime Minister, the authority to call the Assembly. But it also imposes limits. It sets 31 December 2024 as the deadline to ensure deliberation and a final vote on the Draft Federal Constitution.

The Assembly is mandated not only to consider, debate, and potentially amend the Draft Constitution, but also to vote on whether to approve or reject it. Sections 61(11) through to 61(14) prescribe the mandated procedures required to achieve these objectives, outlining further activities that must take place before the Constitutional deadline.

By scheduling the Assembly for 30 December, you effectively preclude any realistic opportunity for it to fulfill its mandate. This last-minute meeting appears more akin to a procedural manoeuvre that could undermine the legislative intent of Parliament, jeopardize our democratic process, and deny the Draft Constitution the scrutiny it merits.

While you may view the exercise as merely fulfilling the requirement in Section 61(7) to call the meeting, that section cannot be read in isolation from Sections 61(7)(a) and (b) and the mandated activities in Sections 61(11) - (14). As matters stand, such a decision is an unreasonable and illegal exercise of your power, for it is an exercise of section 61(7) that is done in isolation from 61(7)(a) and (b), and sections 61(11) - (14).

Further, the absence of a transitional provision in the Act effectively prevents the Speaker, as Chairman, from introducing the rules of procedure into the Assembly. Consequently, neither the Speaker nor the

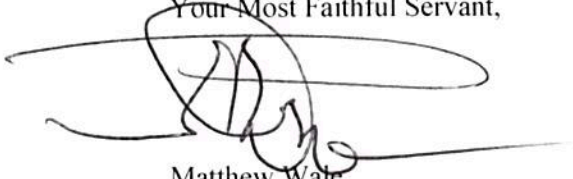
Prime Minister currently possess the legal authority to propose, for the Assembly's consideration and adoption, the procedural framework necessary to fulfill its statutory mandate. This situation would put the Speaker in a situation where he is acting illegally.

I therefore urge you to reconsider this ill-advised decision.

I humbly suggest that my recommendation to fully repeal the Constitution Amendment Constituent Assembly Act 2023 and to introduce a general provision enabling Parliament to legislate on this matter be reconsidered. This will enable a Bill to be taken up in Parliament to facilitate the establishment and operation of the Constituent Assembly. These two legislative actions must be taken up as a priority in early 2025.

Your role demands the highest fidelity to our Constitution and to the legislative objectives underlying this Act. I trust you will act in our nation's best interest.

Your Most Faithful Servant,

A handwritten signature in black ink, appearing to be 'Matthew Wale', written over a horizontal line. The signature is stylized and somewhat cursive.

Matthew Wale  
Leader of the Official Opposition  
MP for Aoke/Langalanga

CC: Speaker of the National Parliament.