

SECOND DAY

Wednesday 6 February 2013

DRAFT HANSARD

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SECOND DAY

Wednesday 06 February 2013

The Speaker (**Mr Theo Zurenouc**) took the Chair at 10.00 a.m..

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

Sitting suspended.

Mr Speaker again took the Chair at 10.30 a.m. and invited all Members to join him in the Lord's Prayer.

DEATH OF FORMER MEMBERS – HONOURABLE VIVISO SERAVO AND HONOURABLE TOM AMUKELE – STATEMENT BY THE SPEAKER

Mr SPEAKER – Honourable Members, I have to inform Parliament of the deaths of Mr Viviso Seravo on 23 December 2012 and Mr Tom Amukele on 26 December 2012.

Mr Viviso was first elected as Member for Henganofi Open Electorate in the Fifth National Parliament from 1992 to 1993 and was disqualified from Parliament by a Court of Disputed Returns in February 1993.

He was re-elected to the Sixth National Parliament from 1997 to 2002 and during his term as Member of Parliament. He was appointed Minister for Lands in December 1997 to July 1999. He was then appointed Deputy Chairman of the Public Accounts Committee and Culture and Tourism Committee. He was also a Member of the Standing

Orders Committee and Chairman and Deputy Chairman of the Emergency Committee between 1990 and 2000. He was then appointed Vice Minister for Finance in 2001.

Mr Tom Amukele was a former Member for Okapa Open Electorate in the Sixth National Parliament from 2002 to 2007. He was appointed Government Whip in 2002 and served as a Member of the Private Business and Standing Orders Committee between 2002 and 2007.

As a mark of respect to the memory of the late honourable gentlemen, I invite all Members to rise in their places.

All Members present stood in their places as a mark of respect to the late gentlemen.

QUESTIONS

Mr SAM BASIL – Mr Speaker, I direct my question to the Minister for Works with regard to the Nadzab Airport Road contract.

First of all, I would like to inform the Parliament that last year the previous Cabinet set aside K5 million for the sealing of the road from Lae to Nadzab Airport, which is less than two kilometers.

Mr Speaker, there was enough money put aside to cater for the road gutter, the street lights and the hot mix tar. To date, as a concerned Member from Morobe, I would like to say that the Lae-Nadzab Airport road does not have the gutter, the hot mix has not been put and even the road in front of the terminal is incomplete and remains so as I speak.

I would like the Minister to explain why the contractor did not complete those jobs.

Mr FRANCIS AWESA – I thank the Member for Bulolo for this important question.

You would be familiar with the allocation of K5 million which was allocated for the resealing of the two-kilometer Nadzab Airport Road and the car park area.

My short answer is that the money was allocated to the Works Department and the contract was awarded to Dekenai Construction, but it is my first time to hear that the work has not been done satisfactorily. I believe a total of K3 million was allocated to Dekenai for this purpose.

I want to assure the Member and the people of Morobe and businesses in Lae that if this work has not been completed, I will investigate and find out the reasons.

I want to advise the honourable Member that a portion of this money was given to Civil Aviation. Two million kina was given to Civil Aviation to build another access road leading to the Highlands Highway from the northern portion of the airport.

This was done at the request of the Minister for Civil Aviation and I do not know how they spent that money but in the case of the K3 million, I want to assure the Deputy Opposition Leader that I will investigate and give him a proper answer in writing later.

Mr LABI AMAIU – Mr Speaker, my question is directed to the Prime Minister, Honourable Peter O’Neill.

This is in regard to the conduct of the media, in particular, the newspaper industry in our country.

As you are aware, there was an article written recently in *The National* newspaper claiming that I happen to be a part owner of a clubhouse at Port Moresby Rugby League Ground in Boroko, NCD. This was prior to my getting elected as the Member representing the people of Moresby Northeast.

I would like to set the record straight. What was printed on page 39 of *The National* newspaper on Tuesday January 2013 was totally incorrect and misleading.

There have been no illegal dealings as suggested by *The National* newspaper and I stand here with a clear conscience as Vice Minister for Sports and the Pacific Games and duly elected Member for Moresby Northeast to say that my personal integrity has been questioned by this poorly researched journalistic piece.

Mr SPEAKER – Honourable Member, I must remind you to ask your question. You seem to be making a personal explanation.

Mr LABI AMAIU – Mr Speaker, many members of the public have fallen victim to biased and unprofessional reporting by journalists.

There are widespread allegations of bribery within the publications and the lack of regulations within the industry have to led to countless individuals been humiliated, intimidated, violated and abused as a direct result of poor research and due diligence in executing their jobs.

I do believe in media freedom, however, Mr Speaker –

Mr SPEAKER – Ask your question, Honourable Member.

Mr LABI AMAIU – Mr Speaker, my question is; can the Government seriously look into introducing a law to protect the interests of the public, individuals and Members of Parliament who have been victimized by inaccurate or biased reporting?

02/02

Mr PETER O'NEILL – Mr Speaker, I thank the Member for Moresby-North East for his question relating to the conduct of the Media in our country.

I want to assure the Member that this is a rising concern in the country, where journalists forget that they have a very important role to play in our democracy and that is to hold the leaders of this country accountable for their actions but on many instances they have gone ahead and written stories which are factually incorrect and undermine and defame leaders in this country.

This is not to say that they are not entitled to report on factual issues; they should continue to do that but I think it is important that many a times we read and hear in the social media and the mainstream media about wild accusations about leaders in this country.

It is true that leaders need to be held accountable but we need to provide the facts and evidence of what is being reported.

Our judicial system in this country clearly indicates that everybody is innocent until proven guilty. That means producing evidence before making a statement. So we all need to behave in a manner to show some degree of respect for each other.

I sympathize with the Member and many of us have been on the receiving end of this kind of reporting for many years now and we have learnt to develop a thick skin but again it continues to damage the reputation of leaders.

This Government is looking seriously at strengthening the defamation laws that can take to task individuals who are knowingly or intentionally publishing lies should be held accountable.

Other democracies throughout the world like Singapore and Australia have very strong defamation laws. When you knowingly defame someone with an intention to damage their reputation, you must account for what you say and do.

With this law in full strength, we can take these people to court and tell them to prove their allegations and provide evidence so we can be held accountable. If not, then there has to be a price to pay.

Mr FRANCIS POTAPE – Mr Speaker, I direct my questions to the hard working Minister for Petroleum and Energy, Honourable William Duma.

Mr Speaker, on 22 May 2008, the Papua New Guinea Government entered into and signed the LNG Gas Project Agreement. Some months later, several Licensed Based Benefits Agreements were signed throughout the project areas. In all of that, we all concluded that no landowners were identified. We parked the issue of identifying the landowners aside in the interest of this nation. We have identified according to the forums that about 60 000 landowners are out there.

The Governor of Hela and I visited a number of landowners, especially in the pipeline areas, and they all share the same concern of when the Government will identify the landowners. There are too many landowners in Port Moresby and we do not know who they are.

The gas will leave our shores by 2014, next year.

Mr Speaker, five years have gone by and my question is;

(1) When will the landowners be identified and when will that identification process be concluded?

Mr Speaker, what we are gathering from the upstream areas is that no gas will leave our shores if these landowners are not identified.

(2) If the Petroleum and Energy Department is struggling with this issue, can the Government task the Provincial Governments concerned and their administration to start identifying the landowners with the assignment of some technical officials from the Department?

The landowners' benefits cannot be parked on the side while the gas leaves their land.

Mr WILLIAM DUMA – Mr Speaker, I thank the Member for Komo-Magarima for his very important questions.

Let me state from the outset that most of the genuine landowners have been identified. Apart from Juwa, Angora and Hides 4 and the plant and pipeline landowners, most of the landowners come from the existing PDL areas, which have now been converted into PDL gas areas. In a case such as this, we all need to work together and I need continuous support from the Governors of the affected areas in Hela, Southern Highlands, Gulf and Central and also the Open Members from those electorates.

Mr Speaker, all of us are landowners and land means more than death to our people and we all are aware of that.

It has always been a policy of past Governments and this Government that this issue of landowner identification studies and social mapping must be attended to.

I can confirm that the O'Neill-Dion Government has allocated money in this year's Budget for this work to continue.

It is an ongoing process and it has been made more difficult for my Department particularly when the landowners, who have traditional allies and existing relationships that were established well before the white man came to this country, want to share their wealth with their neighbouring landowners for various reasons.

There are some areas that face problems because of the landowners' generosity. Landowners who come from the PDL areas want to share their benefits with landowners who are outside the PDL areas, and the Government recognizes that.

In some cases it is an internal matter for those landowners from within the PDL areas and the landowners from outside who are accommodated by the PDL landowners. Mr Speaker, it is not a relatively easy task, it is an ongoing process.

03/02

As the benefits will come on stream later on but it is the intention of this Government as well as my Department to complete the very complex task. And it is made more difficult when we have some interacting issues such fair and equitable distribution of benefits such as business development grants, infrastructure development grants, high impact project grants, and the list goes on.

But for those areas which have been producing oil for the last 20 years, we know who the landowners are. The situation is made more difficult when all of us become involved and I would take this opportunity and invite all those leaders from those areas to work with me so that we help your constituents so they receive the benefits they are entitled to under the agreements.

So I can assure the Member that it is an ongoing process and the Member himself knows as he was once a Minister and he is from that area that will really help my department deliver the agreements. It is not an easy thing to say and I need his cooperation and continued support.

Thank you, Mr Speaker.

Mr WERA MORI – Mr Speaker, once again the Parliament has passed a very important constitutional amendment. At the backdrop of that, I would like to say that as leaders, we must be relevant in every situation.

My question is directed to the Minister for Lands and Physical Planning. Mr Speaker, just outside the airport at an area known as ATS, many Papua New Guineans who can't buy houses in the city are residing there. A situation has occurred whereby the 99 year lease agreement expired recently and the land has been repossessed by the traditional Motu-Koitabu landowners. The landowners sold blocks of land which many people purchased and built their homes on. Now they have been told that they don't hold proper lease agreements.

Mr Speaker, when I look around the city of Port Moresby I see many developments taking place by foreign owned companies like RH Holdings who granted leases for major business development while it is very difficult for our own people to be granted land leases to build their homes. Can the State help innocent Papua New Guineans who are

noble citizens of this country have leases for the settlements they settle in so that they can provide the workforce for this city?

Mr BENNY ALLAN – Mr Speaker, I want to thank the Member for Chuave and Vice Minister for Mining for asking this very important question.

In response to his question, I want to say that I do not have the status of the portion of land that he is referring to at this point in time so I need to confirm with the Department as to whether the 99 year lease has expired and who made the decision to give the land back to the landowners if the 99 year lease has expired. If it is still State land, as you know Mr Speaker, the law is very clear that anyone who wants to acquire land has to follow the process and that is by applying to the Lands Board to be considered, to be able to grant land leases titles to the public servants and other Papua New Guineans who wishes to apply for land.

Mr Speaker, let me also say that the 3 percent of State owned land that we have in the country is fast running now out as we speak. And you would see a lot of developments taking place in Port Moresby, I stand in my office in Aopi Building and look out my window and see that almost every hill being knocked down. So you can agree with me that almost all the State land in Port Moresby is now in the hands of people who want to bring in development. This is good for investment for the country but for the public servant, I share the sentiments expressed by you that we need to provide accommodation for our public servants.

Mr Speaker, this week, the Government through the Prime Minister had a meeting with all the public servants, PAs, Governors, Ministers and Departmental Heads to emphasise on the three key priority programs and the Year of Implementation. Public servants need to be looked after well and this Government is heading in that direction through the Housing Minister.

I want to commend the Housing Minister and the new Managing Director for starting up what they call the National Housing Estate Limited which will now look into building affordable houses for public servants. We are working closely with the Minister and the National Housing Corporation and the Managing Director to identify any UDLs which are not developed so that we could offload them to the National Housing

Corporation who will work together with other developers under the Public Private Partnership (PPP) to build houses for our public servants. This Government is serious in its approach to build housing for our public servants.

Mr Speaker, I want to assure the Member that I will come and give him the answer to his question after I confirm the status of the land. Thank you.

04/02

Mr ROBERT GANIM - My question is directed to the Minister for Works.

About ten (10) years ago, we had a national company that sealed the road between Wabag and Wapenamanda. If you travel up that highway now you would find that road completely peeled off, there's no longer a sealed road between Wabag and Wapenamanda.

Currently, there are two road works projects going on in Wabag, the sealing between Wabag and Laiagam which is done by Loma Construction while the other is carried out by Department of Works and it is the sealing of the road between Wabag town and Double Bridge.

Mr Speaker, if you travel up this Highway now you will find that these two roads which are still under construction are peeling off and no one is bothered about that. I won't be surprised if by the end of this year, these two roads will be peeled of again.

Can the Minister ensure that these road constructions are done properly under proper supervision by officers from your Department?

Thank you Mr Speaker.

Mr FRANCIS AWESA - Thank you Honourable Member for Wabag for that important question.

In relation to the progress of the road works between Wabag and Wapenamanda. I was not aware that the products used in sealing the roads were of inferior quality.

I have heard similar rumors in the past but I want to assure you that I will be sending officers in to assess how the road constructions are taking place.

So my response is, we will look into the problem and where it needs attention, we will try to correct it. I want to assure the Member that we will be doing that as a matter of priority.

Thank you

Mr BIRE KIMISOPA –Mr Speaker, before I ask my question, can I congratulate the Prime Minister and his coalition partners for their constitutional achievement yesterday. It was well received yesterday right throughout the country.

I have only one question for the Minister for Health .When can you come to Goroka Base Hospital and sack the executive management?

Mr Speaker, the Goroka Base Hospital for the last five years has been hemorrhaging and its operational capacity has come down. It's a referral hospital now called Eastern Highlands Provincial Hospital. Patients from Kundiawa come to Goroka we don't go to Kundiawa.

We have been doing that for the last two years.

The sterilizing equipment in the hospital is obsolete since Independence. So we got bundles of old surgical equipments parceled up taken to Madang, Kundiawa, Lae and Hagen to have it sterilized.

We are referring all our surgical patients to Kundiawa who is are now directing us to take them elsewhere. Where can we go? And they are telling the hospital staff of the Goroka hospital that they cannot sterilize any more equipment.

We have a pathological service in Goroka that's using an x-ray machine that has already collapsed. This was acquired right after Independence. There are a lot of deaths at the Goroka Base Hospital.

Mr SPEAKER - Honorable Member, you are consuming a good portion of Question Time.

Mr BIRE KIMISOPA- Thank you Mr Speaker. I will repeat my question again. How soon can you come to Goroka and how soon can you sack the hospital management?

Mr MICHAEL MALABAG- Mr Speaker, thank you.

Honorable Member for Goroka, you have come straight to the crux of the matter and obviously, I cannot reply

Mr SPEAKER- Honorable Minister, I must remind you, please be precise in your answer.

Not only for Goroka, there are a lot of hospitals right throughout the country where related problems have arisen. We have been touched with trying to sort out related problems within PNG and you have obviously heard about it.

05/02

Mr MICHAEL MALABAG - Regarding the Member's question, which he has already mentioned to me awhile ago regarding this matter, that will definitely be coming up but in the interim I would also like some factual information from your office, especially in regards to the roots of the problem that can be clearly seen in the Goroka base hospital.

As you all know, eastern Highlands, Milne Bay and Western Highlands now come under the Provincial Health Authorities' Implementation Programme. The hospitals at the moment are operating quite well but I am surprised that the Member has raised issues regarding the Goroka Hospital. As for the hospitals in Kundiawa and Hagen they are operating very well and therefore, I would like to assure the good Member that when this Parliament rises you will then see me in Goroka.

Thank you.

Mr SASINDRAN MUTHUVEL – Thank you, Mr Speaker, my questions are directed to the Minister for Communication regarding the current state of the nation's broadcaster or the National Broadcasting Corporation (NBC).

Before I ask my question I would like to give a brief.

Mr SPEAKER – Shorten your brief please, Governor.

Mr SASINDRAN MUTHUVEL – As you all know, the NBC is a mandated organisation to provide effective –

Mr SPEAKER – Honourable Member, I would like to point out that the Minister responsible is not in his seat currently; therefore I reserve your right to ask your question later on.

Mr TITUS PHILEMON – Mr Speaker, my series of questions are directed to the Minister Transport. My questions are in relation to the refrigerated cargo ship, MV ASIAN LILLY that ran aground Kwaivata Island on the eve of Christmas on the 24 December, 2012.

The sea vessel ran aground all the way on to the island passed the beach. How this incident occurred with this vessel is a surprise for us but a lot of damaged was caused by this vessel.

Before I ask my questions I also want to thank the National Maritime Safety Authority Officer and the various people who came immediately to assist in the salvaging of the sea vessel and also the oil spill that occurred as a result of the vessel running aground.

Following the sea vessel's running aground which also caused some environmental damage including the spilling of fuel oil onto the beach the islanders gave a set of demands or compensation to the owners of the ship. These demands were not in monetary terms but in the forms of projects and community services.

(1) Minister, have these demands been met by the owners of the sea vessel?

(2) If the answer is, yes, can the Minister in form Parliament what level of compensation has been agreed to, and has any work started on any of the projects?

(3) If not, then why hasn't anything been done about it?

An investigation was to have been undertaken to find out how and why the sea vessel ran aground on the island, which is also located far away from the normal international shipping routes that run through the waters of Milne Bay.

(4) What then is the situation of this investigation?

(5) If the investigation has been completed then what are the outcomes and recommendations because we in the provincial Government have our own recommendations to forward if nothing has been done?

Lastly, we in Milne Bay are quite concerned about the threats to our pristine and beautiful environment posed by these international ships. This is because many of these ships carry dangerous cargos.

(6) Therefore, can the Minister confirm if new legislations are being made involve us as resource owners to direct say in the management of our environment.

Thank you, Mr Speaker.

Mr ANO PALA – Mr Speaker, let me thank the Honourable Governor for his very important questions.

Mr Speaker, I am aware of the general information regarding this sea vessel running aground onto the island mentioned. I also understand that the vessel ran aground on the island a long way onto the beach.

Mr Speaker, I myself do not understand how the vessel went that far but my officers from the department are investigating the matter and will advise me regarding how the vessel ran aground onto the island and what damages did the vessel cause.

Mr Speaker, according to preliminary reports that we have received the damages to the surrounding area and environment are very minimal and that is according to my officers. Nevertheless, a more detailed investigation is still ongoing at the moment and I will be reporting back not only to Cabinet but also to the Governor regarding the exact state of the damages caused by the vessel running aground on the island.

Mr Speaker, we are also aware of the compensation claims made by the island's inhabitants and their demands are not in terms of money but for projects. The Local inhabitants were very reasonable and therefore, their claims will be under proper consideration. All the parties involved will come together and hold talks. Therefore, the vessel owners and investors and I believe the Provincial Government under the leadership of the Governor are doing all the right things and with the help of my department all parties can come to some very good decisions.

Mr Speaker, in relation to the international obligations, Cabinet has approved a series of legislations and regulations to be brought before Parliament for approval which aims at protecting the waters of Milne Bay and other areas of this country that are exposed to international traffic or vessels of this nature.

We need to come under the international convention for damages in case we experience oil spills. This is because if we do not come under these international maritime conventions we will not be governed by the rules that apply to everybody in the world when these sorts of things happen. Therefore, I think that with Cabinet's approval all these relevant legislations Papua New Guinea will now come under all these international laws that will protect us, the country, the islanders out there and our resources.

Therefore, I want to assure the Governor that Papua New Guinea through this Government has taken appropriate measures to bring ourselves to those international standards where international procedures and all the rules that apply to the international theme will be afforded to our people throughout the country.

Thank you very much, Mr Speaker.

06/02

Mr WILLIAM TONGAMP - I direct my question to the Minister responsible for urbanisation. Firstly let me thank the previous government for considering Minj in Jiwaka province as one of the pilot project area.

We have had success in Minj and we can see building. We can see fence around the old airport but there are some projects that were supposed to be up coming. I also heard that a fencing project in Minj also cost K2 million because the company working on it ran away. There is another electrification project under the urbanisation program which is not taking place. I just want to know whether the Office of the Urbanisation and the Minister responsible can inform us on those issues.

Mr PAUL ISIKIEL – Mr Speaker, thank you for your question Governor. I would like to inform this Honourable House that as you are aware the last six month was

difficult. As the new Minister responsible we have to go through the process of getting a new board on. We also had a new Managing Director in place in December.

Jiwaka has been identified and I am told by the Director that the Prime Minister was involved personally at one stage during the ground breaking ceremony. We have taken that into consideration and I am working very closely. I can assure the Governor that the entire program will go on.

I am still waiting to get full briefing from the Urbanisation Department and you will be informed accordingly through my office in due course.

07/02

**PRIME MINISTER AND THE NATIONAL EXECUTIVE
COUNCIL (AMENDMENT) BILL 2002**

First Reading

Bill presented (by **Mr Peter O'Neill**) and read a first time.

Second Reading

Mr Peter O'Neill (Ialibu-Pangia – Prime Minister) I move that the Bill be now read a Second time.

Mr Speaker, this is basically a simple amendment to the Prime Minister and National Executive Council Bill basically outlining and repealing the age limitation that we put on the Office of the Prime Minister.

Repealing the age limitations that we put on the office of the Prime Minister, we limited that office to the age of 73 or over should not be considered for the position of Prime Minister by this Parliament.

Mr Speaker, as we move on and the Government feels that the people have chosen these leaders and have given the mandate and trust to them and they must therefore be given equal opportunity to take up any position in this country. If our people can trust them; then we might as well trust them too.

And they've got our absolute trust and that is why I commend this bill to the Parliament.

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

That the Question be now put.

Motion – That the Bill be now read a second time – agreed to.

Bill read a Second time.

Third Reading

Leave granted for the third reading to be moved forthwith.

Motion- That the bill be now read a third time.-put

The Parliament voted (the Speaker, **Mr Theo Zurenuoc**) in the Chair.

AYES- 85

NOES-0

Motion so agreed to-

Bill read a third time.

08/02

Sir Michael Somare – Point of Order! I stood up for debate in the third reading and you did not recognize me because normally Members have the right to speak on the third reading.

Mr SPEAKER – The question was put and passed so I am sorry governor for East Sepik. The process has been duly completed.

JUDICIAL CONDUCT (REPEAL) BILL 2012

First Reading

Bill presented by **Mr Kerenga Kua** and read a first time.

Second Reading

Mr KERENGA KUA (Sinasina-Yongomugl – Minister for Justice and Attorney General) – I move –

That the Bill be now read a second time.

Mr Speaker, the objective of the Judicial Conduct (Repeal) Bill 2012 is to repeal the *Judicial Conduct Act 2012* in its entirety.

Mr Speaker, the introduction of this Bill is consistent with the commitment of the O'Neill-Dion Government to correct the wrongs of the recent past and to reconcile fully with past opponents who are now present partners to bring about peace and stability and to strengthen the prospects of growth and development in this country.

Mr Speaker, I need to say little about the political controversies of the past 22 months or so, from August 2010. I do not propose to narrate the details of those controversies. We are all familiar with the facts as they were very well publicized.

It was in the midst of those controversies that the Judicial Conduct Act came into existence through an enactment by this Parliament. Its primary objective was to disqualify judges of the National and Supreme Courts from presiding over cases in certain prescribed circumstances where their independence and impartiality were thought to be brought into question. And to punish them should they refuse to step down in those prescribed situations.

It is now considered that there is no further need to maintain that act. It has outlived its utility and purpose and the repeal of the act will not leave a vacuum insofar as the conduct of judges are concerned.

I would like to assure this Parliament that there is sufficient body of other laws contained in the Constitution through the Leadership Code, the Common Law, which is judgment laws of England and Papua New Guinea that cover this area where judges should find themselves in situations where a potential conflict of interest may arise, impinging upon their independence and impartiality.

In addition to all of that, the Chief Justice, in 2010 promulgated the Code of Judicial Ethics Rules that applies to judges, and here is a copy of it. It provides that judges should always act with total independence and impartiality and to act diligently in the discharge of their duties.

09/02

The same set of things that were prescribed in the *Judicial Conduct Act*, it says that if the Justices should find themselves in certain prescribed situations where their independence and impartiality can be brought into question then they should disqualify themselves and make detailed prescription about those circumstances. So I would like to assure this Parliament that the repeal of the *Judicial Conduct Act* will not leave a vacuum but there are some residual concerns amongst the three arms of Government, the judiciary is the least accountable and this concern is noted and it does have some merits and I would like to report to this Parliament that I am working closely with the Chief Justice with the view to introducing rules that could regulate Judicial Conduct without encroaching upon their independence, an independence which we all need in order to administer our functions in the three different arms of government.

It has become necessary against the background that I have narrated that the whole of this *Judicial Conduct Act* be repealed in its entirety. It is perhaps also worth noting also that the Constitutionality of this particular piece of legislation is already in the supreme court, it was filed last year by certain interested parties and the supreme court reference is still pending.

Mr Speaker, I think it would demonstrate good leadership of this Parliament if it was seen to be taking control of this issue without having to depend upon the court to decide on questions which this Parliament can deal with.

Mr Speaker, it is for this reason that the Government considers it necessary to propose this Bill on this Floor of Parliament that the whole of *Judicial Conduct Act* be repealed in its entirety.

Mr MCHAEL SOMARE (East Sepik) – Mr Speaker, I support the amendment to the law, as it was enacted here at the time it followed the purpose in which the present legislation is now before us to be able to agree upon. I do not have much to say, mistake have been made and we all have seen the mistake and decided to reconcile and met the requirement of what the Constitution says. It was written for a purpose and written by Papua New Guineans and not foreigners and all I want to say is that, Mr Speaker, we have learnt a lesson and we in Government must not make changes to suit a particular occasion but for the best interest of Papua New Guinea.

Secondly, Mr Speaker, I wasn't given a chance to speak on the third reading but let me say here that the particular law that we are going to amend same approach must apply for instances, Churchill from Great Britain aged more then 70 years was still in Parliament, Di Israeli was still in Parliament, Lord Bruce of Australia was still in Parliament and recently Ronald Regan was elected when he was over 76 so lets not try to undermine a Papua New Guinean who can stand up here and I know that this legislation was made for me and I have to make a note. I am still around and only Sepiks will get me out of this House and not members of Parliament.

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

Motion – That the bill be now read a second time – agreed to.

Bill read a second time.

Third Reading

Leave granted to move the Third Reading forthwith.

Motion (by **Mr Kerenga Kua**) proposed –

That the Bill be now read a third time.

Motion – That the question be put – agreed to.

Motion that the Bill be now read a third time put.

The Parliament voted (the Speaker, Mr Theo Zurenuoc, in the Chair)

AYES – 84

NOES – 0

Motion so agreed to.

Bill read a third time.

10/02

SUPREME COURT (AMENDMENT) BILL 2012

First Reading

Bill presented by **Mr Kerenga Kua** and read a first time.

Second Reading

Mr KERENGA KUA (Sināsina-Yongomugl – Minister for Justice and Attorney General – I move –

That the Bill be now read a Second time.

11/02

It was intended by those lawyers to insert this amendment into this important Act governing Supreme Court Proceedings. I made a loss to understand.

But it is appropriate that we should correct that anomaly restore the integrity of the Supreme Court Act and so there's nothing much further to be said it's all very clear.

Mr Speaker I am proposing that if the proponents of those amendments were genuine it is still open for them to bring those amendments through the correct legislations that exist elsewhere such as under the Land Dispute Settlement Act, the Land Titles Commission Act and so on.

But it is not the right place to insert land dispute settlement into the Supreme Court Act whose original jurisdiction is to deal with issues of constitutional interpretation and issues that come up on appeal. So they parked this amendment in the wrong place but the door is not shut if there's a cause for it they should bring it through the correct legislation.

Mr Speaker with those few comments I recommend this Bill to this house, Thank you.

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

Motion – That the Bill be now read a second time – agreed to.

Bill read a Second time.

Third reading

Leave granted for Third Reading to be moved forthwith

Mr KERENGA KUA (Minister for Justice and Attorney General) - I move that the Bill be now read a third time.

Bill, by leave, read a third time.

MOTION BY LEAVE

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

Leave granted.

LEAVE OF ABSENCE – MR KEN FAIRWEATHER

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

That the Honorable Ken Fairweather, Member for Sumkar be granted Leave of Absence for the duration of this meeting due to ill health.

ADJOURNMENT

Motion (by **James Marabe**) agreed to-

That the Parliament do now adjourn.

The Parliament adjourned at 12:00 p.m..