

Second Day

Wednesday 23 March 2016

DRAFT HANSARD

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SECOND DAY

Wednesday 23 March 2016

The Acting Speaker, **Mr Aide Ganasi** took the Chair at 10.00 a.m..

There being no quorum present, Mr Acting Speaker stated that he would resume the Chair after the ringing of the bells.

Sitting suspended.

The Acting Speaker again took the Chair at 10.50 a.m., and invited the Governor of Western Province, **Honourable Ati Waiboro** to say prayers:

‘Our gracious Heavenly Father, we come before your holy presence again this morning.

Thank you, for giving us this new day and help us to live it for your glory and for your honour. Father God, we thank you for your love and your sacrifice in sending Jesus Christ your son.

As we celebrate Easter at the weekend, we pray Lord, that we might conduct our affairs and conduct our lives in the spirit of Easter; love, respect and sacrificial leadership. Thank you, Lord Jesus, for our Prime Minister and all the Ministers of the Cabinet, our Opposition Leader and Members of Parliament.

Thank you, Lord Jesus, for giving us the opportunity to work together with you to improve the lives of our people in this beautiful country. We pray, God, for your special anointing and wisdom upon our Acting Speaker this morning as he chairs all our meetings, we pray, God, that you will bless him richly.

Father God, as we discuss and deliberate on important issues regarding the affairs of this nation, we pray, God, that you will give us your own mind and you will give us your own heart so that Lord we might be controlled by your spirit. Amen.’

**RULING BY THE ACTING SPEAKER –
STATEMENT BY THE ACTING SPEAKER**

Mr ACTING SPEAKER – Honourable Members, I would like to inform this Parliament that any rowdy behaviour in the Chamber by Members will result in suspension without hesitation from me.

QUESTIONS

Higher Education – Vudal Campus Popondetta

Mr DAVID ARORE – Thank you, Mr Acting Speaker, before I ask my question I would like to thank the people of Ijivitari for having the trust and confidence in returning me back to Parliament for the fourth time in ten years. So, it has not been two times but four times in ten years for returning me back to this Parliament.

So, with that, I would like to ask my question to the Minister for Higher Education, Research, Science and Technology.

Mr Acting Speaker, in 2014, the National Executive Council approved six institutions in the country to be institutions of higher education in the country. Therefore, one of those six institutions was then the former UNRE Campus of Popondetta which, was previously known as Peti or Vudal Campus Popondetta.

Mr Acting Speaker, since then the NEC approved at that time for the institution to become an autonomous institution of its own and to be called the Eastern Papua Institute of Higher Education to enrol our many Grade 12 School Leavers who were pushed out by the secondary school system or the education system in the country.

To date, the Vudal University or the University of Natural Resources and Environmental Science in Rabaul have withdrawn all staff, operations and finance to that campus in Popondetta as per the NEC decision of 2014. There are no staff there and they have taken back the institution under the Department of Higher Education, Research, Science and Technology.

02/02

This year we do not have any intake for that institution, so my question to the Minister is;

(1) What is the Department doing right now with regards to that Institution?

Ijivitari District has shown its commitment to the decision made by the DHERST, through the District Development Authority by approving a total of K500 000 in its budget this year as part of our counter-part funding to the establishment of this new institution to enrolling our grade twelve leavers. I would like know,

(2) What is the Department's position right now on this Institution which is the only tertiary institution in the province?

Mr MALAKAI TABAR – Mr Acting Speaker, allow me to also congratulate the Honourable David Arore and the people of Ijivitari for returning their leader.

These series of questions are in regard to a few outstanding matters that my Department is working on.

We have effectively paid a visit to the province last year and I was expecting some of you leaders to be with me there, unfortunately nobody went with me. There were a whole lot of people at the airport and I told them that I was not the member for that province.

I saw the Acting provincial Administrator and I am expecting a provincial executive resolution insofar as that Institution is concerned. I also summoned the council of UNRE and they held a meeting last year to implement the decision of NEC. As the council and autonomous unit governing the Institution they had to make the decision that they had nothing to do with UNRE campus in Popondetta and there was also a similar decision with the Bainik campus in Maprik, and the Member for Maprik district is listening to this. A document is being put together and it's going to affect the Bainik Institution.

Going back to the Oro campus, we have put this year as a transitional year. We have asked the University of National Resources at Vudal in Rabaul to choose who they want to keep.

We would like the provincial administration and the provincial government of Oro province to work with us because they are the people on the ground and they need to coordinate themselves so that we can facilitate funding. It is the administrative and the governance unit of that Institution that needs to be established. We are working hard on it and we need the support of the people on the ground.

Just like the East Sepik Provincial Government, each district in East Sepik committed some money and that money is channelled through the provincial government. The provincial government treasury holds that money to organise and run the Institution during this transition period. I expect the Provincial Government of Oro to stand up and do the right thing with these funds. As you indicated, there is K500 000, thank you. I believe the provincial Government needs to make a resolution that they will take ownership and some responsibility of governance and administration of that institution alongside with us. We are not on the ground, you are on the ground and we expect you to work with us. We will eventually move this transition.

Mr Garry Juffa – Point of Order! The Provincial Government is taking necessary measures to put together an interim board that will oversee the establishment of the UNRE in the province. We will commit some funds to this. I want to be made known that we are in communication with the Minister and his office. This is a provincial government effort that we are going to allocate some funds and we are going to take this on board.

Mr MALAKAI TABAR – Thankyou.

03/02

Mr MALAKAI TABAR – Thank you Mr Speaker I thank the Governor for that notice.

Yes the Department is going to work hard and effectively, there are five institutions that are affected by the 2014 NEC decision. We are in a situation where we would like to visit all these places, one in Kokopo, where the people of East New Britain and New Guinea Islands especially have been asking me when is this going to happen?

Mr Speaker, give us time I believe we will deliver all these institutions because the need is effectively pressing on us with 22 000 to 23 000 grade 12 students that needed places in 2016, thank you Mr Speaker.

Lae City Landowners

Mr KELLY NARU – Thank you Mr Speaker for recognising the people of Morobe.

My question is directed to the Honourable Prime Minister and Minister of Lands can take note.

Through the Chair, Honourable Prime Minister the people of Butibum of Morobe whose traditional land is where the Lae City is currently situated on have had a long and hard fight over compensation of the State Land for almost over four decades. The fight has resulted in a decision in their favour from the Supreme Court and the Landowners have petition me three weeks ago, giving me one month to essentially bring this to your attention and also to the Minister for Lands that they would want a resolution to this outstanding issue of Land Compensation for the City of Lae Land in terms of monetary package, or benefit package, economic empowerment packages or whatever. But the petition essentially seeks to get an assurance from you Honourable Prime Minister or through your Minister for Lands if you can kindly come forward to Lae to listen to their petitions and work out how we can package their compensations needs in terms of the State Land in which Lae City now sits.

Mr Speaker, it is becoming a pressing issue because they petitioned me three weeks ago giving me a month notice to bring this to the attention of the Prime Minister and as I speak I have only six days remaining on which I have to respond.

So, my question is, can you or your Honourable Minister for Lands be able to find some time to come to Lae? I am most willing, prepared and ready to accommodate and accompany you to sit with these disgruntle landowners so that we can work through an amicable package and solution to their petition and demand, thank you Mr Acting Speaker.

Mr PETER O'NEILL – Thank you Mr Acting Speaker and I thank the Honourable good Governor of Morobe for this question.

Mr Speaker, this is an ongoing issue for quite some time when the original Landowners of Lae City from Butibum and Kamkumung as you have stated correctly have received a Court Order already. We of course need to comply with the Court Order, I will direct your petition and the concerns to the Officials and there are processes in which we have established through the Lands Title Commission on compensation issues manage to the Lands Department. I will direct the Minister for Lands Department.

04/02

I will direct the Minister and his department to give priority and of course the officials will attend to the queries that the good governor is alluding to.

Mr Acting Speaker, I also want to say that it is becoming a national concern that all over the country where there are government services being established, we are finding more claims coming through for land compensations. We all know for a fact that no government doesn't matter which ever is in power can be able to settle all claims that people are claiming. In some remote areas like mine, people are claiming millions of kina. We know that even if you utilise that land you can never earn that kind of money but because the government is now putting a school or any government service there, people think that the government has got an unlimited amount of money so we should be able to settle whatever claims we put forward.

We know that some of these land around the country acquired in a legal manner and as a result of that there were titles establishment. Titles were not given because the government just went and had a compulsory acquisition of those land. Some of our ancestors voluntarily gave away land so that they can get services. They can educate you and I to be in this Parliament and our citizens in the country. Therefore we must not encourage our people to claim for where the schools are or opportunists who come here and just claim compensation because they feel that that is the easiest way to make money. Our aim must be to try and give them opportunities.

The Government is partnering with the landowners of Lae City in some of the joint businesses in Lae particularly the port services there. They have a controlling interest there which is giving them good revenue. We must help them expand those businesses but we cannot continuously have a separate group of people come into Government on a regular basis asking for more and more money. This must be settled once and for all.

I will direct the Minister for Lands and his department to take a top priority in addressing this issue but as Members of Parliament we must take heed that it is not advisable for us to go out there and settle all land claims that is available in the country. We will not have any money left for other services. I assure the governor we will address that as soon and quickly as possible.

Mr SAM BASIL – I wish to direct my questions to the minister for Public Enterprise and State Investments. My question is in relation to port services of Lae and I thank the Prime Minister for saying something about it.

Mr Acting Speaker, the two landowner groups that currently engaged to provide port services in Lae are the Riback Stevedoring which owns 51 per cent, majority owned by Ahi

Landowners and under the JV arrangement with Labu Holdings representing the Labu people. The companies have successfully engaged the two landowner groups to participate in the stevedoring and port services of Lae.

Mr Acting Speaker, those two landowner companies have demonstrated the living success of the previous government initiative of 1993 under the former Prime Minister, Sir Julius Chan and his former minister for transport, honourable Andrew Baing. I also believe that the current minister was the deputy chairman of the PNG Harbours Board in those days so he is fully aware of that situation.

Mr Baing was then taken to court for over 10 years and eventually won the case for the good decision that the Chan Government made to engage their participation of the local landowners of Morobe and others throughout the country.

Mr Acting Speaker, the Labu and Ahi people took their own initiative to obtain loans not benefiting from any seed money that other landowners are getting. It has been over 22 years that they have been operating and now they have an asset value of about K50 million and employ over 600 Papua New Guineans. Their sales turn-over ranges to almost K30 million per annum and we all know local companies keep their profits on shore to expand their businesses or to re-invest in Lae.

05/02

Mr ACTING SPEAKER – Ask your questions

Mr SAM BASIL – Mr Acting Speaker, recently the O’Neill/Dion Government decided to offload the services from the landowner companies back to the foreign owned companies. Tenders were called for, and four foreign owned bidders were accepted and the two landowner companies were rejected.

Mr Acting Speaker, the O’Neill/Dion Government through the Minister for Trade and Industry has always been promoting SMEs for local participation of such businesses to empower locals and landowner companies to engage in such businesses.

My questions are:

(1) Why dumping the land-owner companies now for foreign investors?

I don’t want the Minister to say that our operators are too small to cater for any extension program of the wharf and don’t have the capacity to buy new sophisticated equipment’s to take on the job.

Mr Acting Speaker, the Ribek and the Labu Holdings has an asset base of K50 million with an earning of over K30 million per annum with good bank record that secured long term business contracts. With that Mr Acting Speaker, those land-owner companies are financially sound and can secure finances up to K50 to K100 million or even more to finance any extension programs that PNG Ports may require of them like any other land-owner companies that are currently benefiting.

(2) Can the Minister confirm or deny that the O’Neill/Dion Government will still pursue the interest in offloading those port services from the hands of the foreign companies to the land-owner companies?

(3) If so, what will happen to the landowner companies?

Mr Acting Speaker, other districts in Morobe Province respects the land-owner companies at the wharf.

Likewise in Mount Hagen you got companies like Wamp NGA Holdings Limited and any other businesses. And you wouldn’t want Government coming up here and getting the businesses away from your people. Therefore, on behalf of the people of Morobe we want a good answer from you.

Mr WILLIAM DUMA – Mr Acting Speaker, I want to thank the Member for Bulolo for his questions. It enables us to clear the air on a lot of misreporting and deliberate misinformation.

Mr Acting Speaker, this Government has never changed the goals in terms of Stevedoring, the O’Neill/Dion Government has always recognised the game changing plans that were introduced by the Chan Government at that time and no changes have been done by this Government. The process was Stevedoring business are allowed to be operated by consultants but our Nationals have not been changed. The Government has not made any changes to the laws and processes in engaging people. But what the Government intend to do was to increase the efficiency of the port operations which are distinct from Stevedoring operations as a particular area of business activity within the ports in the country.

The other important aspect which all of us need to do is to ensure that once we allow our national companies to be involved in joint ventures with foreign owned corporations, they have to be treated fairly by their partners.

In the case of Ribback for instances, I am more interested in knowing how this relationship has been going on for the last couple of years. I don't want to see genuine landowners being given the run-around by those partners.

Before we go into our next stage it is my duty to check and review that our landowners have been given a good deal, particularly the people of Lae.

Recently the O'Neill/Dion Government has announced to consider the possibility of allowing international world class operators to manage our ports. But they haven't excluded our locals from participating. And it is the Governments policy that whoever in the event does allow them to manage our ports then the Government will make sure that genuine landowners participate in those ventures.

06/02

So I can clearly assure the good Member for Bulolo and the people of Papua New Guinea that even in the event that the Government does go ahead and goes down the path of allowing world class operators to look after our Ports, our nationals will be allowed to be involved in those joint ventures.

Mr Acting Speaker, a week ago I met a delegation comprising of one of our long established companies in this nation Steamships along with representatives from Lae and Port Moresby and they raised the same issue, and I personally assured them that in the event the Government does go ahead with this proposal our landowners will be respected and allowed an opportunity to participate in those joint adventures.

As to how much percentage, that will be something that will be worked out between whoever is finally selected to manage the Port and it will be a commercial arrangement.

Mr Acting Speaker, let me assure the people of this country that the O'Neill – Dion Government stands for giving and allowing our own people to participate and this is what will happen in this case.

Supplementary Question

Mr KELLY NARU – Mr Acting Speaker, this operations will be managed on a Port.

Mr Acting Speaker, the Port of Lae, especially the newly constructed Lae Wharf has been found to be wanting in a major aspect from a recent investigation conducted by a professional independent engineer.

That report has shown that the new Lae Wharf Port facility has got a major structural defect that needs to be rectified.

My questions are as follows;

In terms of the contract that the State has with the contractor who constructed the Port facility;

(1) Is there a clause on the defects liability of that Wharf infrastructure that the Government can use to get the contractor to fix that structural defect?

(2) If yes, when can it do so?

(3) If not, how does the Government intend to get that structural defect which has been identified so that this beautiful wharf facility can be put to use?

Mr WILLIAM DUMA – Mr Acting Speaker, let me thank the Governor of Morobe for his very important questions.

This issue has been raised in the media and Public Enterprises as well as the contractor, China Harbour, have already issued press statements.

Mr Acting Speaker, like any other contracts there is always a defect liability period and in this case one has to really understand the arrangements which were in place at that time.

This was a project funded by international financiers. The project management was left to management teams that were selected by those financiers and all of us relied upon those project managers. After the construction was completed it was found that there were some defects that had to be rectified and of course the contract already provides for that.

The contractor China Harbour has recognised that certain works that need to be done to rectify that and we have all agreed and we have accepted the work that needs to be done and it's not that serious and not as to prevent the operations operating at the Lae Ports.

Mr Acting Speaker, in order for the defects to be identified we went out of our way to engage an international well known Dutch Company based in Europe to undertake those studies and I can inform the Parliament that we expect the report to be available in the next two weeks.

07/02

Once that is available we will request the contractor to remedy those defects and the contractor has already agreed that will be done and it is only a matter of time.

We are following the process and an international reputable Dutch company has been engaged to rectify and identify those defects.

Illegal Fishing

Mr TITUS PHILEMON – Mr Acting Speaker, thank you for recognising me to ask my series of questions to the Minister for Fisheries in the dark and hopefully there will be a light at the end of the tunnel for the people of Milne Bay Province and also for the rest of the country as far as fisheries is concerned.

Mr Acting Speaker, there are reports of illegal fishing activities in Milne Bay waters over the past few weeks.

The report states that up to six foreign fishing boats believed to be of Asian origin have been harvesting sea cucumbers off Simsimla Islands in the Kiriwina – Goodenough Islands and the culveners chain of islands and Budibudi in the Samarai-Murua District.

Mr Acting Speaker, we all know that sea cucumber is banned and there is a Moratorium that has been imposed on the sea cucumbers.

This Moratorium has deprived my people and my people are suffering while foreigners are stealing right under our very noses.

My questions are as follows;

(1) Is the Minister aware of these illegal fishing activities? The Division of Fisheries and Marine Resources in Milne Bay have been sending reports on the matter to the National Fisheries Authority and requesting for assistance with surveillance. But to no avail as yet.

(2) If the Minister is aware of these activities, would he urgently act quickly to direct the National Fisheries Authority undertake surveillance preferably by air to hunt these illegal fishermen down and impound their vessels and sell them to have the money brought back to the people of Milne Provincial Government or the districts were they have been caught?

(3) Can the Minister inform this Parliament and my people what he plans to do, while there is a ban currently imposed on harvesting of sea cucumbers which is depriving my people of much needed income, these poachers are making a huge harvest as they use breathing tools like compressors which they used today and remain underwater for long hours removing tonnes and tonnes of the fishery and I won't be surprised if the Moratorium is lifted there won't be any sea cucumbers left for the people.

(4) Is the Minister also aware that these illegal fishermen are using fast boats? When a police contingent was dispatched from Losuia on a '23 foot dinghy' with a '75 horse power

motor' after locating one of the boats near Simsimla Island, they gave chase but the boat travelled faster. The fleeing boat also refused to hid warning shots the police officers fired on the boats.

(5) This matter also raises the concern about regular surveillance of the country's 200 mile exclusive economic zone. Does the National Fisheries and the Defence Force have the capacity and the capability to do this? I believe with the lack of surveillance it puts this country in danger of security as well.

Mr MAO ZEMMING – Mr Acting Speaker, let me thank the Governor for his questions regarding illegal activities.

08/02

Mr Acting Speaker, I went to Indonesia last year and met my colleague Minister for Fisheries and we reached an understanding to cooperate and provide surveillance along our border areas where our friends from New Zealand and Australia have helped. But for his specific question on six boats in our waters, we are not aware and I'm glad we can take note of it. The PNG Defence Force is responsible for surveillance work in the country where they patrol our border areas.

Currently, this country does not have the capabilities such as boats and planes to address these existing problems. But I wish to inform Parliament that our government under the leadership of the Prime Minister is aware of these and we have held some discussions with them. Some countries have been in discussions to help us.

So I want to refer these questions to the Minister for Defence to consider and find some help for us to conduct surveillance to protect our resources. Member for Bulolo must know that we want to answer such questions in Parliament. So sit down and listen and not bringing in unnecessary Vote-of-no-confidence here.

(Laughter in the Chamber)

Mr MAO ZEMING – Mr Acting Speaker, I want to make it clear that this government has passed many laws than any other government in this country.

(Members interjecting).

Mr Don Polye – Point of Order! This seemed to be the tradition and culture of Ministers on the other side. If Ministers don't have anything to say, or have confused or have lost control of their ministries than just say so rather than just attacking the Opposition. Just answer the question. Don't talk about the Defence Minister or Defence plane etcetera. You are the Minister for Fisheries, just answer the question.

Mr MAO ZEMING – Thank you Mr Acting Speaker, I understand you have ruled him out of order but I want to tell the Opposition that NFA will arrange surveillance to go down with Defence Force and the Police. That is basically what the Governor is asking for. And I am aware of that so all I'm asking is that there are weakness in our system. Past government went, the Honourable Opposition Leader was there and was a Minister in government and have overlooked these things. Yes, the Government is serious about it. We are not only talking about it but we are putting money so you will see that in few years' time, we will improve. I want to thank the Governor for Milne Bay for the good questions he has asked. On the beech-demur, we have a team called the National Fisheries Management team; a scientific team that will sit and look at these sea cucumber issues. So I want to inform the country that the report will come out when the Fisheries Authority Board sit down and look at the recommendations.

Supplementary Question

Mr MARK MAIPAKAI – Is the Minister aware that last week, there was an Indonesian fisherman in Kikori? There's a report that I have received. Is the minister aware of that illegal poacher in Kikori? They have passed the Western isles into Kikori.

Mr MAO ZEMING – On this Floor, I believe there is no need to point fingers. People elect you member of that area and it is your duty to inform the authority. You do not come to Parliament and to point fingers. Mr Speaker, that's my answer.

(Laughter in the Chamber)

Mr ACTING SPEAKER – Chair recognises the Member for Anglimp South Waghi.

Mr JOE KOIM – Thank you Acting Speaker, for recognising the people of South Waghi.

09/02

Bank Mortgage

Mr JOE KOIM KOMUN – Thank you, Mr Acting Speaker for recognising the people of Anglimp South Waghi. My question is directed to the Minister for Lands. The Government has prioritised SME as the tool to empower our people, and a lot of people do not have flourishing bank accounts to guarantee security for their loans, so instead they use their little co-laterals such as Housing, land and other assets as security.

So Mr Minister, there is a lot of media coverage on the issue that your Department has either collaborated or is overlooking persons who are title holders to land, which they would like to use to obtain bank loans.

(1) If we are overlooking these titles, what message are we sending to the banks for citizens wishing to obtain loans using their land titles as security?

Mr BENNY ALLAN – Thank you, Mr Acting Speaker and the Member for Anglimp South Waghi for his question. In response I would say; land title holders who have mortgage their land to the banks. Any titles obtained following the proper processes are titles which are accepted by the banks.

However, in the event that there are complaints that the titles were issued fraudulently, then an investigation will be made and if the investigations prove it to be true or otherwise, then we have the authority to ask the bank to withhold the title; have it recalled and forfeited and sent to the rightful person or group or back to the state. On the case of what was reported in the media; I want to make it clear to the member and the people of Moresby South that before he became a Member that title was a legal title issued. This means that any state land inside the country, especially in our urban areas, for example NCD, decisions on land is made by NCD on what should go on that particular land, whether it is commercial lease, recreational or for public purposes.

My Department is only informed of the decisions by the commission and officers get out to the designated land and conduct sub-divisions by allocating portions on the land. In the case of Koki land title in question, NCD has approved that section of the land for commercial purposes, so the department was only responsible for the subdivision and allocated the

portion number and the area that NCD has used to construct the betel-nut market and that title is with the Member.

10/02

The title was issued in 2010 when the Land Board granted the Member the title. There were two applicants who applied for this land and Mr Koim was then granted the title. There was an appeal at that time but the appeal was up-held in favour of the board's decision.

However, in the interest of the public, the Lands Department can forfeit this decision meaning that a compulsory acquisition can be done. When a compulsory acquisition is carried out a form of compensation is also paid.

Therefore, this is the current situation regarding this land title but any legal title is bankable; meaning that any title can be mortgaged so that is the clarification of the situation regarding the land in question located at Koki.

Nevertheless, I would appreciate it if we could go through the Department and find out about issues before we go straight to the media. This is because people's reputations are at stake so we need to verify reports and information before going public with it.

I would like the Member to heed this because he is one such person that goes to the media and disrepute's a lot of people.

(Members interjecting)

Mr ACTING SPEAKER – Order!

Mr BENNY ALLAN – You need to follow the due process and check things out properly.

Therefore, as I have said before, if NCDC went ahead and checked up with the Department we would then have told them that this land was assigned for commercial purposes and we could assist them in doing a compulsory acquisition.

Mr Mark Maipakai – Point of Order!

Mr Acting Speaker, this is a very sensitive issue involving a Member of Parliament and the State, and some of these issue raised here can be quoted in the case of going to the Courts. So I think that in my view this question should not be entertained in the Chamber.

Mr ACTING SPEAKER – The Chair believes the Minister has answered the question amply.

Open Electoral Boundaries

Mr NIXON MANGAPE – Thank you, Mr Acting Speaker, for recognising the people of Laigaip-Porgera.

Mr Acting Speaker, I would like to direct my questions to the Prime Minister relating to open electorate boundaries. The present open electorate boundaries are based on the 1971 National Census when our nation was still a colony of Australia.

Section 125 of our *Constitution* prescribes that Parliament should target all open electorates containing approximately the same population. Our country's population has changed radically since 1971 and some electorates have six or seven times more voters than others.

The open electorate seats in the 2012 National Elections at has an average of 3700 registered voters but the largest was at 122 200 and the smallest was 22 403.

In May of 2013, Prime Minister, Mr Peter O'Neill at the launching of the Electoral Commission's corporate plan in Parliament's State Function Room said that one vital aspect is to make sure that the Public Review Commission reports are done earlier so that it can be tabled in Parliament before the next election.

Mr Acting Speaker, the O'Neill-Dion Government has never funded the Electoral Boundaries Commission.

(1) Why has the government never funded Electoral Boundaries' Commission?

My Acting Speake, my second question relates to the Mr O'Neill's government establishment of district development authorities under the chairmanship of Open Members.

It asks whether that the registration will eventually prevent changes in open electorates. Any changes in open electorates will mean that any change in administrative district will be large and there will be new boundaries, division of districts and the whole of district administration across Papua New Guinea.

11/02

Mr ACTING SPEAKER – Ask your questions.

Mr NIXON MANGAPE – We need reorganisation, new district centres, new local level governments.

(1) Why has the Government not funding the Electoral Boundaries Commission to undertake and urgently review?

(2) Has the O’Neill-Dion Government made the boundary review of electorates impossible?

(3) Is the Vision 2050 trapped in the National Census of 1971?

Mr PETER O’NEILL – Thankyou Mr Acting Speaker and I thank the Member for Lagaip-Pogera for this question. I want to inform the Member that the Government has already established the membership of the Electoral Boundaries Commission. It comes under the supervision of the Electoral Commissioner. Their work is independent and one of the requirement is they have to visit every electorate in the country. It is a lengthy process. It is not as simple as trying to redraw the boundaries. The last Boundaries Commission report was tabled here in the last term of Parliament and Parliament in its wisdom rejected that report and we proceeded to the election. And I believe that the minimum requirement is that every ten years or so we have to reconstitute the Electoral Boundaries Commission but as the Member has correctly stated, the boundaries were established so many years ago and our population has increased to the level of between 8-10 million people in the country. It is obvious that we need to increase the number of seats of the members of Parliament and create new electorates where there is large population like Lagaip-Pogerea and Kairuku-Hiri and Kandrian-Gloucester, there are about 12 of them.

Mr Acting Speaker, we want to see this electorates established before we go to the elections. The *Constitution* allows us to increase the number of electorates to more than 120 but we will wait until we get the reports back.

In the long term, this Parliament should seriously look at making the recommendations of the Electoral Boundaries Commission Report as being the final report. Not subject to Parliament. This is because every time the report comes here, we worry about our own seats which is natural and there is nothing wrong with that and how it affects each and every one of us. But we must also be aware that the demand and the population of our country is there. Like many jurisdictions around the west Minister style of Government especially in United Kingdom and in Australia, the Electoral Boundaries Commission reports and

recommendations are final because they work independently. And if they say that the boundary will change, it changes without question. The Australian elections are coming up very soon and you will find that there will be reorganising of the boundaries because people migrate all the time and the number of people that migrate in constituencies change. I think in the long term, that is the sort of approach that we should take but meanwhile I will ask electoral Commissioner to progress the work of the electoral boundaries as quickly as possible.

In terms of funding, we will bring to Parliament this term a small appropriation Bill for the funding for the work of the Electoral Commissioner, especially in the preparation of the elections coming up. We will present that as soon as the officials bring it to our attention so that we can fund them adequately to prepare well for the elections in 2017.

12/02

**DEPARTMENT OF HIGHER EDUCATION, RESEARCH, SCIENCE AND
TECHNOLOGY – MINISTERIAL STATEMENT –
PAPER NOTED**

Mr MALAKAI TABAR (Gazelle – Minister for Higher education, Research, Science & Technology) – Thank you Mr Acting Speaker, I thank you for this opportunity for allowing me to address this honourable House of Papua New Guinea. On behalf of the Ministry for Higher Education, Research, Science and Technology and my people of the Gazelle District, let me also take this opportunity to commend and thank the O’Neill-Dion Government for giving its highest support thus far to the Higher Education and Technical Sector in Papua New Guinea.

As Minister for Higher Education, Research, Science and Technology it gives me great pleasure to update the Government of Papua New Guinea, the Higher Education and Technical stockholders and the general public at large of the different interventions and achievements that my ministry has undertaken and has achieved in 2015.

Mr Acting Speaker, there has been much criticisms lately that the current O’Neill-Dion Government is not fit in managing the affairs of our country, however, this is not the case because this Government has invested profoundly since 2012 in all facets, principally to improve the livelihood of all Papua New Guineas now and into the future.

Education in general is one facet that the Government has massively invested in and Higher Education and Technical Sector is no exception.

Mr Acting Speaker, I stand here to also thank my predecessors Honourable Delilah Gore, Honourable David Arore and Honourable Don Polye at one stage was the Minister in this Ministry and I make this commitment to continue what they have started to make sure that we move on and achieve what we have set to achieve.

Mr Acting Speaker, the grade 12 selection data, the number of Secondary Schools together with number of students has concurrently increased because the population in Papua New Guinea generally has grown. But more importantly it's the Governments Free Education Policy Tuition Free Fee, the number of grade 12 students grew by 52 per cent between 2007 to 2015 or at a rate of 6.5 per cent annually, there is a table that you will see on your report.

Mr Acting Speaker, the absorbed exceptive capacity within the Higher Education and Technical Sector has 34 registered Higher Education Institutions inclusive of the six Universities still remains a great challenge with only an average of 28 per cent of the total number of grade 12 student being absorbed into these registered Higher Education institutions since 2007.

In contrast the population or the number of grade 12 students selected grew at 26 per cent between 2007 to 2015 or at the rate of 3.2 per cent annually, so there is a table basically between 2007 and 2015.

The number of Secondary Schools grew from 82 to 134, the higher Education Institutions grew from 26 to 34, the number of grade 12 students sitting for exams and eligible for selections grew in 2007 with 10 513 students and in 2015 we had 22 011 students, the number that was selected effectively was 3 800 in 2007 and 5 234, our highest number was the previous years with 5 626 students. Having recognising these challenges the current Government through the Ministry has greatly invested in the Higher and Technical Sector with access being the principal focus.

Key development interventions and achievements both recurrent and capital investments today.

Mr Acting Speaker, I would like to inform this honourable House of milestones in the Higher Education and Technical Sector in 2015. The year 2015 was challenging, however, these challenges were positively viewed as opportunities by this Ministry apart from the 2015 project performances highlights internally achieved under the 2015 recurrent Budget of K87.3 million include the establishment of the new Department and Structure of the

subsequence launching of the new Department of Higher Education, Research, Science and Technology.

Mr Mark Maipakai – Point of Order! We have a different Statement here, it is not what the Minister is reading. We were given the UOG Report

Mr ACTING SPEAKER – That is in the distribution but I will allow the Minister to read the statement. Minister continue.

Mr MALAKAI TABAR – My apologies, when I checked with the attendance they said it was ready so it will be distributed.

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I checked with the officers and they said it is ready so it will be distributed. This Department was established and I would like to thank the O’Neill/Dion Government for the foresight in establishing this department. It was launched in April last year concurrently with 3 corporate plans for 2015 – 2017 as a 10 year sector plan. The national high and technical educational plan that was passed by Cabinet.

Mr Acting Speaker, I must honestly say that the higher and technical sector is now strategically aligned with a clear road map. Student unrest is inevitable and some of us participated in this when we were students. Yes, higher educational institutions basically face problems with governance. The University of Goroko, student unrest led by the SRC with the president and his executives mobilised students against the vice chancellor and the top management. We have effectively resolved the claims that were done against that team. I had to step in due to the non-responsiveness of the UOG administration and the governing body. I had to use the *Higher Education General Provision Act 2014* thus resolving that unrest.

The implementation of NEC decision 220/2014 is an ongoing one and I thank the Member for Ijivitari for his question. This decision basically is with the transition plan with the progress and the technical working group has been worked on especially with UNRE.

UNRE as you have heard last year was one institution that we had problems with and we have done what we can do. We have terminated the previous vice chancellor and are in the process of appointing a new administration. We have asked UNRE Council in 2015 to make decisions formally separate Oro and Bainik Campuses.

A new curriculum has been finalised for the Eastern Papua Agriculture and Technology Institute and that is what the Oro institute is going to become. The ministry expects to see new intakes in the institution by 2017 and as we heard from our honourable governor they are doing ground work to make sure there is a governance body and some support funding.

Issues and challenges include a lack of budgetary allocation for the approved government funding of K1 million each and the K3 million for the planning and establishment of our institutions have not been made available.

The lack of co-funding from the members and governors as partners in the establishment of these new institutions. The lack of development budget for immediate maintenance of depletive infrastructure inclusive of lack of staff housing, learning resources, water supply and security fencing.

As the way-forward the UNRE will continue to fund the operations and personnel emoluments until the Eastern Papua Agriculture Institute establishes a separate budget line for government funding in rehabilitation and recapitalisation of the infrastructure and learning resources before the commencement of classes in 2017.

The launching of the capacity needs analysis report of teachers colleges in Papua New Guinea and capacity analysis resulted from the implementation of the recommendations of the outcome of the based education, review task force and its follow-on from the diploma and bachelor in primary education which was launched in 2014.

Mr Acting Speaker, the capacity needs analysis and will assist in improving the current condition of our teachers college, teacher education programme thereby improving the quality of education in these colleges. As part of the government budget and finance reform, the Department of Higher Education, Research, Science and Technology has also migrated and changed from the previous accounting system of Papua New Guinea counting system of figures to Integrated Financial Management System or IFMF.

Under the 2015 capital budget, a total of K197.5 million was appropriated. Total warrants stood at K148 million. It has to be noted that in that unwarranted amount of K6 million budget cut is inclusive as per the directive carried out by the Department of Treasury in July 2016 due to the economic down-turn hence out of the total warranted, all funds were utilised before the close of accounts where some funds were transferred to trust accounts accordingly.

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Funds were transferred to trust accounts accordingly; the three priority projects contracted in 2013 and progressively implemented in 2014 and 2015 includes University of Papua New Guinea, and this a concept that was there before my time and I thank the Minister who initiated this program. We would like to rollout this program so districts effectively would have to standby and take on some responsibility to make sure they are part of this; University Maintenance Recapitalisation and New Structure Development. This is a very big challenge as a lot of our universities such as UPNG and University of Technology in Lae are 50 years old. And effectively, we need to see a lot more maintenance work and new buildings to be done, Technical Vocational Education Training scholarship skills Program (TVET) is an ongoing program and concerns have been raised on this Floor of Parliament that we should do away with sending our students to Australia. There were two new special projects included in 2014 to 2015 namely the Western Pacific University 2014 and the College Infrastructure and Rehabilitation and Recapitalisation 2015. The special projects were managed and implemented along-side the three priority projects. The three priority projects have significantly progressed since 2013, and this includes the special projects since the inception in 2014 to 2015. The investment return on this development intervention which need indeed enablers will be satisfactory as they will not only significantly increase sectors but improve quality as well in the high and technical education sector and subsequently across our old university status.

Mr Acting Speaker, the O'Neill-Dion Government through the Ministry of Higher Education, Research, Science and Technology remains committed to build capacity within the higher education institutions and subsequently increasing access and improving quality in high and technical education for our people.

Mr Acting Speaker, I urged this Parliament to continue to support the ministry and the strategies through this commitment, the three high impact projects increasing funding for the Government Scholarship Tertiary Education Students Assistance Scheme (TESAS) and support strengthening of special projects of Western Pacific University and College Infrastructure Recapitalisation and Rehabilitation.

Mr Acting Speaker, before I conclude, I would like to thank every Member that supported our students to Universities, Colleges and Higher Learning Institutions and we will continue to support as they are our investment in our respective districts.

Mr Acting Speaker, and Members of the Parliament thank you kindly and I commend this Report to this Parliament.

Motion – That the question be now put – agreed to.

MOTION BY LEAVE

Mr JAMES MARAPE (Tari-Pori – Minister for Finance) – I ask leave of the Parliament to move a motion without notice.

Leave granted.

SUSPENSION OF STANDING ORDERS – REARRANGEMENT OF BUSINESS

Motion (by **Mr James Marape**) agreed to –

That so much of the Standing Orders be suspended as would prevent Notice No.209 being called on forthwith.

CONSTITUTIONAL AMENDMENT (COURT RESTRUCTURE) LAW 2015

First required opportunity for debate and first vote from 29 May 2015 (see page...)

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Mr PETER O'NEILL (Prime Minister) – Mr Acting Speaker, in accordance with *Standing Orders 222b*, I now commence the first required opportunity for debate.

Mr Acting Speaker, and Members of this Honourable Parliament once again, it gives me great pleasure to introduce this *Law* to alter the *Constitution* titled the *Constitutional Amendment (Court Restructure) Law 2015*.

In accordance with *Section 14* of the *Constitution* and the *Standing Orders*, the *Constitutional Amendment (Court Restructure) 2015 Law* was gazetted one month prior to being introduced to this Parliament.

Mr Acting Speaker, the Court Restructure is necessary given that our Courts are becoming busier.

I wish to say that this restructure has been after a very exhaustive consultative process recommended to the Government that we establish a Three -Tier Court System rather than the Two-Tier Court System that we have where the National Court and the Supreme Court are the only ones today.

Mr Acting Speaker, it is suggested that we establish a Higher Court of Appeal with permanent judges, seven in number, to be appointed to that.

Mr Acting Speaker, this is why the Judiciary, stakeholders and both Committees have been consulted, and after the exhaustive process it was recommended that Parliament should accept this particular restructure.

Mr Acting Speaker, with that I commend this *Constitutional Amendment (Court Restructure) Law 2015* to this Parliament

Mr KERENGA KUA (Sinasina-Yonggamugl) – Mr Acting Speaker, this is a Constitutional Amendment needed to be fully supported from both sides of the Floor. We have been talking about this for a very long time, even before I came to the Floor of this Parliament, this was an issue debated and argued for one reason or another it never really made it to the Floor of Parliament.

I am happy to say that finally this particular proposed amendment has come through so that we can be able to make a decision on behalf of our people today whether our Court System should be improved to have a three tier system or to remain as a two tier system.

The Judiciary as we know is the third arm of Government and like most other Government Departments it is a service provider. How it positions itself to provide those services depends upon the needs and demands of the society.

In recent times as business activities increased, government activities increase the disputes that go along with it have also increased and they have created an increase in the volume of workload, dispute resolutions that our Court System have to deal with and under the current system the disputes are taken up to the Supreme Court level only. Which means

that once the Supreme Court has sat and deliberated upon that is the end of the road for you as far as the owners of the grievances are concerned. They can't go any further than that.

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As a result, Mr Speaker when they still feel aggrieved, that is the end of the road, no further road to go so they get their lawyers to do what they call the re-opening. So the volume of the re-opening has increased in the recent time to re-open matters that have been fully argued and considered by the court. Increases in the re-opening of cases highlight the need to open up for dispute resolution. And that's justification amongst other things for this amendment to come through. So we should create that flat-form

Mr Speaker, through this parliament so that people can take their grievances at least one step further so that at this point in time, if the decision still stands against them, they will know that they have the government through the legal system had accorded a maximum opportunity for them to agitate.

There are disputes and that they can go away satisfied that they had come to the end of the road. A long road. Be that it mean sometimes very costly too. But at least they have come to the end of the road satisfied that they have been accorded an opportunity. Now the other thing we should also say is this, the demand of case-load that we produce for the Judiciary can sometimes be avoided. The business houses and the private citizens out there will have to see for themselves. But we as a government in here, as a parliament,

Mr Speaker need to use our powers and influences to educate the departments who are answerable to us. To make sure wherever they can avoid if they should minimise disputes by the use of their Statutory power because judicial review cases which review administrative actions have been on the rise. The government management of contract, disputes arising of that have been on the rise. They give rise to disputes, for example Land Board decision. Every other board decision, they are subject to legal challenges all the time. We need to minimise these disputes that go up and end up in the court room, so that we don't have to pay for the maintenance of expensive legal service delivery system in this country. So what we should do while talking about providing additional infrastructure and additional legal services to our people, should also look at the other side of the coin about how we can minimise disputes. How we can minimise the cost of the judicial services and administration services in this country.

That means when we are exercising our constitutional functions, our statutory functions, we should try to be wide as possible to follow the procedures and follow the law on how our powers are to be administered so that we don't end up creating disputes that alternatively end up in the court, create a back-log and create a need for additional systems of judicial services that cost more money which could be meaningfully be used for buying medicines or taking care of our children or other needy areas of government. So my point is to try and encourage an emphasis for the government to be vigilant about how it discharge our constitutional, statutory and administrative powers on rules or regulations, and so we create less disputes for the court and make the delivery of judicial services to this country less costly, less expensive. With those few remarks, I fully support this proposal and commend it to the together with the Prime Minister.

Mr WILLIAM DUMA (Mt Hagen – Minister for Public Enterprise and State Investment) – Thank you Deputy Speaker, I commend the Prime Minister for bringing this long over-due constitutional amendment to reconstruct our very important institution, particularly the Court system.

Mr Speaker, as all of us know it has become very difficult to predict with certainty the out-come of the court cases in our country. In many cases where the law is very clear and so obvious, for some reasons, and with due respect to some of our Judges for reasons known only to themselves, decisions are made with go against logic.

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Decisions are made which go against logic and in many other cases, you will come across judges who seem only capable of dealing with not more than hundred Court Cases in a year. Yet other judges who are on the same pay scale and have the same experience are able to deal with more than one thousand cases.

Mr Acting Speaker, there is a difference in the turn out of work among our judges. Perhaps one of the contributing factors is the number of judges and the allocation of work among them. Most likely there is a need to restructure the court System in such a manner that those senior judges are left alone to deal with only matters involving the interpretation of our *Constitution* and matters which are before appeal.

So the amendments which a being brought about are timely as we come from a country that is made up of so many different small countries. Take for example, Germany, Italy and

Spain. They have one language and custom. We are so diverse that it is very important for us to recognise and uphold the rule of law so that the rule of law can bring us together. We need the law to hold us together. I thank God for providing a stable system enabling our country to come this far.

Again we cannot rest on our lawyers and expect that the judiciary which is made up of fellow human beings can continue to uphold the way it is expected of them. They are humans who are subjected to the same sort of pressures that we all go through. That is why if this Government is in a position to assist our judges to administer justice, this is the opportunity that we have been looking for. As we all know, justice delayed is justice denied. In so many cases there have been backlog of cases.

It is timely and I commend the Prime Minister and that we all should support this bill.

Mr Acting Speaker, we must make sure that this rule of law which is the only thing that is holding us together works for our citizens as well.

Mr SOLAN MIRISIM – Mr Acting Speaker, I rise to make a statement on the proposed law to amend the *Constitution*;

Constitutional Amendment (Court Restructure) Law 2015

The proposed law would, if passed by Parliament, will establish a new category of court system in the country which is the Court of Appeal. The committee noted that the Court of Appeal will be an addition to the National Judiciary System, currently we have the District, National and Supreme Court.

Mr Acting Speaker, during its deliberations, the committee considered the following key amendments to the Constitution and they include;

Amendment to Section 18;

To allow the Supreme Court to refer to the Court of Appeal advisory opinions relating to the interpretation and application of the Constitution.

Amendment to Section 21;

To make reference to the Court of Appeal in terms of adopting certain laws as imposed by Schedule 2

Amendment to Section 32;

To make reference to the Court of Appeal in terms of determining what is reasonably justifiable in a democratic society.

Amendment to Section 39;

To make reference to the Court of Appeal in terms of determining what is reasonably justifiable in a democratic society.

Amendment to Section 42;

To include the Court of Appeal to hear applications for bail.

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Amendment to Section 57

To include the Court of Appeal as a Court that can protect and enforce guaranteed rights and freedoms in addition to the National and Supreme Courts.

Amendment to Section 99

To insert Court of Appeal as forming part of the National Judicial System. Currently, reference is only made To the Supreme and National Court.

Amendment to Section 155

To include the Court of Appeal as forming part of the National Judicial System between the Supreme Court and National Court. It also provides for the inherent powers of the Court of Appeal and the jurisdictional interaction between the Supreme Court and the lower courts.

Amendment to Section 159

To provide that nothing done by bodies established outside the National Judicial System such as tribunals, affects the powers of the Court of Appeal conferred by Section 155 (4A).

Amendment to Section 161

To provide that the Judicial and Legal Services Commission ("JLSC") can appoint five permanent judges from the National Court to become Supreme Court Judges. The criteria of appointment of those Judges will be determined by the JLSC and includes seniority, qualification, skill and experience. A transitional arrangement has also been included for existing National Court Judges who preside at the Supreme Court prior to the restructure to continue as ex-officio judges of the Supreme Court as appointed by the Chief Justice to preside over certain matters, provided that they have not been appointed under the new structure.

Amendment to Section 164

To repeal and replace Section 164 (Composition of the National Court). The new provision will provide that the National Court will consist of the Principal Judge and such other number of judges as determined under an Act of Parliament. This will entail amendments To the National Court Act to enable the appointment of Assistant Judges and an increase in the number of permanent judges to preside over matters at the National Court. This will be in addition To the existing arrangement of appointing Acting Judges under Section 165(2) of the Constitution.

Amendment to Section 169

To provide that the Chief Justice's functions, powers and duties will include being responsible for the organization of the affairs of the Court of Appeal.

Amendment to Section 171

Repeals and replaces Section 171 To clearly state the hierarchy of Judges according To seniority as set out below:

- (a) Chief Justice;
- (b) Deputy Chief Justice;
- (c) Supreme Court Judges;
- (d) President of the Court of Appeal;
- (e) Principal Judge of the National Court;
- (f) Senior Judges assessed from date of appointment;
- (g) Judges presiding ex-officio on Supreme Court regarding matters prior to the amendments.
- (h) Acting Judges seniority as determined by an Act of Parliament; and
- (i) Assistant Judges seniority as determined by an Act of Parliament.

Amendment to Section 172

To provide for the establishment of other Courts in addition To the Supreme Court, Court of Appeal and the National Court.

Amendment to Section 177

To provide for the functions of the Public Prosecutor to be exercised in accordance with Rules of the Supreme Court, Court of Appeal and National Court. An amendment to this Section also provides that the Supreme Court, Court of Appeal and National Court can issue directions To the Public Solicitor to provide legal advice and assistance as ordered by the Courts.

Amendment to Section 181

To state that a tribunal for the purposes of Section 179 (removal of Chief Justice) or Section 180 (removal from office of other Judges, etc.) shall consist of a Judge or former Judge of the Supreme Court, Court of Appeal and the National Court.

Amendment to Section 184

To allow for rules of the Court of Appeal to be developed consistent with existing law to make provision for various matters concerning the Court of Appeal.

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Amendment to Section 187

To provide that the Chief Justice shall consult with other Judges and prepare and give to the Head of State for presentation to the Parliament a report of the work of the National Judicial System, with recommendations as to improvement as the Chief Justice thinks proper. Subsection (2) is also amended to ensure consistency with Subsection (1) so to provide that the Chief Justice prepares the reports for Parliament and the Judges as the existing subsection provides.

Amendment to Section 209

To provide for the salaries and allowances of the Judges of the Court of Appeal and the maintenance of the Court of Appeal. This is to ensure that annual budgetary appropriations are made adequate to cover the Court of Appeal.

Amendment to Section 217

To include the Court of Appeal as one of the Courts that can review a proceeding of the Ombudsman Commission on grounds that it has exceeded its jurisdiction. Currently the *Constitution* only confers this power to review on the Supreme and National Court.

Mr Speaker, the committee further deliberated and considered the insertion of new subdivisions to include; amendment to Schedule 1 amends and insert new definition to Schedule 1.2.2(1) by repealing the definition of “Judge”, “Judge of the National Court” and “Judge of the Supreme Court”. The definition of Judge includes a Judge of the Court of Appeal.

Amendment to Schedule 2 amends and insert new subdivisions to Schedule 2 (Adoption, etc. of certain laws) as follows:

(a) Insert Schedule 2.3.3 (Development, etc., of the underlying law) to include the Court of Appeal as one of the Courts that is empowered to develop the underlying law of Papua New Guinea.

(b) Insert Schedule 2.3.4 (Judicial Development of the underlying law) to include the Court of Appeal as one of the Courts that is empowered to judicially develop the underlying law.

(c) Insert Schedule 2.3.5 to ensure consistency with amendments to Section 187 that provides that the Chief Justice shall furnish reports to the Head of State for presentation to Parliament. Reference under Schedule 2.3.5 will need to be made to the Chief Justice's report under Section 187.

(d) Insert Schedule 2.5.9 (Subordination of Courts) in Subsection (2) to include the Court of Appeal. This provision in effect will mean that all decisions of the National Court are binding on all other Courts except the Court of Appeal and the Supreme Court. Subsection (3) is also amended to provide that the decisions of all other Courts are binding on those Courts but not on the National Court, Court of Appeal or the Supreme Court.

(e) Insert Schedule 2.5.10 (Conflict of Precedents) to include the Court of Appeal regarding the approaches to resolving conflicting decisions of the other Courts apart from the Supreme Court, Court of Appeal and the National Court.

(f) Insert Schedule 2.5.12 to include the Court of Appeal regarding the application of pre-independence decisions of the Full Court and other jurisdiction to the Supreme Court, Court of Appeal and the National Court.

These key amendments including the insertion of new Subdivisions to the Constitution are essentially important to the establishment of the Court of Appeal.

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Mr Acting Speaker, the country needs this Court System because of the backlog of cases for mostly and also to ensure that the deliverance of Justice is conducted on time and to the expectations of these seeking Justice and those that Justice will be set on them.

The committee suggest a Proposed Law to amend the *Constitution* relating to the supplement of the Court Appeal. The committee look forward to conduct a full examinations to the proposed Law, thank you.

Ms LOUJAYA KOUZA – Thank you, just a very short statement.

This is a good piece of Legislation but I would like to just say that the timing and the intention is questionable in that at a time like this when we have Members of Parliament who are implicated over certain issues. We passed this piece of Legislation to date to help our Judges administer Justice to uphold the rule of Law, I speak it on the Floor of Parliament today and I put it down on record, thank you.

(Members Interjecting)

Mr BEN MICAH (Kavieng–Minister for Public Enterprises and State Investments) – Thank you Mr Acting Speaker, this Court System we call Judicial is one of the three important Pillars of the Government System where the *Constitution* has created to run and look after our country just like the Executive Branch of the Government.

We must say that given a very short time that the Court System has been established by the Colonials and when we gained independence in 1975 up until today I think we have done reasonably well compared to many other countries in the developing world or former colonies of Western Powers that introduced modern systems of Government and Laws to colonise people.

I think we can all look back and see that since independence to some of the challenging and trying times when the three arms of Government have been at log ahead. Legislator, Judicial and Executive where there are many instances when you look back that there was a lot of times that tested the strength of the relationship between these three important pillars of our Democracy and Constitution and I think we have reasonably survived the test of time.

Our Parliamentary System has survived, our Democracy and Electoral System have survived subsequently electing Members to the Ninth Parliament. Our Executive arm of Government has continued to deliver services to our people and our Judicial System has continued independently of the Executive and of Parliament to hand out decisions many of which have been questioned and challenged but at the end of the day we have all lived under the roof of the decision making process of our esteemed Judges and Magistrates in the lower Courts.

Firstly, I just want to say something about us, as the Legislator we must seriously look into it and secondly is the overall attitude of our citizens and how to approach the people and the way we conduct ourselves, whether we ultimately seek justice.

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In my opinion it seems that we have over the years made some human beings sit back and watch while these institutions play the hand of God. There is no perfect court system in the world. Movies have been made and books have been written about men and women who are suffering in jails around the world today because of court systems. People have been sent to death rows because of court systems. Innocent people have been condemned all because of court systems. The only source of truth is God Almighty in Heaven. He is the source of inner justice and looks into the hearts of every men and women including the judges.

As we go into these amendments that are very important and crucial to separate and make sure one person does not get to listen to the same case two or three times. The important landmark decision that we are making now is that we are separating the structure of decision- making and separating the human being who is going to sit on this level and hopefully the decisions will become much better. And also be delivered on time.

The Minister for Public Enterprise made a factual statement when he said many people have passed-on whilst waiting for justice because it could not be served on time. Justice delayed is justice denied.

We hope that the people who we bow and relinquish everything about us before them be better judges in their pursuit for justice.

Secondly, efficiency must be brought into the court system and down to the courts that are now being set up in the districts. I want to commend the current Chief Justice because under his leadership judges are going to the districts to listen to court cases. For example, last year we opened a court house in one of my LLGs in Lavangai where a judge went there in a boat to listen to court cases thereby saving our people coming to towns for courts. I want the new system for the Court of Appeals and Supreme Courts to be felt by our little people in the villages.

Finally, the quality of decision-making can only come from the quality of the people that are sitting behind those benches. This is something I want the Prime Minister, the Minister for Attorney General and the Chief Justice to take note.

I think it is only proper that we come up with certain criteria for people who are going to serve as our judges and before they go and play the hand of God. Despite whatever your background whether you are the prime minister, a Member of Parliament or whatever you are nothing when you stand before that bench. One decision there can put you away for the rest of your life.

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As much as we are improving the court buildings which will support the court system to play a much better role in balancing the system of the Government. We have to select a system which will be of benefit to the whole society.

The courts must come up with a system that will efficiently dispense with cases so that we don't have to wait for months and years for justice to be delivered.

Secondly, we have to set some criteria or standards in the appointment of Judges. If the appointed judges don't meet the criteria's set, then we must also consider appointing abroad.

Motion – That the questions be now put – agreed to.

Leave granted to move the Proposed Law without amendments forthwith.

Motion (by **Mr Peter O'Neill**) proposed –

That the Proposed Law without amendments be agreed to.

Motion – That the Proposed Law without amendments be agreed to – put.

The Proposed Law requiring three-quarters absolute majority of 83 Members as required by the *Constitution*, Mr Acting Speaker ordered that the bells be rung.

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The Parliament voted (the Acting Speaker, **Mr Aide Ganasi** in the Chair) –

AYES – 78

NOES – 0

Motion negatived.

RESCISSION OF MOTION

Motion (by **Mr James Marape**) agreed to –

That the vote be rescinded and made an order of the day.

ADJOURNMENT

Motion (by **Mr James Marape**) agreed to –

That the Parliament do now adjourn.

The Parliament adjourned at 12.50 p.m...