

THIRD DAY

Thursday 7 February 2013
DRAFT HANSARD

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THIRD DAY

Thursday 07 February 2013

The Speaker (**Mr Theo Zurenuoc**) took the Chair at 10 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 10.15 a.m., and invited the Member for Nawaë, **Mr Gisuwat Siniwin**, to say Prayers:

(Due to equipment failure the prayer was not recorded)

DEATH OF FORMER MEMBER – STATEMENT BY THE SPEAKER

Mr SPEAKER – Honourable Members, I have to inform Parliament of the death of Mr Andagari Andrew Wabiria on 23 January, 2013.

He was a former Member for the Koroba-Lake Kopiago electorate in the Second House of Assembly from 1968 to 1972 and the Third House of Assembly and the First National Parliament from 1972 to 1977.

During his term as a Member, he had served as the Chairman of the Demarcation Committee, Chairman and assistant ministerial member for Lands and Survey and Mines, and a member of the Land and Industries Committee from 1968 to 1972.

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

(All honourable Members stood in their places and observed a minute of silence in memory of the late gentleman)

Mr SPEAKER – Thank you all, you may take your seats.
If there are no Notices, we will proceed to Question Time.

Mr Sam Basil – Point of Order! I have a petition.

Mr SPEAKER – Your petitions need to come through the Clerk and to me before it comes out here on the Floor of Parliament. Your point of order is out of order.

QUESTIONS

Mr TONY AIMO –Mr Speaker, my questions are directed to the Minister for Public Service, Honourable Sir Dr Puka Temu, the Member for Abau.

If you can recall about two days ago, we briefly discussed the restructure, retrenchment, retirement and redundancy exercise of the East Sepik provincial public servants. I am pleased to inform you that the East Sepik provincial human resource management division has already conducted their staff audit and have identified 103 public servants who are ready and willing to be retrenched.

All their entitlements have been calculated to the tune of K4.5 million. I understand the O'Neill-Dion Government has allocated about K30 million for the retrenchment exercise throughout Papua New Guinea.

My questions are:

(1) Can the Minister make an undertaking on this Floor of Parliament to release the funds for the retrenchment of these public servants?

I do not see any reason why out of that K30 million, K4.5 million cannot be allocated to East Sepik immediately. I would like to see those public servants retrenched by April of this year. This will enable us to see what positions are vacant so that appointments and the restructure and

advertisement of positions can be done so that we can create a working culture within the Public Service. If this is not done, we cannot do much in the implementation of the 2013 Budget.

(2) Can the Minister take an undertaking now and prioritise East Sepik because we have done the work in identifying public servants who need to be retrenched.

I hope that by April this year, the 103 public servants are retrenched and take away with them the old work culture and so that we can come up with a new work culture in the Public Service.

Sir PUKA TEMU – Mr Speaker, I would like to thank the Member for Ambunti-Drekikir for his very passionate plea.

I think he is also following on from the honourable Member for Goroka who also did the same thing and I believe that this should be the new culture in Parliament now.

Mr Speaker, I want to thank the honourable Member for his leadership as Chairman of the Department of Personnel Management. He has taken the bull by the horns and identified 103 public servants who are ready to be retrenched.

I am proud and agree with the honourable Member that under the Prime Minister's leadership, we have allocated in the Budget close to K40 million to the retrenchment of public servants this year.

Having said this, I now also plead to the other Governors, provincial administrators and the Ministers with their departmental heads to undertake a similar exercise as East Sepik has done. Therefore, 'first come, first served,' I believe is the way to do it regarding retrenchment of public servants. We need to reward performance and I want to assure the people of East Sepik that I have already spoken to my secretary after speaking with the honourable Member two days ago.

Therefore, if the secretary has received a list for retrenchment then they need to examine it to make sure that the calculations are in order so as to ensure that the part of that 30-40 million kina already allocated is rewarded to East Sepik Province. This is a long overdue exercise and unfortunately for many years many of our civil servants who have reached the age of retirement and have been misplaced because of new positions created are now un-attached in the Public Service and still living in institutional houses. Therefore, I think that this is the right time as this is the year of implementation to carry out this exercise.

Mr Speaker, while I have the opportunity, I also want to plead to public servants throughout the country and every citizen to make use of opportunities. Life is not only in the public service because there is a bigger world out there. Therefore, when you are retrenched you have to welcome it and accept it because with the current economic growth of the country there are opportunities for you to participate and help contribute in developing this country.

02/03

The Government has funds in the National Development Bank but some of the retrenched officers with their knowledge can link up and apply for loans in the SME level rather than using their retrenched payment to pay for one PMV which may be gone within six months.

I think it is a holistic approach that we have to take. Some of these learned people are professionals so once they are retrenched they can continue to participate with nation building.

So, I want to make an undertaking to the people of East Sepik through the Member for Ambunti-Drekikir that you are the first ones so we will reward you for your performance and I now challenge everyone to do the same.

Mr POWES PARKOP – I direct my question to the Minister for Police and Internal Security.

I would like to make a few remarks on the horrific death that appeared in today's newspapers. My question relates to the appointments of PPCs and in the case of NCD, the ACP (Assistant Commissioner of Police).

I would like to thank the Minister for Police and Police Commissioner for appointing Mr Andy Baua who was the former Operations Commander in NCD for the past four years. Mr Baua has proven his worth and he deserves to be appointed as the Metropolitan Superintendent. However, my concern is that, the Police Commissioner has made wholesale changes. Therefore, I urge the Minister for Police to caution the Police Commissioner to make decisions after proper assessments are made.

The Police Commissioner has replaced the ACPs one too many times in NCD in the last four years. This started off with Metropolitan Superintendent Fred Yakasa who was a good officer and his ACP Awan Sete. However, a year later ACP Fred Sheekiot and Metropolitan

Superintendent Joe Tondop were appointed. And before they could start doing their jobs, they were removed and replaced by Francis Tokura and Metropolitan Superintendent Peter Guinness.

Mr Speaker, my questions are:

(1) Despite the frequent changes taking place, when will the Commander sit down to strategise and implement plans to combat various crimes in the country?

(2) Although the Minister may not have the authority, as a matter of practice, can the Minister talk to the Commissioner so that the PPCs and the ACPs serve a minimum of two to three years before making the changes?

(3) It may not be law but as a matter of Government Policy, the Police Commissioner should consult with respective provincial governments and Governors before making changes because we know who is performing and who is not.

I need reserve policemen to support regular policemen to combat crimes in Port Moresby.

(4) Can the Police Commissioner slowly phase-out police reservists instead of trying to remove them all at once?

(5) Are the Police doing anything about the horrific practice that is taking place in the country regarding the killing of people who are alleged to be practicing sorcery?

How can our people blame and burn to death women who are believed to be practicing sorcery. The Police Force needs to do something about it and clamp down on such barbaric practice. This type of activity is a disgrace to our nation and our people.

Mr NIXON DUBAN – Mr Speaker, I thank the Governor of NCD for his questions. I am fully aware of the concerns raised. Other Governors also share the same concerns.

The transfers and the appointments of PPCs and the ACPs are not within the Ministerial jurisdiction. It is an institutional function and the Commission has wider jurisdiction over who should be appointed and who should become ACP. I totally appreciate the grievance expressed.

I want to inform the Governors that those decisions are done in the best interest of the Police. I am sure those officers who have been serving for less than the required period are not able to acquaint themselves to the environment that they have been posted to and so it creates a vacuum of adequate leadership in those provinces.

As Members of Parliament, we would like to work with some who can work alongside us, and I appreciate that concern.

03/03

Maybe in the future we can change some practices where we consult the people, unlike the decisions of appointing administrators and other senior officials like the departmental heads.

There is an appointment process that is solely confined to the Commissioner, and I would encourage us to look at appointments and work with these appointed personnel. They could be good officers whose potential have not been explored well, but in the meantime we will make sure the appointment process is done properly and the officers appointed could be working within a time period.

The second question on reserves; I want to say here that in 2004, the former Minister sanctioned a review on the Police Force and there were 61 recommendations made. One of those recommendations was to phase out the reserve police. This decision was made as a result of the majority of these personnel being not properly trained and has low educational qualifications and lack of resources that has caused a lot of problems for the Police to do their duties.

But if we want to keep these reserves, Police Department needs to conduct training and the person has to be physically fit and have good character to conduct his duty as a reserve police. At the same time, these personnel employed as reserves must have their own resources to carry out their duties.

This is a volunteer-driven idea and not for payment. If you consider the cost of employing reserve police, it would go way beyond the budgetary allocation of the province and the Police Department as well.

To assist the Governors of the province, my encouragement is that if you are thinking of strengthening the reserve police - while the report has discouraged it - it is important that these people who have been selected are physically fit and have good mental character. They must meet certain requirement. If they are employed, they must have their own resources so that they can fully commit themselves, otherwise problems like police reserves carrying firearms without being properly trained, police brutality and harassment especially on road blocks will continue to grow.

On the issue of sorcery, I am aware that those accused of this are harshly treated and sometimes killed. I will look into it, but I am glad that it was raised. While I do not have a direct answer, I want to say that the public takes it into their own hands and the police are called in later, and these sort of disputes are difficult for the police to handle, especially to find which party is at fault, the one accused of sorcery or those who assault the person accused of sorcery.

I invite the Governor to find time to discuss other issues that he raised, which I am unable to clarify at this point in time.

Supplementary Question

Mr GARRY JUFFA – In relation to the same discussion, I would like to ask the Police Minister if the Governors can be consulted so that they may have some input towards the review and modernization of the Police Force that is about to be undertaken?

Whilst we do not question the Police Commissioner's decision to transfer, sometimes it raises questions as to why the transfers are taking place when they are not needed, and I am speaking on the experiences of Oro Province where we had a good PPC who has been there for only a year and six months and did a lot of good for the province.

Together we have reviewed the policing systems in the province and we are trying to overhaul it and suddenly he is being transferred out. I have not been given any reason for his transfer. The transfer is suspicious, in that, it comes after he refused bribery from various Asian firms operating in the province after he began serious investigations into fraud and other serious crimes in the province. To avoid such rumor and rhetoric and suspicion, it would be better if the PPC were consulted in such transfers so that we are satisfied, and the good work that he has undertaken will be disrupted and there will be dysfunction in the force.

With that concern, I am just asking if the Governors can be consulted on such cases before transfers are made.

Mr NIXON DUBAN – Honourable Governor, your point has been noted and we will have a proper police modernization launching at the end of March this year, and I will invite a lot of Governors and Members of Parliament to freely come and they can contribute in that way.

Mr JIM KAS –My question to the Prime Minister is in relation to recent reports on the *Constitution* and the *Organic Law*. By 2015, the country will be 40 years old.

Does the Prime Minister have plans to review these two and other laws so that we have something to present to our people as we turn 40?

I believe the *Constitution* and the *Organic Law* need to be seriously reviewed as well as other laws and Acts.

04/03

If there are commissions that you can appoint to review all the laws, acts of Parliament and the *Constitution*, I think it would be a very opportune time for us as a country to present something new for our country.

Mr PETER O'NEILL – I thank the Governor of Madang for that very important question. I thank him because it is very timely. As reported in today's papers, this Parliament has appointed the honourable Member for Tambul-Nebilyer as the Chairman of the Constitutional Law Reform Commission.

This is a very important organization that looks at all the laws that we make in the country and gives advice on the importance of those laws, and I am certain that under his leadership and the leadership of the man in charge of that Commission, Dr Eric Kwa, a very learned Papua New Guinean and one of our leading legal experts in the country, they both will guide us through that process.

I know that in the past we've had so many ad hoc reviews that have taken place. We've got so many reports that were written, some of which were led by very prominent Papua New Guineans; one case being the work of late Sir Barry Holloway on our political or legal structure in the country.

The government will review those and we will also take advice from that commission and then we will present it to Parliament as and when we think it is necessary.

I want to stress here again that there is nothing wrong with our *Constitution*. It is one of the finest examples of a law that is functioning. It is a Constitution that is able to keep a country that is as diverse as ours with a lot of diverse culture, languages and ethnic groupings united for over 37 years. I have no doubt that the Constitution will serve the country well into the future.

I believe that we can only strengthen it, and if there is a chance that this Parliament can do that, we will only do so with proper advice from commissions such as the Constitutional Law Reform Commission.

Mr BOB DADAE – Mr Speaker, I direct my questions to the Prime Minister. I am of the view that this question is one which all members in this Parliament have but I am representing all of you in asking it.

One of the major platforms of this government in the recent elections was free education. It is the policy of this government to give an opportunity to our children to have access to learning with minimum school fees.

In the recent past, we have seen in the print media that many school boards are charging project fees which are almost as high as school fees. In Morobe and other parts of the country the amount is in the vicinity of K800 plus. I believe this practice is prevalent in the entire country. This tends to demean the whole purpose of the government on free education.

Prime Minister, I know that you and your Cabinet are aware of this as you have acknowledged.

(1) Can the Prime Minister tell Papua New Guinea, through the Floor of this Parliament, what the policy is now?

Are we going to let the school boards charge school fees? Or can we at last keep it at a minimal rate of K100 to K200. That will be sufficient. Currently under the free education initiative, schools are getting more money than what they used to get before. Many schools in rural areas such as Kabwum, parents cannot afford to pay school fees resulting in schools having financial problems so some Members like me assist them by subsidising school fees.

Today they are getting more money and there may not even be a need to charge project fees also.

(2) Can the Prime Minister make it clear to this Parliament so that Papua New Guinea can know what action we can take to reduce these project fees?

Mr PETER O'NIELL – Cabinet met at 2.00 p.m. yesterday to deliberate on a paper that was presented by the Acting Minister for Education on this particular matter.

I wish to inform this Parliament and the people of our country that these project fees that are being charged by provincial education boards through the schools throughout the country is unnecessary. It is uncalled for and is just another way of putting an extra burden on our parents throughout the country.

For the first time in the history of the Education Department we are getting funds on a timely basis, even well before the school year started. So there is absolutely no reason why we should continue to have these projects fees. This is just a form of fraud.

We have now put a limit to projects fees of up to K200 only. We have stated that any school or provincial education board that continues to breach and not adhere to our instructions will be dismissed because this offence is now a dismissible offence. And we will dismiss the entire provincial education board and the administration of the schools concerned. We cannot tolerate this anymore.

Since its introduction in 2011, the school fee subsidy programme throughout the country has worked very well under your leadership as Education Minister. Many schools received money that they never received before.

So, Mr Speaker, we are certainly putting a limit of K200. The Minister for Education and the Department has been directed to put out advertisements throughout the country, and I urge all parents throughout the country not to pay any project fees over K200. They do not have to pay it up-front before the children take the classroom. They can pay it anytime during the year.

So the specific instructions are; children are allowed to go to school, they can start without the parents paying the K200. They can pay it later, and there will be no additional project fees.

In addition to that, Mr Speaker, I want to announce that we have set up a small task force that will collate data from all the schools throughout the country.

05/03

Mr Speaker, Education Department has not provided us genuine data that we can depend on. The number of schools throughout the country is just a guessing exercise; likewise the number of children that enroll every year are estimations as well. The inefficiency of the Education Department is now very obvious. The curriculum is not functioning properly. So we

have put up a task force and it must be ably assisted by the districts and the members of Parliament.

We are giving K100 000 to every district through the Joint District Priority Committee for us to work with the members and the district administration to collect data for each school. That K100 000 can be extended to health, so we are trying to get both health and education to collect data for each district. That will give us information like how many kids at school, name of the child, what grade and where they come from.

Mr Speaker, two things; K100 000 for each district to collect data and minimising the project fee to K200 throughout the country.

Mr RONNY KNIGHT – Thank you, Mr Speaker, for recognising the people of Manus.

I direct my question to the Minister for Foreign Affairs.

I don't know whether the Minister is aware of this ongoing problem of border incursions by fishing boats from Indonesia coming to our waters and catching fish with big nets. When our people try to stop them, they are being shot at.

Can the Minister discuss this problem with his counterpart from Indonesia and come up with a solution?

Mr RIMBINK PATO – Mr Speaker, I thank the Member for Manus for his important question.

I will provide a detailed answer to his question, which is a security issue concerning our country. And this is the first time I have been alerted to this problem taking place on the PNG/Indonesian border.

In relation to other parts of the country there are issues of that nature, particularly in West Sepik and down on the Southern border of our country. But we must look at all of these things in the context of PNG's overall relationship with Indonesia, which is very cordial and it's a very good one. So the Government is looking at dealing with all of these issues in a whole cell manner.

The Foreign Affairs Department will deal with technical border people on the Indonesian side to see how we resolve the issue of border incursions and porting of resources with respect and understanding.

However, if no resolution can be found then I will deal with the matter at my own level with my counterparts in Indonesia. So all of these issues are dealt with through a whole cell approach so that our bilateral relations with each of those countries, which we have good relationship, is not interfered with when the leadership at the top may not be aware of what is happening in those areas. So, I will deal with this issue with other problems of the same nature from other parts of the country as well.

Supplementary Questions

Mr MICHAEL SOMARE – Mr Speaker, I want the Citizenship Committee to check through and identify missionaries that have lived here more than 40 to 50 years and who have applied for permanent residency here in PNG and grant their citizenship.

One good example is a woman from Solomon Islands who came to PNG when her daughter was just a child. Her daughter got married here but she is still a citizen of Solomon Islands

06/03

When will the citizenship Committee grant these people citizenship?

They have fallen in love with our country and wish to become permanent residents of our country

Since my term nothing has not been done till today.

(2) Can the Minister direct the Citizenship Committee to review the permanent residence status of these people?

Mr RIMBINK PATO – Mr Speaker, I thank the Governor of East Sepik for these very important questions.

Yesterday the Cabinet had an opportunity to discuss the issue of citizenship and its advantages and disadvantages that come with becoming a Papua New Guinean citizen. The feeling of the Cabinet was that we should review the laws that govern citizenship, especially for the people who fall into the category that honourable Grand Chief mentioned. Those who have come across and have been living in our country for so many years, the Department is

undertaking an overall review to accommodate them and not mix them up with the grounds of citizenship as stipulated under the naturalization process of the *Constitution*, through the Citizenship Advisory Committee.

Mr Speaker, in answering that question, yes, we are undertaking a review and those people will be given proper treatment. Acquiring citizenship in Papua New Guinea is very important; it comes with duties and obligations. If we were to take steps to interfere or take some process under some legislation in relation to the issue of citizenship as we have done in recent times then clearly there will be implications..

Mr Speaker, all of these things have been looked at in the overall context so that the interest of our people and the country is best served so that no-one is put into unnecessary disadvantage, and that we gain overall.

Dr ALLAN MARAT – Mr Speaker, I direct my question to my learned friend, the Minister for Foreign Affairs and Immigration.

Mr Speaker, as reported in the Media, the names of two State Ministers and the Foreign Affairs Minister were mentioned in regards to the mysterious flight of a Boeing 737.

Can the Minister explain to the people of Papua New Guinea and this Parliament the nature and extent of his involvement and the benefits, if any?

Mr RIMBINK PATO – Mr Speaker, I thank the Member for Rabaul for that very important question. The true position is this; I was on my way back from attending a Renewable Energy Conference in the Middle East and coincidentally my colleague the Foreign Affairs Minister for Vanuatu was on the same flight with me from Brisbane.

As would occur, as your representative to other parts of the world, I had to assist my colleague Foreign Affairs Minister from Vanuatu, through Customs and provided him transport to wherever he wanted to go to. At that point, I wasn't aware that he had any arrangements to travel to Papua New Guinea and there was no notice given to me that he was visiting our country and that was it.

There is nothing more that I can say. I was not aware of the flight that had landed in Papua New Guinea in what is reported as mysterious circumstances. I was briefed later that there

was a diplomatic note that was issued from Brussels but during that relevant period I was not in the country.

No doubt in relation to every aircraft that comes, there are procedures in place where they will notify the relevant authorities as to their arrival and departure.

There are authorities in place that deal with those issues, and I think in due course there was some investigation that established that there was no improper conduct on the part of the Papua New Guinea officials, including myself and at this stage, if I can speak for the Minister for State Enterprises. He wasn't even there at the airport even though the allegations were made in the media by your leader of the Opposition. The Minister was reported to be on the same flight and had some involvement in it, but I never even met him on the plane or the airport.

So, that's all I can say by way of an answer, but I just don't want to speculate on something I don't know.

07/03

Mr JOE LERA –Mr Speaker, I direct my question to the Minister for Agriculture.

My question is for the benefit of the people of Papua New Guinea, especially the coastal Provinces and Bougainville, whose livelihood is very much dependent on copra industry. We all know that the price for copra has dropped to K0.28 per kilogram, meaning for one bag of copra they get K20. As a result many parents in my village in Bougainville have requested for school fee assistance.

In that context, does the Government or Department have any plans to restore or re-introduce the Copra Stabilization Fund, which was abolished five years ago?

This will help the farmers can to earn some money to sustain their lives.

Mr TOMMY TOMSCOLL- I also take this opportunity to thank the Regional member for his good question. The situation affects many of our farmers, whose livelihoods are dependent on agriculture, particularly the cash crop commodities. Copra is a major income earner; it is also an employment to our people.

This government, in the short term, is providing freight and price subsidy. The mechanisms on how to pay out price and freight subsidy is currently being worked out by KIK.

In the long term we are considering introducing the Copra Stabilization Fund, but that is a consideration among the commodity board. And when the board does arrive at preparing a paper, Cabinet will consider. It is the privilege, approval and authority of the Cabinet to decide on the matter. Thank you.

Mr SAM BASIL – I direct my question to the Minister for Public Service

Mr SPEAKER – Honourable Deputy Leader, allow me to interrupt. I must remind the people in the Public Gallery to respect the Parliament and switch off all mobile phones before you enter.

Mr SAM BASIL – Mr Speaker, It is good to know that the O’Neill- Dion Government is in the drive now to fix up all our old buildings and infrastructures in the country. My question is directed to the Minister for Public Service regarding the refurbishment of the Pineapple building.

We hear that the price of the refurbishment was packed at K50 million and it was increased with another K20 million to K70million.

Can you assure this House and the people of Papua New Guinea that whenever there is a need for reconstruction or refurbishment of major infrastructure, the peoples’ money must be spent wisely and must be within the budgeted estimates?

Mr PUKA TEMU – Mr Speaker, I thank the Deputy Leader of the Opposition, Member for Bulolo, for that very good question because it has also appeared in the public media.

Let me say that for the first time under the leadership of our Prime Minister, the issue of our Public Service office accommodation is being addressed. And for those of you who are aware, the Pineapple building, also called the Marea building, and the Central government office have not being utilized for 14 years.

They have been left idle by previous governments of which I was a part of. It is the first time under this prime ministership that instructions have been made for these issues to be resolved. And so public tender was called for the Pineapple building and submissions were made.

As part of the public tender process, there is technical advice on what would be the right value for the refurbishment of Pineapple building - which has been neglected for 14 years - to be brought back to functionality, if public tender is called and submissions are made. When these were made, Central Tenders and Supplies Board assessed the costing to range from K50 million to K70 million. So, that became the bid range.

Part of the bid included not just fixing the outside and inside but also putting in the office partition and tables because that is the bigger cost which many people miss out on. And I want to give the classic example of the new Lands and Physical Planning office. Unfortunately, when the bid was made, we failed to include that particular cost, which is very high, and that's why that building has not been re-opened. And so when the technical evaluation came, a bid below K70 million could not be considered because the specifications were at that value and so the Central Supplies Tenders board then recommended. So that's the process.

Therefore I want to assure the people that the procurement process so far as the Marea building is concerned was fully complied with the specifications.

There was one tender that came in later which was to build, operate and transfer at the cost of approximately K35 million, and that was well below the required technical advice needed to bring the Pineapple building to that level.

And so as Minister responsible for Public Service, given the advice from the Central Supplies and Tenders Board because it's over K10 million, I brought it to Cabinet and they approved my submission and the tender was awarded.

08/03

We hope that Papua New Guinea will see for the first time that, that eyesore will now elevate the status of government office precincts.

We are also doing a similar thing to the current Central Government Office and we are inviting private contractors for there will be a public tender very soon this year where we will mark out properly the entire Central Waigani office precincts. We want to design it properly with proper walkways, gardens and et cetera so that we can be proud when foreign leaders come to the country and we can walk them through the Central Government Office precincts.

Mr Speaker, that is the commitment of the Prime Minister and I want to assure the people that the procurement requirements were all complied with and I know that we will get a very good value for K70 million for Mari Haus.

Mr SPEAKER – Thank you, Minister. Honourable Members, Question Time has lapsed.

Mr BENNY ALLAN (Unggai-Bena – Minister for Lands and Physical Planning) – Mr Speaker, I seek leave of Parliament to respond to a question that was asked by the Member for Chuave yesterday before I give make my statement.

Mr SPEAKER – Honourable Member, you may do so tomorrow, however, you can go ahead your Ministerial statement.

**LAND DEVELOPMENT POLICY –
KEY PRIORITY ACTIVITES 2013 – 2015 –
MINISTERIAL STATEMENT –
MOTION TO TAKE NOTE OF PAPER**

Mr BENNY ALLAN (Unggai-Bena – Minister for Lands and Physical Planning) – Thank you, Mr Speaker, for giving me the opportunity to make my ministerial statement. Before I do so, I would like to thank the National Executive Council (NEC) yesterday for approving the long awaited position of the Secretary for Lands Department so I wish to place that on record and thank the NEC for the permanent appointment.

For the benefit of the National Parliament, the secretary is Mr Romley Kila Pat. He is one of the long serving officer and very experienced officer.

Mr speaker, I thank you for allowing me this opportunity to address the honourable Members of Parliament and the people of Papua New Guinea on the Government's policy regarding land and land development.

Mr Speaker, as you may recall, the land reforms of 2005 were instituted to improve the land administration system. Prior to these reforms, the land administration system, including land administration services, the land courts and customary land development were said to have deficiencies and anomalies. In order to strengthen these systems, the Government sanctioned the establishment of the National Land Development Programme and continues to support the Department implementing these programmes.

Mr Speaker, the department over the years has taken bold steps to align its programme activities with the government's overarching policies such as Vision 2050, Development Strategic Plan 2030 and the Medium Term Development Plan (MTDP). The policies mention land as being the basis of every development, and in doing so requires land to be made accessible to meet the demands of development. In particular, the Vision 2050 asks for 20 per cent of land to be released by 2030 so that the aspirations of the super policy will have enhanced the goals towards achieving a wise, healthy and wealthy society in Papua New Guinea.

Mr Speaker, land accessibility is a complex problem and it has its own intricate system. Most of the land in Papua New Guinea is customarily owned and this makes it hard to release land. Mechanisms like the *Incorporated Land Group (Amended) Act 2009* and *Customary Land Registration (Amended) Act 2009* have been designed to release customary land for development purposes, whereby it is seen as a win-win situation for both the landowner and the developer. Computerising of land information is a very important aspect of the whole land administration system and since 2007, the Government through the Department of Lands has signed an agreement with the Technology One Property rating System of Australia. The idea being that we would like to have a system that will be paperless, void of corrupt practices and efficiency of service delivery at the press of a button, and most importantly, provide up-to-date and accurate information on land. With the changes that are emanating, the Department has also instigated the reviewing of five major legislations.

Mr Speaker, the reviewing of these laws is vital, in that, most laws governing land administration are outdated and do not conform to modern ways of doing business. One such consideration in the legislation would be the use of technology in administering land services. Also, the legislations are in isolation of each other and need to be harmonised to reduce confusion and misinterpretation. The legal front has been a major issue and the Department is serious about the legislative reviews.

Mr Speaker, the Department aims over the next three years from 2013 to 2015 to implement basically three major programmes. These are focus area; however, there will be other activities that will also coincide with the implementation of these programmes.

09/03

Mr Speaker, as mentioned legislative review is priority area one and will involve the review of five (5) major laws. The computerizing of the land information now known as Lgis Enhancement and Program (LEP) is priority area two, and this is seen as the most important, in that, all business processes to administer land services will be captured in the computer system. Land access is the third priority area, which is complex and will involve two types of activities. They are land acquisition payments and acquisition of new lands.

Mr Speaker, implementing the priority programs will cost the Department the total amount of K288,393.236.1 over the next three years. The breakup of these monies is discussed below under each priority area and tabulated for ease of reference.

Mr Speaker, the Legislative reviews. The first activity is to review the *Land Act 1996*. As this is one of the major legislations that governs the land administration services in Papua New Guinea, it must be reviewed to conform to the ever changing ways of carrying out business processes. The introduction of new technology and enactment of new legislations prompts the need for legislative review.

The Department of Lands and Physical Planning legislations as seen were drawn up to cater for registration at those times when demand for land access was low and as such it was given less priority. That scenario has now changed. Hence there is increase in demand for access to land. This demand in tend has resulted from changes introduced by modernity and the cash economy.

Mr Speaker, the Department administers twelve legislations and five (5) of these have been identified to undergo review. Almost all our legislations are in dire need of review and these legislations were identified due to many court decisions affecting provisions within these legislations. The legislations undergoing review include; *Land Act 1996*, *Valuation Act 1967*, *Survey Act 1969*, *Land Registration Act 1973* and *Physical Planning Act 1998*.

Mr Speaker, the aim of reviewing the *Land Act 1996* is to make the necessary amendments to this legislation due to numerous Court decisions that has found that certain sections of the legislations sometimes end to be compromising what it was meant for.

Mr Speaker, the aim of reviewing the *Land Act 1996* will, among other issues, include the sections such as who is entitled to land, the buying and selling of land, strata titling. The amending of sections of the laws will include issues like acquisition of land, clarity on issues of which is state land and statutory periods to be shortened.

The review of the land act will also look at encouraging national and citizen participation by including sections which give equal opportunities to land ownership. We are proposing that leases will be given under three categories namely: nationals, citizens and to foreign interests. Under foreign interest, we are suggesting that foreigners must go into sharing the title lease with nationals holding 51 percent and foreign interest at 49 percent.

Mr Speaker, the *Valuation Act* and the *Survey Act* have not had any review since their enactment in 1967 and 1969 and they need to be amended to suit today's environment especially with the advancement in technology. The *Land Registration Act 1973* is one piece of legislation that needs to be harmonized into the *Land Act* and other laws as well. This Act needs to be reviewed to clear out grey areas that have caused anxiety, confusion and at times conflict of interest in delivering land administration service. Since the last review in 1989, the *Physical Planning Act* has set idly in one corner with lack of prominence. This piece of legislation is very vital to planning and how and what purposes the land is used for. This has not been properly administered and needs to be reviewed to cater for activities such as the Special Economic Zones, Petroleum Parks and Economic Corridor Plans, Forestry and Urbanisation.

Mr Speaker, the legislative review over the next three years will cost K500,000 and will include the identification and drafting of laws, consultative workshops, regional and stakeholder workshops, draft circulation and commentary and preparation of first draft. This basically is the schedule of all the legislative reviews in 2013 and ending in 2015.

Mr Speaker, The LAGIS Enhancement and Programme (LEP) is a Government funded project initiated three years ago between the Government, through the Department of Lands and Technology One Property Rating System of Australia. The implementation of the LEP has been at a snails pace but it has managed to complete 13 of the business processes out of 26 main business processes. The objectives of the LEP program are;

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To address the existing levies deficiencies and improve capacity by redeveloping the entire system and align it with a more effective and efficient business process research,

To enhance customer satisfaction by making the system more accessible and increase efficiency, reliability and public confidence in dissemination of accurate land information to increase the stakeholder as required.

To increase revenue collection processing, interfacing and to produce appropriate updated reports for the executive management, Government and stakeholders.

The ultimate aim is to ensure the Department has an automated land titling system, the system generates land information pertaining to customary, alienated, state and freehold land is accurately available in doing so facilitating the provisions of transparent land services in the country.

Mr Speaker, the vitality of LEaP and its lead over the next three years will cost approximately K32 million and there are two activities listed under these program and the first activity is to properly acquire land occupied by the Government that has not been formerly acquired.

Many Government institutions and facilities are situated on customary land and most of these facilities were built during colonial days and these have been changed today, whereby State institutions have been built. Payments of acquisition, lease and compensation claims for 2013 stands at K249 million. Over the next two years, the Department intends to reduce the payments by K100 million and by 2015 to complete the balance.

The second program in the acquisition of new land for the state are in relation to high order Government policies like the Vision 2050 articulates among other major reform initiatives that land provides the foundation for any development to occur.

The Department has been tasked to ensure at least 20 per cent of customary land is accessed by the year 2030. Right now we have three percent so we are looking at getting another 17 percent by that year. This may involve acquiring land through the new legislations; the *Incorporated Land Group Act 2009* and *Customary Land Registration Act 2009*.

New government facilities can be built on this land or the acquisition will allow for more alienated land to be accessible eventually creating additional revenue for the state. The estimated cost of acquiring new land for the State is K5 million.

Mr Speaker, apart from the mentioned programs, there are other activities which the Department would like to implement and these includes awareness on ILG's and Voluntary Customary Land Registration. These two acts were launched on 1st March 2012. The awareness exercise has been conducted in many parts of the country, however; it is still not clear to many people especially those at the community and village level who do not have access to these information.

The program for provincial visits will be finalized by the end of this month and we are hoping that it will run for the whole year. The revenue collection by the department most times is under stated as fees and charges should accrue to an overwhelming collection for the State.

For example; the NCD annual allocation for implementing rental collection is just about K500, 000 per annum. The revenue generation from these rentals on average is approximately K45 million; hence if more money is allocated then we would see more revenue collected from the public purse.

Mr Speaker, this is partly contributed by the fact that various regulations governing the prescribed fees and charges are very much outdated and do not correspond to the ever changing economic conditions of today.

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Apart from reviewing of fees and charges, the Department is intending to introduce door-door rental collections and putting up listings in daily newspapers showing defaulters whose rentals are above K10 000.

Several meetings have been held between Finance Department and Lands and we have given a draft of our reviewed fees and we are hoping that Finance will come back to us with their feedback by February 2013.

Mr Speaker, in conclusion, the above programmes and activities of the Department are the focus of 2013. The activity plans for this year will be centred on achieving these outcomes.

The Department plays a major role in ensuring land is made available to meeting the development agenda. This task is daunting and very much hinders on institutional strengthening, resourcing and adequate financing on a timely basis.

Mr Speaker, the Department needs the input of other sister agencies, development partners and other stakeholders to construct legislative frameworks that is appreciated by our society at large.

Social, economic, financial, environmental and other implications need to be considered to perfect the legislation that regulate and govern the land administration services in Papua New Guinea.

Finally, we are optimistic that the next three years will be good and we intend to make complacency, laziness, unfruitfulness and other negativity associated with the department a thing of the past.

A new era has dawned and we are determined to be leaders in the public service and to bring a new attitude to our workplace.

Thank you, Mr Speaker, for allowing me to bring in this Ministerial Statement.

Sir PUKA TEMU (Abau – Minister for Public Service) – I move –

That the Parliament take note of the Paper.

Thank you, Mr Speaker. I want to commend the Minister for Lands and Physical Planning for bringing in this very important ministerial statement and showing the country that the Minister is very clear on what he wants to do over the next three years. That's a very highly commendable leadership that has been missing on this very important issue.

As the nation knows I was once a Lands Minister and I take my hat off to Minister Benny Alan for the strong and strategic leadership on the three important areas that he has highlighted to take leadership on and particularly the review of all the outdated legislation in this very important issue of land.

Land is a very sensitive issue and as the nation remembers way back in 1994 when the World Bank tried to take charge of the land issue, some of our university intellects protested and four or five students died.

Land has always been a low key ministry. Many governments have never given it recognition even though without land there cannot be development and that is why many governments have not tried to reform the Lands Ministry and Lands Department.

The reform that the Minister highlighted began in 2005. When I was Lands Minister we hosted the Lands Summit and I was warned that it could lead to bloodshed. But the strategy was that we invited some of the key spokes people who have been very vocal in the public on land issues and they all gathered together in Lae for the first ever National Lands Summit.

In that summit three big issues were identified. One was that there were very bad administration practices in the Lands Ministry and Department. There was corruption and inefficiency, and so the Summit recommended that we must fix the Lands administration in the country.

The second issue was that there was an enormous backlog of land disputes and the land dispute settlement structure and system was inefficient and so the Summit recommended a streamlining of the land dispute settlement system in the country.

And then the big area or third one was, how can we make customary land available? And so when Vision 2050 was structured, we recommended that 20 per cent should be accessed for development in the country.

And so as the Minister said, this is an enormous task because there are many sensitive matters and as the old saying goes, 'we own land and land owns us'. That is the custom of Papua New Guinea. Nobody can give land away freely. Many of our tribes fight over land and we guard it with passion which goes to show that it is a very important thing.

Mr Speaker, I do not think that many countries in the world have this land tenure system where little people own this asset called land. All over the world the State takes charge of land but in our country 97 per cent of the land is owned by our little people. And my strong position is that this must be guarded. We must guard and protect our people from land being alienated. I strongly believe that the old culture of alienation of land is outdated. We must never ever alienate our people from their land.

So, all the legislation that deal with alienation of land should be thrown out the window and I commend the Minister for taking the leadership to amend the *Land Act* and all those requirements so that we empower our people.

Mr Speaker, as the Minister for Lands has said, 2009 amendments to the ILGs and Customary Land Registration, including the voluntary registration of customary land came into effect and there are awareness being carried out right now.

Mr Speaker, I am very passionate myself that we should now seriously look at supporting the voluntary registration of customary land.

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It was in East Sepik where they tried to introduce the registration of land but it fell through. When the legislation is reviewed the East Sepik experience has to be taken into account so we can make improvements. We have started some pilot projects; one is in Taurama Valley, Faniufa in Goroka, Minj in Jiwaka and Tari in Hela. When we develop our policy on how to access customary land, it is also a learning experience at the same time. Rather than creating policies of the vacuum, we also have practical experience, so I strongly commend the Minister and Secretary.

Mr Speaker, the issue of registration is that once the land is identified then social mapping will come in. Over the next 38 years, we make sure that we do social mapping and identify voluntary registration of customary land and in 37 years time, every piece of land will have a customary title. That title under the current Act is secured as a state lease title.

Mr Speaker, the other big issue is the issue of land disputed which has been going on for 10-20 years. For example, in Kupiano, a land dispute has been going from district court to national court. The magistrate then gave the land to another group and they disputed it and it has taken 25 years.

When I saw this, it didn't go down well with me so I suggested that we develop a special division in the chief magistrate services and so we appointed a deputy chief magistrate to be dedicated for land disputes. Now there is a new office for the deputy chief magistrate and he will deal with land disputes alone.

The biggest challenge for us now under the O'Neill-Dion Government is to focus on rural development. We really have to support the land mediators in the front line.

Mr Speaker, I am of a passionate opinion that the majority of the land dispute should be sorted out at the land dispute area. It's a big issue now and I ask the Minister who is focused now to really work with the deputy chief magistrate who is also focused on land dispute settlement issues. And I hope that it goes right down to the front line to our land mediators and to properly resource them and also data collectors, village recorders and etc. We need to resource them well so that they do their work.

Mr Speaker, institutionalising policies and processes is very important. When the Asian crises came about, the countries that weathered the crises well were the nations that had strong institutions. And so institutional building is so critical in every sovereign State. Land is so critical in this country but many governments have neglected it.

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You see there are five different points of payments when you apply for land and that has been trimmed down to only one.

It is no wonder our ordinary citizens don't get their application for land; only people with the money. Our people go to five different places and they end up nowhere and their application misses out in the next Land Board Meeting.

I urge the Minister that this is a very important programme and because he is very focused on it, the whole nation will be happy, and the Parliament's role will be challenged when we have to review this legislation.

Mr Speaker, as elected Leaders, our role is not to be too caught up as service delivers but as legislators.

We really should be debating this law and reviewing it forget about been service delivers. I hate that job. I would rather be here debating laws and introducing new policies and allow the public service machinery to deliver the goods and services.

Mr PETER IPATAS (Enga) – Mr Speaker, I would also like to contribute to the Ministerial Statement by the Minister for Lands and Physical Planning.

I commend the Minister for a very good statement and as a new Minister for Lands you have drawn the map and publicly drawn down your initiatives and your plan for the Department.

I think the public perspective is that people have lost their confidence in the Lands and Physical Planning Department in particular the way land issues are being managed.

It is good to make good statements on this Floor, not only the Lands Department only but there are other statements from other departments and I think we have to stop and take stock of what we are saying.

As a new Minister with new plans and visions, it will happen if we start now in the opening of this new term of Parliament. Ministers and departmental Heads must take a strong

position for implementation. We just cannot keep on covering up and pretend that everything is alright.

The public is very concerned about the way land is acquired, especially when we are developing in the major cities.

As leaders we are facilitating this trend and yet we come to this Parliament and talk and talk. As a new Minister, I want to assist you in trying to regain the public's confidence into the Ministry and your Department.

There has been countless cases of State land been handed over or is in conflict everywhere in this country. These are institutional land. There is a major corruption chain at work in the department.

I support the initiatives or legislations that have been introduced, but as a word of advice, Mr Minister, I want to see some leadership shown at the executive level and I am confident that you can. You may be a quiet man but you are a strong leader.

It would only be fitting to see you and your departmental secretary take the lead in cleaning up the Lands Department.

The public view of the Department is that the former Ministers are the main culprits who should have protected the land for the State and for the so-called small people of this country that we speak about on this Floor.

Sir Puka Temu – Point of Order! Mr Speaker, can the honourable Governor withdraw that statement: 'the worse culprits are former Ministers for Lands.'

Let me put on record that I am not in that category because I was the Minister for four years and I never applied for any land and I walked out with no land.

Mr SPEAKER – Governor, that is a generalized statement and I would like you to withdraw that statement.

Mr PETER IPATAS – I did not mention anybody by name, but I think that's the general understanding out there.

Mr Speaker, I withdraw the comment.

Mr Speaker, some of us have to stop this rot. Under the new leadership of the Prime Minister, we just extended the grace period to 30 months, and that should be the time to clean up this rot. We have to make tough decisions.

When the ordinary Papua New Guinea sees that we are not doing the right things in the Lands Department, it is only fitting that we take ownership and try to change that.

Mr Speaker, if I have offended some leaders here today, let me say this, who else is there that will come and do this job? When we are appointed at Lands Department, it is our job to clean it up and it goes for all the Government Departments.

We want to leave behind a legacy like the Grand Chief Sir Michael Thomas Somare who is the father of our country.

The Prime Minister has to leave a legacy and if this Government under Peter O'Neill wants to leave behind a legacy, it has to start by getting rid of corruption.

If we want to give hope to the future generation of this country, we have to clean up the corruption that is rotting away this country.

Mr Speaker, I believe that we should start now by looking into all the Departments and see that if there is any level of corruption that is not been managed, we must weed it out and make a stand to fight it.

As you are a new Minister, I don't want you to think that I am attacking you; I want to shed some light. It will not be good if we don't tell you. You know it yourself and that we all have to work together and fight corruption.

Mr Minister, one of the Departments that is widely known for corruption is your department. I am sincerely sorry if I am offending former Ministers, but what I am saying is, what have we done?

Corruption is not new. Land that is reserved has been handed to private companies, but in whose interest?

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So, Mr Speaker, I may be going out of the subject but it is important to take stock. Let us be serious about our mandate, let us make a few examples.

Mr Minister, when you look at the future of Lands or the legislative amendments you are bringing in, it is good for the country.

I support your statement here and as I have just said, Mr Speaker, through you, it is important that we get the confidence of the people in terms of lands issues.

For a small town like Wabag, we are losing land.

I cannot believe that Lands officials in Waigani can change ownership and titles. You are aware that the land belongs to the State, but you'll be shocked when someone else takes over.

If it's happening in a small town like Wabag, I think Port Moresby is even more corrupt.

Mr Speaker, we all know that a few big people are running around acquiring land, and we know their names yet we still entertain them.

I know of some of my relatives from Enga who are acquiring land everywhere, including Lae, Port Moresby and even the Housing Commission land. Who is going to prosecute them, and who is responsible, honorable members?

Mr Speaker, some of us have been in the Parliament for quite a long time and the newly elected Members may be wondering what we have been doing, but let me tell you, it is frustrating sitting here over a number of years making statements without any real implementation.

Therefore, Mr Minister, I ask that you look into the matter and I commend you for transferring the powers of land administration to the provinces so that we monitor who gets the land and the people too shall be witnesses. Because when it occurs in Port Moresby, the people know nothing about it.

Mr Benny Allan - Point of Order! With regards to transfer of powers to the Provinces, we have written to all the governors, so the onus is on them to come up with their own board members and inform us so that we can go and witness the stewarding and do the right thing.

Mr PETER IPATAS - Thank you, Minister, for reminding me. It's just a statement. I am saying the transfer of powers must be done properly so the public can witness how land is awarded and who is awarded the land.

I think the members of Parliament, departmental heads and well-off Papua New Guineans must know that our people will not own the land or the business when development takes place. If you go to Australia, you won't be able to obtain land, even if you have the money, because they have stringent policies, systems that protect the interest of their country.

Let us follow their example.

I am in support of the Minister's initiative for nationals to hold 51 per cent of the title lease and 49 per cent to foreigners. It is good, but why don't we go a step further for 100 percent. Papua New Guineans must own 100 percent of the land, and whoever wants to conduct business can lease. What is difficult about that? Why go 51:49 when we can go 100 percent?

Papua New Guineans were recently introduced to conducting business; some of us are the first generation to be well educated.

By the time our future well-educated generation wants to do business, they won't have any land to do so.

Therefore, Mr Minister, during such reforms you must take these issues into consideration and be more nationalistic. It's about time we take ownership of our own country and if we don't do it with land, we might as well forget the rest.

The land is where our people dwell on; if we lose it we lose our identity and all the revenue and businesses in the future.

Mr Speaker, I commend the Minister for his statement to the Parliament and his initiatives, but as I have said it is a concern to a lot of Papua New Guineans that we fix up the Lands Department and I trust that the honorable Minister with your capable leadership, you will be able to clean up the mess.

At the same time, Mr Minister, whilst you are still new to your Ministry, can you look through the files? I'm glad that the Minister for Public Service Minister has declared his interest. Let's see how many former Ministers benefited through that process in the Lands Department. We must find out whether they were honest in their duty.

This not only applies to Land's it can apply to other departments as well. The Opposition says it wants to fight corruption, and the Government says the same thing, but who will do it?

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The leadership is with you Minister for Lands. You have to provide that leadership so that we can get to the bottom of these things. If people have been unfaithful to our people, then they must face the law.

Thank you, Mr Speaker, for giving me this opportunity to speak.

Mr GARRY JUFFA (Northern) – Thank you, Mr Speaker, for giving me this opportunity to enter into this debate.

I would like to commend the Minister for Lands for his efforts and for writing to us because in Oro Province we have developed our MOU and we are ready to come and present it to him.

I have also placed a moratorium on all trade and sale of land until such time we have a proper board in place and after the MOU has been signed.

Mr SPEAKER – Let me interrupt you, honourable Governor. Attendants, please remove that mobile phone and its owner from the Public Gallery.

I would like to remind the people in the Public Gallery that if your mobiles ring in here you will be asked to leave. Therefore, everyone's mobile should be turned off when you enter the Chamber.

You may continue Governor.

Mr GARRY JUFFA – Thank you, Mr Speaker, I completely agree with the Governor of Enga because everything that he has said is absolutely right.

There are two most important resources in this country; the people and the land. We are part of that land and that land is also part of us, therefore, we must do whatever we can to protect that land.

Minister, land grabbing is a major issue. It is an issue that confronts the entire world. Right now the world is driven by profit and greed as multi-national companies are roving around the world grabbing land and marginalising the people who are the landowners. This will happen to Papua New Guinea as well.

If you look at Africa and South America, you can see many examples where landowners were fooled and conned by multi-national companies supported by international organisations that were established to promote their interests. These organisations are the World Bank, IMF and WTO, who I sometimes refer to as the unholy trinity, protect the interests of the rich.

Our people are not too educated to understand what is happening and the ramifications of what can happen when they transfer their interests in the land that they own, which is the only form of security in many instances in Papua New Guinea.

Mr Prime Minister, I supported that vote that you made so that I could give your Government the benefit of the doubt that this year will be the year of implementation and not just for implementing the Budget but also to protect our resources, and to protect the very people who elected us to be in here.

Land grabbing is taking place around the world and in Papua New Guinea as well and we should not deny that for there are many controversies. The Minister for Public Service mentioned that the government only owns 3 per cent of land in the country but I am telling you all now, it is perhaps down to 1 per cent. Substantial amounts of land have been gifted under very suspicious and dubious circumstances. Are we going to investigate that as well and bring those people responsible to the courts? Mr Minister, in your Department, I would like you to consider putting in place an enforcement unit with the investigations and intelligence capacity along with the capacity to prosecute such instances. Therefore, as leaders we must make a concerted effort to protect our people from being marginalised. If we do not do this in the near future we will be spectators in our own land and standing outside looking in and sitting under the table waiting for the crumbs while our resources on top, under and around the land as well as the seas will be taken away.

When this happens, what will happen to you and all your children? What kind of future will we leave them with? I am a landowner and I must say that I resigned as commissioner of customs to contest the elections and protect the interests of my fellow landowners.

There have been reports of large tracts of land being sold on the Internet and promoted by middle man who claim to be landowners who go on drinking sprees, gambling sprees and prostitution and even with Members of Parliament while the real landowners are back in their villages unaware of what is happening. He or she does not know that their land has already been sold here in Port Moresby only to find out that bulldozers have arrived on the scene escorted by policemen to vacate them from the land because the land was sold for development. And when the landowners express protest they are then beaten up and locked in cargo containers.

We did not come here to Parliament to represent the interests of corporate companies because they did not vote for us. We are here to represent the interests of our people. Many of

our people are not too educated so since they believe that we are, they have sent us here to represent them. Therefore, we must use our intellect wisely and not come here to sell off our peoples' land and the resources of this country.

Therefore I believe that when I voted and the next six months we would see that this year would be the year of implementation. Apart from that, this year should also be the year of investigations. We must not forget our children as they are our future. We have to think carefully about our past and present to see where our children's future would be like. Will they be better off for the future or will our decisions at present create a bleak future for them and us as well?

If we do not take care of the interests of our people and only fulfill the interests of foreigners our people will seem to be working for foreigners and not for ourselves. In fact, it is very hard for a Papua New Guinean to get a business bank loan. Our very own businessmen and women do not get tax exemptions, tax holidays or customs exemptions. That is why our people are selling betel nut, cigarettes, DVDs and super glue manufactured cheaply by Asians on the city streets.

While we are concentrating on the little land that we have, the multi-national companies have come and taken away our resources like gold, gas and oil. Then the question here is; what then will happen to us and our children? Will our children still have their land to build their houses on them or not? We have to start thinking about what we are planning and preparing. Are we putting the proper systems in place to protect our interests and the interests of our people? We have to ask ourselves this question. It is all very well to make speeches of grandeur and say that we will address corruption, but we have to walk the talk.

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I challenge everyone here if there are Ministers and Members who have not stepped out of the country of what is right in the law; let us bring them to justice as well. No-one is above the law.

I stand for the clansmen in my province. I am from the Sorianic Clan from the Hunjaro people of Oro Province. I speak three languages. My sub-clan is Hakenevivi. I walked up those mountains and swam across those rivers with my grandfather. He showed me what was my land and I will die for that land. I want each one of you to think and feel that way. In that way we will

protect the interest of our people, the people of Papua New Guinea, the great land that we call home. Thank you.

Mr DAVID ARORE (Ijivitari – Minister for Higher Education, Science and Technology). Mr Speaker, firstly, I would like to thank the Minister for Lands for a comprehensive paper that he has brought to Parliament.

I would like to support the Minister for the initiatives he has taken in the Lands Department to move this department forward.

Mr Speaker, my electorate probably has the biggest state land in this country. It is about 10 to 20 hectares of state land in PNG. Looking at the figures that the Minister has presented in his speech, we have about K249 million acquisition lease and compensation claims that are in here. But I believe that is not the end of it because there are still more public utilities that are on customary land so when the landowner groups start organizing themselves and understanding the procedures in the payments of these land, I believe that amount will increase.

For instance, in my electorate, I have 5 local-level government stations, over 41 primary schools, 170 elementary schools, about 10 health centres, and almost 30 aid-posts. These are all public utilities that are on customary land. It is very lately now that the people are beginning to understand that there are processes of acquisition of customary land for public utility purposes.

As we are talking about land, the Department should also make it compulsory for the stocktaking of public utilities that are on customary land throughout the entire country. They should create a policy and come up with a framework to stocktake. This should be done by electorates and by districts. We should be able to have a rough idea as to how much is out there that the state owns our people.

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If it is for public purposes, I think they should immediately forfeit these. There are certain issues that I came across in my electorate where non-citizens are named as title owners of land. If you want the portion and the title I can give it to you.

Echoing the same sentiments of my governor and the Governor of Enga, I think some of this nonsense has to stop and land especially should be freed up for development. People who are

entitled and have been settling on this land for more than 20 years should have no excuse to defend them in court, those titles should be forfeited and the land be given for development.

I want to congratulate and thank the Minister for the initiative taken by the Department of Lands.

Mr SPEAKER –Let me remind the Members of Parliament that we should be mindful of the kind of language that we use; I will not allow un-parliamentary language.

Mr SASINDRA MUTHUVEL – (West New Britain) Thank you for the opportunity to participate in this debate.

West New Britain also has serious land issues. I would like to congratulate the Minister to taking the initiative to come up with this review and for the appointment of his secretary. The Department has not had one for the last four years and has been headed by and acting secretary.

I must also acknowledge the initiative taken by the Minister to be the first to come to West New Britain to witness the provincial land board and the provincial physical planning board. This is an initiative extended to other provinces which will help us take ownership of land issues in our provinces.

While the introduction of the computer system sounds very expensive, I want to say that it is a good initiative that we can have to implement transparency to check in the system so we know what is being done and so forth.

I fully support all the comments raised so far in relation to devolution of powers to the Provincial Government. It is a sensitive issue where even in Kimbe Town, 99 per cent of the commercial land is owned by foreigners. Five years ago it was controlled by the Koreans, and now by the Chinese. I do not know who will own it next.

The nationals have no real participation. We also have adopted the attitude of selling undeveloped land for profit. I want to commend the Minister for including nationals citizens to have 51 per cent ownership if there is development being undertaken by foreigners.

Even customary land is being owned by foreigners who have 100 per cent ownership entitled to them. I understand that customary land is for nationals to acquire, even more so for the clans to own and not foreigners. In WNB we have a very big problem where thousands of hectares of land are on lease for 99 years and when its 99 years this is state lease and this has to stop.

On the proposed increase on land rates, I want to suggest that we must have a difference on that land rate that we pay to the department. If the land is foreign owned the rental must increase. If it is owned by the nationals it must be set at a minimum.

We must have a clear policy as to what type of land we are allocating to foreign investments. I support the industry zones or petroleum parks to have international companies to develop them.

In other countries the Government owns the land or the building but here government institutions do not own property or the land on which they are built. They are very happy to rent these properties and land from other businesses and these are mainly foreign owned.

This is one area that we should look into and give land to the government when its institutions need them. And I have witnessed land board meetings and have seen that if there are 10 applicants and if among them an Asian applies, the title is automatically given to the Asian, and the Departments or others are unsuccessful.

It's an obvious fact therefore this system must change. We do not charge extra fees for awarding land to foreigners, they only pay the normal registration and they acquire a very big area and in the name of development the department does not want to charge any extra fees because you need that money for development and this is crazy.

If they want to develop this land, they must contribute and pay for the value of the land and I support the review of the *Land Valuation Act*. It is true that a lot of land do not have a proper valuation report so you will see that some sections of the same land area have differing fees paid in a year, so this must be looked at immediately.

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A thousand kina is paid in a year for a piece of land in one section and another piece in the same section is going for K200, and this happens because an updated valuation report has not been done. I support the Minister in his endeavours to review the *Valuation Act*. And also we are charging too low. In countries like Singapore and other developed countries the rates are so high, especially for foreign investors. Even in the city of Port Moresby and other urban areas, most of the land is owned by foreigners. It is almost impossible for ordinary Papua New Guineans to obtain land here. Even as a Member of Parliament, I cannot get land in Port

Moresby. I cannot even afford to buy a house or land in Port Moresby because it is expensive, even at my standard.

But I still commend the Minister for coming up with some permanent solutions, especially to review all these acts the *Lands Act* and the *Valuations Act*. I further commend him for making a permanent appointment to the position of secretary in the department.

I am sure that with the leadership of Honourable Minister, Mr Benny Allan, these reviews will be carried out and changes will happen in the department because it is one of the key departments with a lot of challenges.

Some of the challenges include files going missing, and even before last year there was word that due to water leakage all the files were soaked. Many titles to land and other properties were marred. This is a dangerous trend.

Even if you have a land dispute cases that is outstanding, the decision can go against the Minister's decision because of weak laws and the difficulties in finding the file. Even sometimes the files are deliberately hidden when they want to give you a hard time. It may even be impossible to get copies of files.

So, despite all these challenges, I am sure that with the leadership of the minister, all these things will be cleared and I congratulate him once again for the initiatives he has taken.

Dr ALAN MARAT (Rabaul) – Thank you, Mr Speaker. I wish to make a few observations on the paper that was presented.

Firstly, I wish to thank the Minister for the statement presented and the initiatives brought up.

In Papua New Guinea there are two types of land; the 3 per cent alienated land and the 97 per cent customary land.

And there are many problems associated with these two holdings in Papua New Guinea. On the three per cent, the Governor of Enga has spoken critically on it as well as the Governor of Oro.

I do not wish to speak on this. I understand these problems. We are seeing them in the city, in NCD. Out of all these problems, we are hearing that some of us, Members of Parliament are involved, as the Governor of Enga has said.

I only wish to issue a little caveat on that one. I have spoken to you already on this. In your effort to amend this legislations relating to customary land, I understand that we will not release as much as 97 per cent of those land.

We know that land is one of the major capital input in our country as well as labour, cost capital and entrepreneurial skill. These are the four major categories of economic development in our country.

In your effort to release some of those customary land, in the process of determining who the customary landowners. I wish to caution you that that's a very sensitive area. So Minister, you and your team must be very careful.

To determine things such as boundaries and ownership, it is important, as the Minister for Public Services has said. We must formalize this part and it must be properly institutionalized, beginning with land mediation, to district court and the land court and from there of course, it can go to the National Court.

The population is growing but the size of the land is not and this is the predicament that we find ourselves in. In the provinces and even throughout the country the population is increasing and land scarcity has become a problem. In the highlands region we hear of tribal fights and even in the lowlands, people are still shedding blood from disputes involving boundaries of customary land.

So, a very small point only. I cannot repeat what has been said by the Oro Governor, Minister for Public Services and Governor of Enga but as you do it, be mindful of who the real customary landowners are.

Right now in the villages, as the Minister has stated, young men are rising and population is increasing but there is no land for them. Stealing has become rife now. They just go into your land and steal anything from there and there is no law enforcement there.

Many of the disputes are arising because of stealing due to increases in population and a critical shortage of land for gardening and hunting.

It's a major problem in both the customary land and alienated land and Mr Minister, I must commend you for your effort.

I also wish to commend you for the appointment of a new secretary and the team that you have with you must be commended for doing a great job, but you must do it properly with the

help of all Members of Parliament. It is in the best interest of everyone in this country that you have all the support.

Mr JOE KOIM KOMUN (Anglimp – South Whagi) – Thank you, Mr Speaker, for recognizing the people of Anglimp-South Whagi to part take in this debate.

19/03

First of all I commend the Minister for lands for his Ministerial Statement on Land. Land is very important to us all, back in the colonial days our people worked their land to survive and up until now land is considered very important asset to us individually.

Mr Speaker, in support of what the Governor of Enga has mentioned, majority of our people back in the village do not really understand the importance of land and they venture into all sort of agreement with people without realizing that they are giving away their valuable asset. After realising it, it is too late because people who bought their land make it difficult for them. I was one of the victims of this land issue. I applied for a prime land here in NCD with three other bidders as well. But I didn't succeed in acquiring this land and it was sold to another known person.

Another point is 3 per cent of our land is State-owned and built on this land are institutions such as health, education, agriculture and, et cetera. When these institutions are no longer in operation, people quickly check with Lands Department and transfer the title. And that's one important reason why I want you to set up a task force to look into it.

Mr KERENGA KUA (Sinasina-Yongomugl – Minister for Justice and Attorney-General) – Thank you, Mr Speaker, I am quite pleased with the leadership provided by my brother Minister to be able to deal with an issue that goes to the core and the heart and soul of our citizens in this country. And it would be nice, Mr Speaker, if a little bit more time were allowed during this debate so that everybody has an opportunity here representing their people to talk about this so that we can assist contributing ideas to the Minister to be able to undertake this important reform that he is embarking upon.

As I see it, his department has three core functions; firstly, to manage the existing State land, and secondly, to facilitate the acquisition of new land on behalf of the State from our

citizens to allow the government to do its work on behalf of the people. Thirdly is to manage a relationship between the government and the customary landowners on a relationship that can allow the State to access much of the land that is still in the hands of the landowners.

20/03

I see those as the three core functions that his department has. Any planning that we have on the reform of our land laws must focus on this three core functions so that they maximize the opportunity that the Government will have to access land that it doesn't have to allow development to take place to improve the lives of the same people who own that land in the first place.

Mr Speaker, I am hoping that the Minister will look at these three areas of its core functions and focus his strategic planning of having a proper appreciation of what he is required to do through his department.

When you look at the first responsibility of the three core functions that I mentioned, which is to manage the existing use and development of existing State land, he also needs to look at what a State land actually means.

When we give a State lease on behalf of the Government to a land user the law says he acquires an indefeasible title. It means that nobody can defeat his right to ownership and uses of that land except in certain very limited prescribed circumstances like fraud.

But if there is no such circumstance his title is supposed to defeat any other claim. But in reality there is a growing problem that we have on squatters or trespassers who trespass on a state lease. The title is given to somebody else and someone else on this side comes in and defeat what in law is supposed to be indefeasible is defeated by a squatter or a trespasser. That is the reality. That is not one of the prescribed circumstances where an indefeasible title is supposed to be defeated. So we have this situation that requires an all-in Government approach.

I think in the process of reforming it before we go too far with our reforms we must come back to base and give confidence from people who acquire land title from the State.

If a title is given and there are squatters on it, the production of the title deed at the police station must be sufficient to get the police to move. The owner of the title deed should not have to go to court to prove that this document is valid and for him to get the eviction exercise to move. That burden should be shifted to the trespasser. That is what the law says but the police do

not help. If there is a dispute they say, you go to court. Why should one have to go to court to prove to everybody what he already owns by due process of law?

I think we need a bit more corporation with my colleague Minister for Internal Security here and all-in Government approach is needed to work together with the Department of Lands..

It also requires the support of Sate agencies for example Eda Ranu and PNG Water, if someone comes to you and says to connect water, you don't connect it until they show you the title deed. That goes for electricity too. They sign off when it is satisfactory that you are the title holder.

We have a situation that the Lands Department is giving the title but other agencies of the Government that include Eda Ranu, Water PNG and PNG Power work to defeat the integrity of that title. They work against another arm of government. Nobody in the end result has any faith in what a title deed means.

Before we move too far we must protect what we already have and give it a status that it is supposed to have. Make that contract of indefeasibility title a reality.

Mr Minister, I am asking you to approach Eda Ranu, PNG Power and the Police. There must be a colluded approach before you go and take on the task of acquiring new land for the State and also trying to manage land between land that still remains in the hands of the customary landowners.

I am grateful to the O'Neill-Dion Government enabling a lot of funding to be able to effect a lot of development in the rural areas of Papua New Guinea. We now have almost K11 million for each district and we will be able to build a lot of things. But the point is we cannot build them in the air. We are going to be building on the ground. That is why we need land titles because we are going to be using State money on erecting those infrastructures we need to be sure that it remains the property of the State to guarantee continued use into perpetuation by future users in our districts.

I urge the Lands Department to set up a programme to go out and work with district Members and officials to survey all the land that is going to be earmarked for development such as hospitals, aid posts, schools, bridges, roads and so forth, and most importantly to create a central register including a provincial register of all rural land on which we are going to spend money on so that when we develop it, it will be respected by successive generations as belonging to the independent state of Papua New Guinea, and there must be records that back it up.

21/03

We have an escalation of population growth in many areas of Papua New Guinea; I want to take Chimbu as an example.

It's not our fault that we are over populated at the moment. We are not producing any more children than all of you are but the point is we are densely populated because we just have the privilege of being the centre of Papua New Guinea. All of your ancestors migrated into Chimbu from the East, West, South, North and everywhere and they never moved out they are still there.

They have population density problem and we need to address this. We need to address this when we are doing land reforms. In the late 1960's, the colonial government initiated programs on behalf of the government of the day to deal with those issues.

People were resettled in other provinces and those settlers contributed to building up your province to where it is now and I take credit for that on behalf of my people. But I cannot now ask you to accept anymore settler's province because I know you wouldn't allow it.

However, that is not my problem that is the governments issue to have program for resettlement of people into less densely populated areas.

Perhaps we can begin with the Minister for Lands to have a resettlement program within the province itself.

First, we can look at economizing on the use of land that we already have within our own provinces and in my case, I have plenty of land down in Karamui bordering the Gulf but I have no access, I have no roads.

So we need the help of the government and I'll be bringing a Bill to Parliament in the not too distant future about this but it's not Chimbu specifically, it's a problem that affects many other provinces in the country.

We need to have a program championed by the Minister for Lands and by his department to look at having a resettlement program within and outside of each Province.

This will require and then we require the whole of government to come in and support where you can so we need to factor this onto the discussions we have at the moment.

Final point, I want to make is about compensation we have a country to run on a shoestring budget. In all other countries of the World the working population is about 95 percent and they work and pay taxes.

If you have an unemployment rate climbing up to 5 or 6 percent, that's enough to topple a government. What that means for us is that, 95 percent of the working age people should work and generate enough revenue for the government to take care of all the social welfare development and infrastructure programs and so on.

But our situation is the other way around, we have about five or six percent of working age people working for money and paying taxes producing revenue for the government and yet with the revenue created we are expected to shoulder the responsibility and finance the cost of living for 95 percent of our population.

You see the impossible situation we find ourselves in as managers of our peoples welfare. That's an impossible position to be in order to deliver effectively.

Sometimes we have to take tough measures. We have to drive tough messages to our people. It is about leadership, we have to make them realize this and this connects me to the point about compensation for land.

Unless the land is utilized for commercial purposes in the urban area those of us who come from rural area must make our people understand that the development is for the benefit of no one else but them.

In leave of paying taxes as they do everywhere else, they must give something that belongs to them in order to get something to progress their lives.

What they can give is land we must make them understand that to develop a partnership there must be a give in order to have a take. The land will be used to improve their health, education, welfare and a better standard of living for them and their children and their future generations.

We need to send this tough message to our people that we do not need to link every little development package we offer them to compensation. Our people must also understand that they can't have it both ways.

Mr Speaker, I am able to say these because I'm already doing it in my electorate, it may possibly cost me my seat in 2017. I'm told I won't come back and that's the price I'm prepared to pay quite frankly because the principle is important.

You take that responsibility on your shoulder decisively as a leader or you drive this nation into bankruptcy because you cannot afford to finance the cost of every single block of land in this country in the rural areas especially.

Honourable Members, take the responsibility, exercise leadership and educate our people. They are not fools; they are intelligent capable people and they will understand if you sell it to them in a nice way but be firm about it.

Mr Speaker, those are the few words that I offer in support and encouragement to the Minister for Lands, who has disappeared from the Chamber.

Maybe I was driving too hard, Mr Speaker. but I will discuss with him outside. That is my contribution to this very important debate and I hope the Minister will be able to follow through on this point, thankyou.

Mr BIRE KIMISOPA (Goroka) - Can I also join my highly esteemed colleagues on this Floor in congratulating Mr Benny Allan for his excellent ministerial paper.

Mr Speaker, before I continue, can I also propose a disclaimer on behalf of Eastern Highlands Province because over the years we have produced three former Lands Ministers and given the comments raised on the Floor, I think Minister Benny Allan is a cut above the rest. Despite his demeanor and his immunity, we should not underestimate him. He is a capable leader and I think he can prove his worth in the years to come.

Mr Speaker, my contribution to this debate is very short but before I do so I would like to encourage us to think a little bit deeper about our country.

Mr Speaker, I'm a very privileged proud Papua New Guinean because I live in a very good country perhaps the best country in the world.

22/03

I know that we have problems but sometimes on this Floor of Parliament we talk too much about these problems.

The Member for Rabaul correctly said that, we are talking about problems associated with 3 per cent of the land and not 90 per cent of the land.

Therefore, our problems are mostly within the context of this ratio of 3 per cent. Papua New Guineans have every right to own land in Lae, Wabag and Port Moresby and acquire land.

On the other hand, if they choose to go Australia and buy a piece of real-estate then by all means they should do so. That is the kind of life that we are living now because our economy is growing. We live in a fantastic country

If we emphasise too much about certain problems that we have in this country then we are telling our people that we are incapable of solving them.

The onus is on us to stand up and fix our problems. Most of the problems that are associated with land are man-made problems like making stupid decisions, awarding land titles to your own friends and then coming on the Floor of Parliament listening to all these accusations when in fact we could have solved these problems ourselves.

Mr Speaker, I come from an electorate that is called Goroka where we are losing land which is inundated with squatter settlements. Nevertheless, all these people who chose to come to Goroka are Papua New Guineans and have every right to be in Goroka, whether they live in a Five Star hotel, mansion or squatter settlements. We cannot demarcate a line and all of a sudden categorise these people as bad people because we owe it to ourselves to find solutions.

Mr Speaker, in this Ministerial Statement, an attempt to review the law regarding the *Land Act* is commendable, but at this time of plentiful, I am proposing that this government, given its success on Tuesday in extending the grace period to 30 months continues for the next five years.

We have to be a little bit more bold and ambitious. Urban places like Goroka, Kundiawa, Lae, Port Moresby are running out of land and the rental rates are going up. I would have hoped that in a paper like this an ambitious plan should be proposed to put money aside to the tune of K1 billion where K100 million could be spent every year for the next 10 years for land surrounding the peripheral of our cities and towns.

It is not easy to go and tell a landowner to sell or give his or her land in order to extend the city and town limits. We cannot do that because we have got to pay for it. We should cut through all the red tape and match our talk with money. Let us put some money in the 2014 Budget and onwards. This is because if you are delivering a K13 billion Budget and if we are going to spend roughly K890 million right across the 89 districts for district developments; the towns and cities are where all the economic activities are focused on.

If our people and businesses are going to pay high rents then we are not going to increase our employment. Therefore, it is quite obvious that there has been an ambitious plan and my recommendation is that we put some money aside for the Lands Department to acquire land. We should enter into negotiations with our people. Why are we then talking about all kinds of initiatives like the incorporated land group where we get caught up by this quagmire?

Mr Speaker, this is a requirement for land because if we do not do it now the costs will become too high.

Mr Speaker, if you drive from Lae to Goroka and go along the Highlands Highway, all of a sudden the people know that the value of land is going up and so the government is going to buy land. The people have to move all the coffee gardens, banana and little houses next to the road within the 20 meters exclusion zone for both left and right sides of the highway. This is because no one has gone out there and told them that this land belongs to the government and that they cannot settle on that land. It is because they know the value of land and if we leave it too late, we will pay the consequences.

Mr Speaker, in this ministerial statement, it is an opportune time for the government to seriously look at acquiring land. Let us not get bogged down with all these technicalities because our people want development and land and if we can put some money aside, perhaps in the 2014 Budget and all the Budgets to come to progressively acquire land to increase the stockholding of the State from 3 per cent and take it up to 7 per cent. We should have a timeline so that for instance, in the next 20 years we should take it up to 15 to 20 per cent so that we can bring the cost of business down. We can bring the cost of home ownership down otherwise no Papua New Guinean who has come out of university is capable of buying a house in this country let alone but a car because it is impossible because it is too expensive an exercise to do so.

Mr Speaker, this is our country and we owe it to our people to do it right.

Mr Speaker, on another matter which is also relevant to this discussion, the Goroka town authority is having problems trying to collect land rates and as a way of suggestion I am proposing that, perhaps the Lands Minister should consolidate the collection of revenues for land rentals and land rates and make it more feasible so you collect one fee every year. For instance, one cheque can be written to Goroka town authority and likewise for Lae, Madang and so forth. This makes it a lot easier rather than title holders from Goroka receiving a bill from the

Department of Lands for land rental and then from the town authority who is trying to collect money that is five to 15 years old because they have not got the capacity or the means.

Therefore, I think that, it is something that should be accommodated within the Department of Lands.

23/03

Apart from that, Mr Speaker, let me close by just saying; it is very difficult to acquire land in a foreign country; for instance in Australia, New Zealand or China, but it is easy to acquire land in this country.

I am quite satisfied with foreign ownership as proposed by the Minister; 51 per cent to nationals and 49 per cent foreigners. Perhaps somewhere down the track, we can tilt the scale a little and make it 30 percent to foreigner and 70 percent to Papua New Guineans. If you look at the economy in the next 30 years with the economy projections going on in this country there is bound to be a lot more economic activities taking place in this country. Our people will be entering into workforce, businesses and so forth. I think we owe it to ourselves to give land to our people as a matter of priority and national interests.

I think the Australians have done that by establishing an agency called foreign investment review board. They are very strict and we do likewise in this country.

Motion (by **Mr Mao Zeming**) agreed to –

That debate be deferred to a later date.

ADJOURNMENT

Motion (by **Mr Mao Zeming**) agreed to –

That the Parliament do now adjourn.

The Parliament adjourned at 1.05 p.m.