



Government of Solomon Islands

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE ROYAL SOLOMON ISLANDS POLICE FORCE

AND

THE LEADERSHIP CODE COMMISSION OF SOLOMON ISLANDS

Parties

1. The parties to this Memorandum of Understanding (MOU) are the Royal Solomon Islands Police Force (RSIPF) and the Leadership Code Commission of Solomon Islands (the Leadership Code Commission).
2. The RSIPF is the primary law enforcement agency of Solomon Islands.
3. The objective of the RSIPF is to assist the Solomon Islands community by enforcing the law, protecting property and maintaining civil order in a manner that is accountable, lawful, fair, transparent and responsive.
4. The Leadership Code Commission is established under s 5 of the *Leadership Code (Further Provisions) Act 1999* (LCFPA). It consists of a Chairman and two other members appointed by the Governor-General. The Chairman is head of the Leadership Code Commission.
5. The Leadership Code Commission has the following responsibilities under the LCFPA:
 - Enforcement of the Leadership Code under chapter VIII of the Constitution of Solomon Islands.
 - Maintaining and updating a register of leaders' financial interests.

Duration

6. This MOU operates until either party terminates it or both parties agree to replace it.
7. The Commissioner of the RSIPF and the Chairman of the Leadership Code Commission will discuss the effectiveness of the MOU in meetings of the Committee for Combating Corruption or other meetings as agreed, or through exchange of correspondence.

Purpose

8. This MOU is intended to:
 - facilitate the exchange of information about corruption related matters to the extent permitted by relevant legislation, so that information received by either agency can be dealt with, effectively and efficiently, by the most appropriate agency;
 - facilitate the exchange of relevant information to the extent permitted by relevant legislation, where both the agencies are considering the same issues or facts;

- ensure that information handling and investigation activities of the RSIPF and the Leadership Code Commission are not duplicated unnecessarily and are complementary; and
- ensure that information provided to one party about the other party are handled in accordance with the principles stated in this MOU.

Contact arrangements

9. The contact persons for the purposes of this MOU are the Commissioner, RSIPF and the Chairman, Leadership Code Commission, or such other officers as are delegated by the Commissioner, RSIPF and the Chairman, Leadership Code Commission.
10. Each party must maintain a register of information received under this MOU. The register will accurately record the fact that information has been received from the other party. The register will record whether investigation of a matter by either party has been concluded. Each party must take all appropriate steps to protect the confidentiality of the register.

Information

11. The guiding principles are:
 - both the RSIPF and the Leadership Code Commission have important responsibilities in protecting the interests of the Solomon Islands community,
 - instances will arise in which an issue falls within the jurisdiction of both bodies, and
 - unnecessary duplication of investigation activity or overlap in inquiries should be avoided, especially where there is unlikely to be a different outcome arising from dual investigations.
12. If either the Commissioner of the RSIPF or the Chairman of the Leadership Code Commission receives information that could be more effectively or appropriately dealt with by the other party, the parties will consult with a view to transferring the information.
13. If it is known that an informant has contacted both agencies, and that the informant is considered at risk of self-harm or of harming others, there will be prompt sharing of information between the agencies to the extent that they are lawfully able to do so.
14. If either the RSIPF or the Leadership Code Commission receives information that covers issues under the responsibilities of both agencies, the agency receiving the information will:

- identify the issues relevant to each agency and, if practicable, split the information to allow each agency to investigate the matters under their area of responsibility, and
 - consult with the other agency and provide advice on which is the appropriate agency to handle the information, or
 - where appropriate, institute a joint investigation.
15. The Chairman of the Leadership Code Commission acknowledges that it may be appropriate for the RSIPF to investigate a matter that falls within the jurisdiction of the Leadership Code Commission, if the matter can more appropriately and effectively be handled by the RSIPF. The RSIPF may consult as appropriate with the Leadership Code Commission in handling the information, including advising the Leadership Code Commission of the outcome of any investigation conducted by the RSIPF.
16. As appropriate, the RSIPF and the Leadership Code Commission may consult each other in relation to matters where the other party has a specific expertise or qualification that is relevant to an investigation.
17. The RSIPF may refer matters that are in the Leadership Code Commission's jurisdiction to the Leadership Code Commission for action where, after consultation between the two agencies, it is decided that such a referral will lead to the matter being dealt with more expeditiously and effectively with a view to combating corruption.
18. If one party becomes aware during an investigation that the other party is also considering information about the same matter, then the first party will advise the other.
19. The Leadership Code Commission and the RSIPF agree to consult prior to informing another Solomon Islands agency about an issue which is being investigated by the Leadership Code Commission or the RSIPF, of the fact of the investigation. This is subject to the disclosure by the agency being in accordance with the laws governing that agency.
20. Joint investigations may be conducted by agreement between the RSIPF and the Leadership Code Commission. The scope and procedures for a joint investigation, including the delegation of any legislative powers to staff of either agency, will as far as practicable be agreed at the start of the investigation.

Information about each other

21. Both agencies are committed to accountability and transparency in conducting their work, and acknowledge that each can be the subject of investigation by the other in accordance with the legislation administered by the other agency. Equally, both agencies respect each other's specific roles, areas of expertise, and decisions concerning priorities and resource allocation.
22. Where one party receives information about the other agency, and there is a discretion as to whether to investigate the matter, the agency in exercising that discretion will take into account the following factors:
 - Whether the subject matter of the information is within the other agency's areas of statutory responsibility, or
 - Whether investigation of the issues raised by the information relates to the expertise of the other agency.
23. In most circumstances, the Leadership Code Commission will decide not to investigate a matter where the RSIPF has already investigated the same matter.

Other investigations

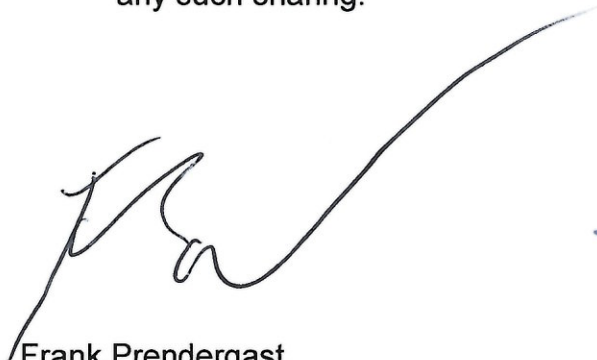
24. If either party begins an investigation or inquiry into a matter that is not otherwise covered by this MOU, and the matter is within the expertise or interest of the other agency, then the investigating agency will advise the other agency of the investigation to the extent permitted by the relevant legislation governing both agencies.

General

25. The RSIPF and the Leadership Code Commission agree that their offices should work together to share information and experience in relation to their respective roles. Each agency will keep the other informed of recent developments that may be of interest to the other, within the scope of this MOU, and to the extent permitted by the relevant legislation governing both agencies.
26. Both agencies will include reference to their respective roles, wherever appropriate, in commenting on Solomon Islands Government accountability arrangements.
27. Each agency will consult the other during the drafting of sections of their annual reports, or other publications, which are of mutual interest.

28. Each agency will assist the other, wherever possible, in the distribution of general material to target audiences and the community generally about how to provide information concerning corruption related issues.

29. The RSIPF and the Leadership Code Commission may share information received under this MOU with other members of the Committee for Combating Corruption which have also signed an MOU in similar terms for sharing of information with the RSIPF. The parties will inform each other of the detail of any such sharing.

A handwritten signature in black ink, appearing to be 'Frank Prendergast', with a long, sweeping horizontal stroke extending to the right.

Frank Prendergast
Commissioner
Royal Solomon Islands Police Force

A handwritten signature in blue ink, appearing to be 'Solomon Kalu', with a stylized, angular shape.

Solomon Kalu
Chairman
Leadership Code Commission
of Solomon Islands

Signed: 27th October 2016

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