

FIFTH DAY

Wednesday 18 September 2013

DRAFT HANSARD

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FIFTH DAY

Wednesday 18 September, 2013

The Parliament met at 10.00 a.m..

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

Sitting suspended.

Mr Speaker again resumed the Chair at 11 a.m., and said the Lord's Prayer.

MOTION BY LEAVE

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

Leave granted.

SUSPENSION OF STANDING ORDERS – REARRANGEMENT OF BUSINESS

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

That so much of the *Standing Orders* be suspended as would prevent the Prime Minister from presenting the Report of the Commission of Inquiry into the Special Agriculture Business Lease forthwith.

**COMMISSION OF INQUIRY INTO SPECIAL AGRICULTURE AND BUSINESS
LEASES – PAPERS AND STATEMENT –
MOTION TO TAKE NOTE OF PAPER**

Mr PETER O’NEILL (Ialibu-Pangia – Prime Minister) – I present the following Papers pursuant to statute:

- (a) Commission of Inquiry, March 2013;*
- (b) Commission of Inquiry, Final Report, June 2013;*
- (c) Commission of Inquiry report, June 2013.*

I ask leave of the Parliament to make statement in relation to these reports.

Leave granted.

Mr PETER O’NEILL – Mr Speaker, on the 1st July, 2011 the then acting Prime Minister, Honourable Sam Abal established a Commission of Inquiry into the agricultural and business leases.

Mr Speaker, on the 14 of March, 2013 the Commission of Inquiry provided me with an interim report, which dealt with the terms of reference (a), (b) and (h) only. This was a outline of the legal authority and processes of issuing SABLs and the assessment of the legal and policy framework.

Mr Speaker, in the last session of Parliament I made a parliamentary statement highlighting my dissatisfaction with the commission for its failure to produce a final report. I gave them a deadline of 24 June, 2013 to produce that final report.

Mr Speaker, on the 24 June, 2013 I received the final report and the report is comprised of the following documents; Commission of Inquiry into Special Agriculture and Business Lease final report. This was prepared by the Commissioner, John Numapo dated 24 June, 2013.

Mr Speaker, this is a document that contains the examination of 17 SABLs and contains the main recommendations of the Commission of Inquiry.

Mr Speaker, I also received another document called the 'Commission of Inquiry into Special Agriculture and Business Leases' dated 13 June, 2013 which was prepared by Commissioner Nicholas Mirau.

Mr Speaker, this document contains the overview of the administrative procedures and legal requirements of issuing SABLs. Furthermore, the examination of an additional 25 SABLs with some more general recommendations were made in that report.

Mr Speaker, the Commission of Inquiry was asked to examine 75 SABLs, however, the final report only examines only 42. This is due to the fact that one of the Commissioners as failed to contribute any material report to the final report.

02/05

Mr Speaker, it appears to me that the commissioners failed to work together as a team and their conduct has had a direct impact on the quality of the report that was produced.

Mr Speaker, this is very disappointing, however the 42 leases that are reported reveal some shocking trend of mismanagement and some level of corruption in all stages of the process. Mr Speaker, out of the 42 reported leases there were only four leases where there was bornified land owner consent and commercially viable agriculture projects are being undertaken. The remaining leases were seriously compromised and their success rate for implementation and development of viable agricultural projects are appalling.

Mr Speaker, the only conclusion that I can draw is that the policy on SABL has failed miserably, however despite these findings the commission has recommended that the SABL concept be continued, it made a number of general recommendations that we should put in place to improve the integrity of the process of issuing SABLs.

Mr Speaker, whilst this is acceptable, we need to do something more drastic so that we can protect the interest of the many landowners who will continue to be displaced if we allow the integrity of the process to be continued to be compromised.

Mr Speaker, this government is going to start that process so that we can protect the landowners and obviously the environment. We will no longer watch as companies both foreign and nationally owned continue to mislead our landowners chopping down many of the forests and many of these proceeds are then left offshore.

Mr Speaker, I wish to inform this Parliament that a ministerial committee has been set up after we received and discussed these report in Cabinet to identify new legislative framework so that we can provide to the nation a method that is going to convert customary land into lease hold land but it must remain for the benefit of the landowners and the owner ship remain with the landowners.

Mr Speaker, this Parliament and Government has a moral duty to protect the interest if the landowners and protect the interest of our people that this land is used and continued to be used in a sustainable manner so that it can continue to sustain their own livelihoods. Mr Speaker, the primary consideration will be protecting the interest of the landowners and our people. For far too long our landowners have been taken advantage of their land being stolen and misused and benefit are not being rightfully distributed to them. The ministerial committee will consult widely and there will be opportunity for the public to contribute to this discussion. Mr Speaker, the use of customary land in our country is a very sensitive issue and this Government and Parliament must get it right so that we can have a balance that will develop the aspirations of our people while maintaining the ownership of land by our people. This is something that we must do and it is very crucial for our people. We must protect our people who are being taken advantage of by persons with less than honourable intentions. With those few comments I table the reports for SABL to this Parliament for its deliberation. Thankyou Mr Speaker.

Debate (on motion by **James Marabe**) adjourned.

03/05

MOTION BY LEAVE

Mr **JAMES MARAPE** (Tari – Minister for Finance) – I seek leave to make a motion without notice.

Leave granted.

**SUSPENSION OF STANDING ORDERS –
RE-ARRANGEMENT OF BUSINESS**

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

That so much of *Standing Orders* be suspended as would prevent order of the day No. 81 from being called forthwith.

FAMILY PROTECTION BILL 2013

First Reading

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

Second Reading

Leave granted to move the second reading forthwith.

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

That the Bill be now read a second time.

Mr Speaker and Members of this Honourable House, it gives me great pleasure to inform Parliament of the Decision of Cabinet as a result of the policy submission to introduce the Family Protection Bill 2013 that seeks to make domestic violence and offence and provide a legislative backing in for the currently issued interim protection holders, IPOs by the District Courts.

The purpose of introducing this Bill is to get legislature to address the urgent needs to make domestic violence and offence and to provide for family protection orders for victims of domestic violence in Papua New Guinea.

Mr Speaker, domestic violence has been a long standing concern in Papua New Guinea which commence with the referral of the issue to the former Law Reform Commission (LRC) in 1981. After conducting extensive national research and consultations over a number of years the LRC concluded in 1992 that and I quote: “Domestic violence is a wide spread problem affecting over 2 thirds of families in the country and that it’s main form is wife beating” end of quote.

Mr Speaker, all forms of domestic violence are contrary to the Constitution and the laws of Papua New Guinea. The harmful effects of domestic violence on the victims especially the women and children are a concern. Many citizens have expressed disgust at the continued acceptance of domestic violence and openly stated that it can no longer be treated as a household matter.

Mr Speaker, while there has been much publicity over the recent months regarding violence particularly sexual violence against women by strangers, summary of PNG studies compiled by the world bank and titled Trends in Violence and Crime in Papua New Guinea published in November 2012 shows PNG Women are much more likely to be victims of crime at home than outside it. The perpetrator is more likely to be a man known to them such as the relative or a neighbor rather than a stranger.

04/05

72 percent of the sexual offence prosecuted by the Office of the Public Prosecutor in the NCD involved perpetrators who were either a member of the family or new the victim.

Mr Speaker, domestic violence affect, women of all statues. More highly educated women and those from higher income household experience domestic violence at the same levels as those with lower education and lower income.

Sexual crimes are also frequently committed against children of both sexes and also young adults including males. One survey of young people found that 44 percent of young sexual abuse victims are male.

These finding’s is supported by statistics on the nature of cases handled by the office of Public Prosecutor in NCD during 2012 which shows disturbingly that the largest category of family and sexual violence’s cases was sexual penetration of a child followed by rape, willful murder, murder and grievous bodily harm.

62 percent of the office of the Public Prosecutors current NCD sexual violence cases involved children rather than adult victims.

Mr Speaker, the Bill was widely circulated and consultations were done with relevant stakeholders including Government, non-governmental organizations known as NGO's, and civil society. Those consulted indicated that domestic violence has to be made an offence.

The proposed legislation will give teeth to the current interim protection orders issued by the district courts.

The highly sought after interim protection orders by destitute women do not have a legislative backing.

Victims often find themselves in situations where interim protection orders are not enforceable. When a breach occurs there is no penalty in any law and so the cycle of violence within the family continues.

Mr Speaker, the Family Protection Bill is neutral and intends to protect both men and women who have had domestic violence in their homes. It aims to protect members of the family only.

The Bill recognizes that domestic violence of any kind is not an acceptable behaviour. It will provide one part of the response of family and sexual violence in Papua New Guinea by making it easier for victims to attain legal protection and encouraging the charging and prosecution of such criminal offences.

The intention of the Bill is not to separate families but to bring families together and to create happy homes.

Mr Speaker, finally the Bill will promote a safe, stable and strong families, prevent and deter domestic violence in all levels of society.

Mr Speaker, with that I now commend the Bill to this Parliament.

Ms LOUJAYA KOUZA (Lae – Minister for Community and Social Development) – Mr Speaker, I would like to commend the Minister for Justice and Attorney General.

Mr Speaker, the Family Protection Bill is in line with my department which is responsible for other acts which this Family Protection Bill compliments like the *Lukautim Pikinini Act*, the Deserted Wife Act, just to name a few.

Most certainly up to this time with this Family Protection Bill, the Interim Protection Order by the district courts has been very effective and has been able to assist those who have had problems with domestic violence whether its physical or verbal abuse. Especially in the case of Lae District which has a 24 hour service at its police desk a lot of men and women have access to this service despite the fact that we did not have a legislative backing.

05/05

The interim protection order was able to provide the stay order against the perpetrator to be at least 20 meters away from the victim. Now, at this point in time with regards to the Family Protection Bill, I would like to state on the out set that it does assist where areas of polygamy is concern and we didn't have to introduce a Polygamy Bill. I would like to state that on record that I had discussions with the Attorney General, Mr Speaker, with regards to a thinking that was being floated around to have a Polygamy Bill brought to this Floor of Parliament. And my discussions with the Attorney General had proven that we didn't need to bring in Polygamy Bill, simply because the way the Family Protection Bill has been framed. Those that are practicing polygamy unless any of the wives or husbands concerned have a complaint to raise then they can raise it within the Family Protection Bill. But if they are being taken care of by their respective spouses then there is no need for a separate bill to be introduced.

And so I would like to commend the Attorney General on this initiative because its not one that has been looking at just women only but covering both women, children and men as well, thank you, Mr Speaker.

Motion – That the question be now put – proposed.

06/05

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

AYES – 3

NOES – 63

Motion so negatived.

07/05

Mr GARRY JUFFA (Northern) – I would like to commend the Attorney-General in his presentation. I just have a few points to make. And that is regards to the application of the laws once they are passed.

But, before I get to that, I'd like to see if we can include or make amendments to include laws against child pornography which is a growing problem in the world. In Southeast Asia and will certainly be a problem in Papua New Guinea.

In fact, you'll be surprised to hear that there is already a small industry starting in Papua New Guinea.

I'd also like to talk about foreign offenders. In many instances we have a large number of foreign offenders who are operating with impunity and we need to put in place investigation mechanisms so that we can investigate and take action against these persons or people.

There is also the need to look at the Bail Act. In Papua New Guinea anyone can apply for bail once you are charged. And some of these offenders have committed serious offences, they should be put away for a long period of time even before they re prosecuted.

I would also like to say that we need to adequately resources the agencies that are going to be involved in enforcing this law.

Mr SPEAKER – Honourable Governor, I will have to interrupt Parliament. I just want to inform the cameras that capturing this part of the Parliament's session to refrain from doing so as Parliament has only granted you permission to cover the Question Time only. So I will ask you to shut your cameras.

Mr GARRY JUFFA – Thank you, Mr Speaker, reverting back to my point in regards to resourcing the organizations or entities which are responsible for implementing these laws, we need to look at the structure of the police, and the resources that they have to address this growing problem in our communities.

Right now if a crime is committed against a child, the complainant has to take his complaint to the police station and report it to general duties. The matter is filed away with many other cases. The investigation capacity in Papua New Guinea is inundated with cases.

For example in Boroko the CID have an average of 30 cases per officer. I know this because I was working with them for some time on several cases and I am familiar with the case management system there and so forth.

On top of that they do not have the resources such as vehicles, computers and even basic stationery to assist them in carrying out their investigations. They are unable to identify witnesses and get out there and investigate these matters in a timely manner.

We also need to look at the capacity of our prosecution office here, they too are also inundated with cases and they too do not have the capacity to prosecute cases and as a result we see a lot of these criminals wondering about after they have committed a crime and justice is not seen to be delivered, complainants and their community are bitter and upset and sometimes take the law into their own hands.

Again we also have to look at the capacity of the investigators and prosecutors, many of them are not trained to handle such cases. Many of these cases are emerging crimes that we are not familiar with.

My proposal is that we look at funding. The National Government should perhaps look at funding a family and sexual violence unit for every electorate, appropriate resources, staff and so forth and this office will have a specific task to investigate the crimes committed under those laws and enforce them.

I would even like to propose that we consider creating a court to hear specifically these matters.

Now we are talking about our children, specifically our children who move about, you'll be surprised or perhaps you won't be surprised but the fact of the matter is that many of these crimes are committed by people who are known to the victims, family members and so forth.

08/05

Mr Speaker, there is also a need to carry a major awareness and education programs so that, the children are educated to protect themselves, as well as, the people or parents are educated on how to protect their from such offenders and so forth.

Mr JOHN PUNDARI (Kombiam-Ambum – Minister for Environment and Conservation) – Mr Speaker, I am not a polygamous person but I would want to support this Bill as to how it will assist to ensure that the polygamous families respect a woman and our children within polygamous as well as non-polygamous families.

Mr Speaker, we've got to respect the polygamous family and I have three uncles who are polygamous and I have lot of respect for them. I believe there are reasons to have respect for the polygamous families and one of the reasons is the fact that they have more than one wife, yet, they look after them very well and they produce lot of children.

I admire a lot of fathers and leaders of this country that respect their wives; take care of their children, they ensure that there is peace, love and care at home. I think that the polygamous families are not bad as far as I can see from my uncles. As I speak, I have a sincere respect for them.

Mr Speaker, I believe, what this Bill will do is, it will protect the polygamous families as well as the non-polygamous families. In addition, it will prevent violence, child abuse, it will promote an orderly family, it will bring a lot of sense and respect to families all across whether you are polygamous or nucleus families or not.

However, on the other side, the peaceful polygamous family bringing a lot of children and even cannot know their names and this happens with uncles. I got so confuse trying to line them up trying to remember their names.

Mr Speaker, what I am trying to say is, in polygamous families, I believe, we will all agree to the fact that our country is growing at an alarming rate. The population is growing very fast. In fact, this is a great concern for all of us and we must all seriously consider and address this issue to go forward.

I believe in the past or olden days, there is a reason to marry two or more wives and in the culture that I come from and from what I learn from my elders, is that, whenever, there is a

tribal conflict, there was a good reason to marry a second wife from an enemy tribe so that, you bring peace amongst the enemy tribes. Or the leaders that have a lot of pigs and one woman was not able to take care of many pigs. You know in those days, it's our culture and the pigs always had lot of value and the father or a leader would say that, there is a lot of problem so I would get another wife.

Mr Speaker, I think there was some very good reasons in those days but now are days I do not know whether, we have very good reasons for polygamous families or not. It is something that we have to consider individually and as leaders going forward, we need to critically consider this issue. Whilst there are polygamous families that are peaceful, loving and respectable, most of our violence in our families, could amount to polygamy or marrying too many wives.

Mr Speaker, recently, we heard in the news that there were a lot of jealousy and as a result, there is a death in the family and these are things that properly we need to consider as a country, mature and as we grow into the future.

I support the Minister for Community Development, Youth and Religion; because this Bill is a way forward in ensuring that we respect our home, families, children and et cetera. I believe, the orderly family means an orderly society and there is no other ways.

09/05

Order in the home is order in the churches, its order in your clan, its order in your tribe and its order in your country.

Mr Speaker, there is no other way with it.

Mr Speaker, how would you achieve order in the family? This Bill will assist of course but fathers and mothers who bring children into the world or into a country or clan must have sincere responsibility for them.

Mr Speaker, as we go forward we need to also consider as to how best we can get fathers and mothers to seriously give attention to their children.

Mr Speaker, this great government has brought on free education. You do not have to go too far. You just have to drive or maybe drive up to Vision City at the traffic lights and you will see children there begging for money.

Mr Speaker, if you were to look at them closely you would see that they are not malnourished. They are supposed to be in a classroom when there is a free education policy in place by the government. What is wrong with our fathers and mothers who so desirously want to bring children into the world?

Mr Speaker, the truth is and I did some investigation of my own. The fathers and the mothers are in the shade of the trees somewhere nearby watching their children begging for money on the streets when they should be putting them into school.

Mr speaker, we have to go further than this Bill in making sure that the parents take sincere responsibility for their kids that they bring into this world whether it be a polygamous family or not.

Mr Speaker, through a charity foundation that we have, I decided once that I would visit Baruni and share food and clothing et cetera.

Mr Speaker, it was not just for the sake of engaging with our citizens there. I had to get down and ask some serious questions as to the reason why they had to come and live around that dump. I asked these people where they originated from and they told me. They said that their home area had plenty of food and was similar to the Highlands Region's natural environment. I then went on further to ask them why they left their home and came to live in the dump.

Mr Speaker, I was shocked by the answer that they gave me. They said that the dump was their gold mine. At the dump they can make K80 to K100 per day, and in a fortnight they can make K800 or even a K1000.

I was there for charity purposes by trying to give them clothing and some food only to find out that in fact the dump was their gold mine. Do you know what they do? They use their children to go and collect all the rubbish so that they can sell to make money. The next question that I asked was; why are all these children here and not in school because it is free education now? Their response was some of the children go to school while others do not.

I then asked why some of them do not go to the school? The response that I got was, well it is up them to them to decide. How can a father or mother say to a 6 or 7 year old child that the choice is yours.

Mr Speaker, this is just not right. I felt something rise inside me when they told me this. Then they get up and say, we are not the only ones here. They told me that if I were to come at a

later time I would see many more. This was because at the moment many of them went to their home areas to vote for their council presidents and ward councilors. And when the elections were over they would all come back to the dump.

Mr Speaker, at that very moment I see a taxi coming and I am wondering and looking at it. The taxi then stops right next to the dump and out comes a young man with a bottle of beer in his hand. I then think to myself that these people really do have money.

Nevertheless, it is not right for our people to be squatting around rubbish dumps. They have to take these young children back to their rural communities. This government is pumping money into the rural districts of this country. You have got education there and they have got to be there.

10/05

This is a Bill that helps us by a small percentage of the way forward, there's more that we can do. This is a country that cannot see beggars on the street, .not squatting around rubbish dumps calling this dump their gold mine, no Mr Speaker.

They might build some immune system in themselves, living around such dumps, I might not be a health science graduate but I must say that whilst you might have this strong immune system in your body, the span of your life might not be more than fifty years if you continue to live around those places. It calls on us as responsible leaders to get our people back to the rural communities, where there is abundance of fresh water, fresh food and fresh air.

Mr Speaker, we got to make our fathers and mothers who are so interested in marrying too many wives. You want to bring too many children into the world you have got to be responsible. You have got to make sure that they go to school, if you can't do that don't marry too many wives. I did not marry a second wife because one problem with a single wife is enough for me, a second wife will give me double problems, and I can't deal with it. I just know how, my uncles can bear with all their wives and their children. It's crazy, my uncles can't even send some of them to school, and I am talking about my immediate family. It's just not right just as a country.

Mr Speaker, if you can't educate you population, why bring them into the world. We have got to do it right and this Bill will work. Whilst it is a step forward, I believe we must do

more, an orderly family an educated family is the future of this country, a disciplined family means a disciplined country, and there is no other way.

Mr Speaker, the only way is strengthening the family and the home and we've got to assist strengthening the family base in this country. Whilst this Bill might be one way there's more to it and I support the Minister for Women, Youth and Religion.

Mr DOUGLAS TOMURIESA (Kiriwina-Goodenough) – Thankyou Mr Speaker, I would also like to join this debate and I agree with the statements made by the Minister for Environment and the Minister for Community Development.

I stand here to speak on this issue because as you maybe aware, when it comes to polygamous marriage, the Chiefs of Trobriand Islands triumph over all others.

(Laughter in the chamber)

Mr DOUGLAS TOMURIESA - Some years ago one of our chief and his thirteen wives went to Japan to be admired by the people of Japan. I do agree with the Minister for State Enterprise that he is a greedy man.

Mr Ben Micah – No I said he's a real man

Mr DOUGLAS TOMURIESA – But from all those experience When you look at it, he may be a real man, maybe a good man. But the question is how many of those children have missed the opportunity of having a father next to them every day? I thank God that I have a very good father and a very good upbringing and a very good mother. But with the polygamous relationship how many of those children the sons and daughters have missed out having very good relationships, father to son and mother to daughter relationships. We must take great considerations when we make decisions and laws as they will affect the livelihood of the future generations. Today we have so many criminal activities and so many problems and when you look back it began right at home.

11/05

Today, we have so many problems in this country that we cannot contain and when you look back it begins right at home. The father did not spend enough time with his children. The mother did not spend enough time with her daughters because she has to make extra money in prostitution. Likewise he has to go and hold a gun to make more money. Everything must begin at home. If you want to have a healthy family, it must begin at home. If you want to have a family to have enough food to eat, it must begin at home. The father must have enough concentration with his children. If there is not enough concentration to the children the family, the community and the country will suffer.

I know we men sometimes get excited and the women also get excited but we have to refocus and look at life. We tell ourselves that we are a christen nation. It is true we are a christen nation but where do we stand here in terms of these issues.

Let me end my debate by saying that I once had a very good grand father. He is no longer with me today, but this is one of his advices to me. He said my grandchild before you get out and marry the woman, he said marry the saucepan, the cup, spoon, fork, bed sheets and the pillows including the house then go out and look for the woman and bring her home.

This means that you must be prepared before you can get married. There are so many people who are not prepared for life and that is causing a lot of problems for us now. Thank you.

Motion (by **Mr Peter O'Neill**) agreed to –

That the question be now put.

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

Bill read a second time.

Third Reading

Leave granted to move the third reading forthwith.

Motion (by **Kerenga Kua**) proposed –
That the Bill be now read a third time.

Motion – That the question be now put – put.

12/05

Voting in progress.

13/05

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

AYES – 63

NOES – 0

Motion so agreed to.

Bill read a third time.

Sitting suspended from 12 noon to 2 p.m..

14/05

MOTION BY LEAVE

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

Leave granted.

**SUSPENSION OF STANDING ORDERS –
REARRANGEMENT OF BUSINESS**

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

That so much of the *Standing Orders* be suspended as would prevent the Minister for Foreign Affairs from making a Ministerial statement on Asylum Seekers issue.

**REGIONAL RESETTLEMENT ARRANGEMENTS FOR ASYLUM
SEEKERS TRANSFERRED TO PAPUA NEW GUINEA –
MINISTERIAL STATEMENT – MOTION
TO TAKE NOTE OF PAPER**

Mr RIMBINK PATO (Wapenamanda – Minister for Foreign Affairs) – Mr Speaker, I would like to update the Parliament on the regional resettlement arrangements that are now in place for asylum seekers transferred from Australia to Papua New Guinea.

Mr Speaker, the scourge of people smuggling has caused the drowning at sea of more than 1 000 asylum seekers in the last decade. The people and the Government of Papua New Guinea cannot sit quietly while this tragedy is being brought upon some of world's most vulnerable people. The O'Neill-Dion Government is proud to show strong regional leadership on this important humanitarian issue.

Mr Speaker, before I deliver the details of the update, I should provide some background information on the deal with the Government and the people of Australia on asylum seekers. It is not a new one, it is a deal that was discussed with Papua New Guinea and Australia over several years, commencing with the then Liberal/National Party Government of former Prime Minister John Howard. During the Tampa Boat Crisis, this issue and the principle surrounding an offshore processing centre at Manus Province and Nauru was discussed.

Former Prime Minister John Howard recounts the Tampa Crisis and the Asylum Seekers issue in some detail in his autobiography published in 2010 called 'Lazarus Raising'. In pages 401, 402 and 403, he describes in some detail what this issue is and he said "The pressing problem had become what to do with the Tampa asylum-seekers. If they were processed through

the normal mandatory detention system, that would involve them coming to the mainland of Australia thus defeating the original purpose of the whole exercise. The Government wanted to deter people from setting out for Australia in the first place and that required sending a message that not even the processing of their refugee claims would occur in Australia.

Deterrence had to be the core of any effective response to the search of asylum seekers. It had to be made crystal clear that asylum-seekers would find it hard to reach Australia so there was no point in trying in the first place. Offshore processing in Nauru as well as in Manus in Papua New Guinea was a key component, but it was reinforced by legislation in September, which gave the Minister power by regulation to exercise offshore territories from our migration zone.”

Those same issues were further discussed and an agreement eventually signed with Julia Gillard’s Government. The Gillard Government then closed the Manus Asylum Centre and then re-opened with the Government of Kevin Rudd in more recent times. I have informed the public through a sample potential questions and answers in media advertisement of what the deal means both for Papua New Guinea, Australia and this region.

Mr Speaker, I will now inform the Parliament of some of these matters in detail since the learned Opposition has been insisting we do that eventhough the Opposition themselves have not offered any constructive alternatives to the arrangements we have with Australia, our long time friend and partner who has always assisted Papua New Guinea in times of our needs and struggles, and this is a time we have given a big helping hand to the people and the Government of Australia.

Honourable Members would be aware that on 23 August 2012, the NEC formally approved a request from the Government of Australia to establish a regional processing facility for asylum seekers in Manus Province.

15/05

And this is a time that we have given a big helping hand to the people and government of Australia.

Mr Speaker, Members will be aware that on the 23rd of August 2012 the NEC formally approved a request from the Government of Australia to establish a regional processing facility for asylum seekers in Manus Province.

The agreement was in support of the Bali Process Outcomes recognizing the need for states to work together to take practical action to provide a disincentive against irregular migration, people smuggling syndicates and transnational crime and to provide orderly migration and humanitarian solutions under the relevant United Nations conventions.

On the second of September 2012 I signed instruments to give effect to those arrangements under PNG law and then on the 08 of September 2012 I co-signed the Memorandum of Understanding with the Australian Government to establish the Manus Regional Processing Centre.

Under the arrangements a temporary facility was established on Lombrum Naval Base and a site in east Lorengau was identified as suitable to house a permanent facility.

Mr Speaker, under the MOU it was agreed that the processing of asylum seeker claims will be done under our laws, that is, PNG laws.

Irregular migrants would be transferred to this centre for protection, care and processing of their refugee claims and returned to Australia for settlement.

To give legislative effect to these arrangements, on the sixth of March 2013 the National Executive Council approved changes to the Migration Regulations which provide for refugee status determination processes in respect of persons transferring to PNG under the Manus Regional Processing Centre arrangements in particular.

Under these arrangements, Mr Speaker, approximately 500 asylum seekers were transferred to the temporary facility on Manus Island.

Mr Speaker, Members will be aware that given the ongoing arrival of boats and continuing tragic loss of lives at sea, PNG and Australia signed a revised arrangement, the Regional Resettlement Arrangements on the 19th of July 2013 which not only provided for transfer of asylum seekers to PNG but included settlement of asylum seekers found to be refugees and granted refugee status under PNG law to be settled in this country.

The agreement will be reviewed after 12 months but no upper limits have been placed on the number of transerees that may be transferred during that period.

Both countries believed that this change would discourage asylum seekers from undertaking the dangerous trip and to cut off the people smuggling business.

On the sixth of August 2013, Mr Speaker, I signed the new Memorandum of Understanding with the Australian Government which operationalise the arrangements set out in the RRA.

Under the RRA and MOU the Australian Government has pledged to meet all the costs associated with these arrangements.

Mr Speaker, on the 20th of August 2013 I traveled to Djakarta, Indonesia to attend a special conference on irregular movement of persons. Along with senior government ministers from 13 source, transit and receiving countries for irregular migrants and asylum seekers.

At the conference I clearly outlined the considerable challenges faced by PNG in responding to irregular migration in terms of funding provision for accommodation and facilities, capacity constraints, recruitment issues for additional staff, operational administrative costs, security and its obligation to the UN Conventions relating to the status of refugees and its 1967 protocols and other UN related conventions.

However, I also reiterated Papua New Guinea's commitment to do its part to address these regional issues.

At that meeting all of the ministers that were there unanimously endorsed the Djakarta Declaration which pledged countries in the Asia-Pacific Region to address the growing challenge of irregular movements that are costing hundreds of lives at sea every year.

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The original resettlement arrangements are working the number of asylum seekers attempting to travel by boat through our region plummeted by more than 60 per cent in the month following the signing of the new agreement and we expect this numbers to continue to fall.

Last weekend 23 transferees voluntarily returned home with the assistance of the International Organisation for Migration (IOM), more than 30 signalled an intention to return home and are being processed by IOM.

Mr Speaker, under the RRA, PNG agreed to a significant increase in a number of transferees and to cater for this increase; the temporary facility on Lombrum Base is being expanded and the plans for East Lorengau site redesigned to house increased numbers. And work

is expected to commence shortly on the construction of permanent facilities and other sites on Manus are also being considered.

As of Monday September 9, 2013, there would 695 transferee houses at the Lombrum facility. Of these transferees, 503 are Iranians, 38 are Pakistanis, 41 Afghans, 27 Iraqis, 3 Vietnamese, 30 Lebanese, 9 Burmese, 5 Bangladeshis, 21 state-less, 10 Somalis, 4 Syrians and 4 Sudanese.

Under the Migration Act, as Minister, I may determine whether asylum seekers are genuine refugees. The refugee assessments on Manus have now been underway for at least two weeks and is being conducted by the PNG Immigration officials with the assistance of the Australian Department of Immigration and Citizenship.

I expect the first cohort of assessments to be submitted for my consideration in the near future. I can now advise the Parliament that on the 9th September 2013, the NEC decided that the PNG Immigration and Citizenship and Advisory Authority will take primary care for managing the resettlement in PNG under the RRA arrangement.

Let there be no doubt that the resettlement of refugees from third world countries will present numerous challenges and it is an area of public policy that is entirely new to PNG, therefore close consultations with all relevant government departments within PNG, various departments in Australia, the United Nations' High Commission for Refugees (UNHCR), International Organisations for Migration, international organisations and Non-Government Organisations necessary and this would be nurtured and pursued.

Mr Speaker, the critical settlement component will be getting the agreement and corporation of provincial governments in whose communities many of these refugees will be settled. PNG is a process of implementing refugee visa that will provide refugees permanent residence in PNG including the issuance of an appropriate travel document which can be used if these people are to travel abroad. PNG has lifted all of its reservations of the 1951 convention relating to the status of refugees and its 1967 protocol for refugees transferred under the regional resettlement arrangement signed with Australia.

Mr Speaker, these refugees have the same rights as all other permanent residence in PNG. In accordance with PNG Constitution, however after eight years of residence, refugees may apply for PNG citizenship, which can be given by the Minister for Immigration. But before the

acquisition of PNG citizenship can occur there must be a process which the Constitution says every person who seeks PNG's citizenship must comply with.

And these are set out in section 22 of the Constitution, which states that the person taking PNG citizenship must be a person of good character, must intend to reside permanently in the country and must not be a person prevented by physical or mental disability.

Mr SPEAKER – I may have to interrupt you here because after careful thought the actions are actually before the Courts and I think it will be improper for us to carry on discussing this matter. And the Standing Order clearly states that matters before the Courts cannot be discussed.

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This issue is before the Courts, and the *Standing Orders* do clearly state that matters before the Courts cannot be discussed on the Floor of Parliament.

Sir Michael Somare – Point of Order! The Minister is delivering the statement for Parliament to be able to understand and know what is likely to come and give the opportunity to honourable Members for preparation for the debate afterwards.

Therefore, allow the Minister to make a statement and adjourn it so that we can debate.

Mr SPEAKER – I have thought about that seriously but I am only making a reference to the *Standing Orders*. Therefore, I will allow the Minister to make a statement only but there will not be a debate afterwards. It will just be information for the Parliament for the benefit of the Members.

Mr Rimbink Pato – Thank you, Mr Speaker, that was actually the intention of which the statement was to be made. It is basically a report to the Parliament of what is happening. It does not in any way address any of the issues before the Courts. Therefore, clearly those provisions for the advice would not apply, thus, I will continue with my statement.

Section 62(2) of the *Constitution* requires further processes to be followed of persons who seek PNG citizenship. And these are the ones that will apply to persons who are determined to be genuine refugees under these arrangements.

They must be:

- Persons with good character who intend to reside permanently in the country unless prevented by physical or mental disability,
- Speak and tok pisin or Hiri Motu or vanicular of Papua New Guinea sufficiently for normal conversation purposes, and
- Have respect for our customs and cultures of our country, and
- Be unlikely to be or become a charge on public funds, and
- Have a reasonable knowledge and understanding of the rights, privileges and responsibilities, and duties of citizenship, and
- Renounce in any manner as may be prescribed by or under an act of the Parliament any other citizenship and clearly make the declaration of loyalty.

Mr Speaker, refugees under the Regional Re-settlement Arrangement will be provided with a range of support, including assistance with housing, employment and language training to help them re-establish their lives in PNG.

Mr Speaker, and this, will be fully funded by the Government of Australia. The PNG Government is also taking active steps to regularise the status of other long term refugees in PNG. Therefore, we are not dealing with this as an isolated event, Mr Speaker. This will include the removal of the citizenship application fee for refugees to assist with their full integration into PNG. And in this case, I am talking in respect of our brothers and sister son the other side of the border.

Mr Speaker, the arrangement that I have been outlining are already delivering flow-on benefits to Manus Province and the people of this country. Members would be also aware that a number of concerns have been raised by the Manus Provincial Government and landowners in relation to the establishment of the center. The concern relates to ensuring the active participation of Manus businesses and people in the establishment and ongoing operation of the facility.

We have by negotiating with the Australian Government and service providers specifically made it clear, and amended arrangements will ensure minimum numbers of employees and supplies are locally sourced.

Mr Speaker, in this regard I am pleased to note that of 420 personnel currently working at the temporary center, 291 of them are Papua New Guineans, which includes 182 people from the Manus Province. This means that 1 out of about every 250 Manusians is currently working at the center. These numbers will continue to increase as the temporary center expands and the construction of the new center at East Lorengau commences.

Mr Speaker, businesses and individuals are also benefiting and an example of this is; Loda Security a company that provides security at the center. This business did not exist a year ago and it was set up specifically to meet the demand created by the Asylum Seeker Arrangements. Sixty-Two people on Manus Island are now employed –

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This business did not exist a year ago. It was set up specifically to meet the demand created by the Asylum Seeker arrangement. 62 people from Manus Island are now employed by this one local business. Local businesses are already providing food to the facility but ideally we want to source almost all of the food from Manus Province. Obviously this will deliver fresher food at more affordable prices. The opportunities are there but we recognize that it will take time from local producers to scale up their production to meet the demand which was not forecasted.

Mr Speaker, many more Manus businesses are also benefiting directly to the provision of goods and services such as hire of vehicles, hotel accommodation and equipment. This represents a significant injection of income to the people of Manus Province.

Mr Speaker this is just a tip of the ice-berg. Local PNG firms will be able to bid for all sub-contracting and work related construction of the permanent centre. This sub-contracting work will represent approximately 9 per cent of the value of the project. It is my expectation that the majority of the sub-contracts will be awarded to local Papua New Guinean companies.

I know that PNG Chamber of Commerce and Industry recently facilitated a seminar in Lorengau, Manus Province, Port Moresby and Lae which PNG businesses were briefed on the

many business opportunities arising from regional processing arrangement and provide with information on how to register interests and participate in the tender process for awarding of sub-contracts under the arrangements.

Currently, Mr Speaker Papua New Guinea and the Australian governments agreed that Manus will receive additional development assistant for support in the host of the Asylum Seeker facility in consultation with the Manus Provincial Government, Joint Department of National Planning and AusAID. Assessment missions have been identified and are now implementing projects to be funded under the development assistance package that exist with Australia.

Mr Speaker, the construction of infrastructure of 20 schools, selected by the Manus Provincial administration is well and truly underway. Medical improvement for Lorengau Hospital will now be delivered along with the new water system for the dental clinic. A master plan for the Hospital is also been developed to guide future work and to assist the hospital over the long term period. The Provincial Government is currently scoping works for a joint Manus / AusAID project to renovate the Lorengau Market.

Finally Mr Speaker, AusAID has also provide the Manus Provincial Government with a report on road infrastructure priorities and requirements where future assistance will be considered including rehabilitating the Loniu and New York bridges, resealing the Momote / Lorengau road and rehabilitating the roads around the town square.

Mr Speaker, in addition to the end benefits, the implementation of this project will also provide employment opportunities for the people of Manus Province. We are proud to combat the deadly trade of people smugglers. We are proud to protect general refugees who in the circumstances are in great need and we are proud to benefit in the flow of benefits that come step by step consequently by the government.

Mr Speaker, Members will be aware that there are those who seek to undo this good work through court challenges and we must not let that happen. Therefore, I propose amendment of the Constitution to put beyond doubt the Governments ability to strict personal liberty of persons transfer to PNG under regional asylum seeker arrangement or other similar arrangements. I will be asking the Members of the Parliament to support that which will be an amendment to section 42(2) of the Constitution which sets out the exceptions to rule relating to the deprivation of

liberty. The amendment rules require that the person's liberty can be restrained in circumstances where there is an arrangement in place between other international organizations or countries.

Mr Speaker, the 1951 Refugees Convention was created in the after met of World War II and did not anticipate the scale of global irregular migration or the parole that endangers long distance and sea voyages could bring to the very people that the convention seeks to protect.

PNG is showing clear leadership in this region to strengthen cooperation in accordance with convention.

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PNG is showing clear leadership in this region, to strengthen cooperation in accordance with the convention and to work with regional partners to find new ways to stop people smugglers from applying their deadly trade.

Mr Speaker, sharing the burden of refugee issues is about more than just speaking words because it means that each country must do a little more to protect vulnerable people. In this case the refugees, and not just against persecutions but also against exploitation by people smugglers in human trafficking.

Our country's contribution to regional efforts towards combating people smuggling would not be an easy one, but this government is determined to play a central part and demonstrate leadership through a long time friend Australia. Thank you.

Debate (on motion by **Mr James Marape**) adjourned.

MOTION WITHOUT NOTICE

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

Leave granted.

**SUSPENSION OF STANDING ORDERS –
RE-ARRANGEMENT OF BUSINESS**

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

That so much of the *Standing Orders* be suspended as would prevent the Prime Minister presenting: (a) the Mining Ok Tedi 10th Supplementary Agreement Bill 2013, and (b) Mining Ok Tedi Mine Continuation 9th Supplementary Amendment Bill being called on forthwith.

**MINING OK TEDI MINE TENTH SUPPLEMENTARY
(AMENDMENT) BILL 2013**

First Reading

Bill presented by **Mr Peter O’Neill** and read a first time.

Second Reading

Leave granted to move a second reading forthwith.

Mr PETER O’NEILL (Ialibu-Pangia – Prime Minister – Ialibu Pangia) – I move –

That the Bill be now read a second time.

Thank you Mr Speaker, this is a very important Bill. Before I discuss the details of the Bill, let me take some time to explain the history of Ok Tedi Mine.

Like most things in life we only appreciate what is happening today only when we understand what has happened in the past.

Mr Speaker, when Ok Mine started, mining in PNG was at its infancy stages. Unfortunately Mr Speaker, we made some very bad mistakes and it later became very evident that the mine was causing enormous environmental damage on a scale that is never experienced anywhere else in the world.

Mr Speaker, the then developer BHP held back on making profits off course ignored this and was intent on continuing until a gentleman by the name of Mr Rex Duggi and Mr Alex Mana went to Melbourne and lodged a lawsuit for environmental damage that would change the cause of this mine.

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Until a gentleman by the name of Mr Rex Dagi and a Mr Alex Mana went to Melbourne and launched a lawsuit for environmental damage that would change the course of this mine.

Mr Speaker, the lawsuit was initiated in the BHP's own backyard and it resembled the fight of David and Goliath.

But it certainly shocked BHP into realizing that it was doing extensive damage and harming the people and their health and their way of life in the Western Province.

Mr Speaker, no one can sit in this Parliament and excuse BHP for the destruction it has caused. But that is exactly what happened in 2001, where the Parliament that is supposed to protect the people was instead protecting the interest of big mining companies.

Mr Speaker, we must never allow these sought of things to happen in our country again.

Mr Speaker, they came up with a deal that would grant total immunity to BHP from any prosecution for the environmental damage or pay any compensation in exchange they set up this program company called the PNG Sustainable Development Program which is established outside Papua New Guinea. That company is not a PNG company. It is based in Singapore and still controlled by BHP.

Mr Speaker, as I said, it was set up in Singapore and now the then Prime Minister who introduced the Bill to make that protection in Parliament is now the Chairman of that company.

Mr Speaker, he is also the Chairman of OK Tedi Mines. We can say here that BHP certainly does look after his or her friends.

Mr Speaker, according to the Ninth Supplementary that we are replacing these shares were gifted to Papua New Guinea and controlled by PNG Sustainable Development Program.

Mr Speaker, that meant that the PNG Sustainable Development Program controlled 63 percent of all the shares in OK Tedi while the State held the remainder.

The intention for OK Tedi was supposed to be owned by the people of Papua New Guinea, especially the people of Western Province.

Mr Speaker, this mine belongs to the people of Papua New Guinea especially the people of Western Province and its proceeds must benefit them.

The State is of the view that the PNG Sustainable Development Program has not operated as it was intended and BHP even after 11 years continues to control that company.

Mr Speaker, this is simply wrong. We are a sovereign independent country. We are trusted to manage our own affairs on behalf of our own people. Now the State must act accordingly.

Mr Speaker, the State cannot continue to seek approval from BHP to see what the operations of PNG Sustainable Development Program is.

Ten years have now gone by and we cannot wait for another 10 years for the damage to continue to happen.

Mr Speaker, under the new ownership we must now address the mines tailing issue in OK Tedi.

Mr Speaker, the time has come for us to change the ownership of that and it is in the best interest of Western Province, State and now it will be in the best interest of all the other stakeholders like the landowners.

These changes will mean that 100 percent of the OK Tedi mine will be held by the people of Papua New Guinea, the people of Western Province, the landowners of Western Province and the Western Province Provincial Government.

Mr Speaker when the Government announced its intentions earlier this year we started discussions with BHP Billiton. We tried to do this in a very amicable way and an harmonious way.

But BHP shut the door on us and withdrew from any discussions what so ever and in fact they referred us to go and discuss with Sir Mekere Morauta.

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BHP decided to withdraw from any discussion what so ever and in fact referred us to go and discuss it with Sir Mekere.

Mr Speaker, Sir Mekere became chairman of that organization we have initiated discussions with him. And after initially agreeing with me and our team, on occasions we shook hands on the arrangement only to find out that he goes out the door and changes his mind.

Mr Speaker, who is he? He does not represent PNG Government and the people of PNG. He does not represent anybody except BHP. The State has been left with no alternative that is why I am proposing this Bill to cancel the sustainable shares in OK Tedi mine and issue new shares to the State. And this will now mean the State, the landowners, the Provincial Government and the people of Western Province will own the OK Tedi mine 100 per cent.

Mr Speaker, the state is not taking the shares we already own the shares through the gifting program. Mr Speaker, words like expropriation is a deliberate attempt to undermine the integrity of our country and investment climate that we are trying to create for investors to come in to it. This is simply designed to try and drive away potential investors from coming into the country.

Mr Speaker, the propose Bill will be determined by NEC and if there is compensation to whom it shall pay that compensation for the shares. And regardless of the amount of compensation the people of Western Province and PNG will not be disadvantaged. The state, landowners and the provincial government will continue to receive dividends from OK Tedi and continue to fund development programs in Western Province under the development plans which the provincial government has submitted.

Mr Speaker, in order to ensure that our people have maximum benefit, the propose Bill contains a provision that gives state all the necessary powers to restructure PNG Sustainable and its operation.

Mr Speaker, we are not shutting down the Sustainable Development Program. We are only restructuring to allow the people of Western Province to have a say in the management of the money that they rightfully belongs to them.

Mr Speaker, a gross injustice has been done to the people of Western Province, a lot of diseases that they are receiving now because of the pollution of the river system. A lot of people are dying and a lot curable diseases are now popping up every where in the Western Province. We are simply now returning the asset that is rightfully belonging to the people back to them so

they can fully benefit from it and begin to rebuild their lives. I commend the Bill to the Parliament.

Mr TOMMY TOMSCOLL (Middle Ramu – Minister for Agriculture and Livestock) – Thank you Mr Speaker, for recognizing me after listening to the Prime Minister, its quite provoking so I decided to also stand to speak in support of the Prime Minister.

Mr Speaker, like I say its provoking because at the beginning there is this company called BHP. And this company created a project called OK Tedi mine. It turned into a project and then in the middle it abounded this project and ran away to let PNG through PNGSDP to clean up the mess. That's basically what has happened, BHP initially when coming into PNG to propose this project OK Tedi mine advised the government at that time that building a tailings dam was not the answer and was not possible.

Mr Speaker, the reason being that; 1- OK Tedi was situated in an area where the rainfall was too high and as a result the soil was unsteady so it was high risk, having presented that case they also propose to dump the toxic mining waste into the Fly River, telling the Government that was safe, believing that it was safe the Government approved the project and of course we had a mine and today we reflect on the life of that mine that has created nothing more than disaster and pain for all the people that live along the Fly River.

Mr Speaker, this is an illustration of a foreign company that comes to PNG -

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Mr Speaker, this is an illustration of a foreign company that comes to Papua New to invest capital and then tell us on the other end that you can take it granted that this project will not harm your people.

Mr Speaker, in the future looking forward, we should examine those proposals before we approve.

Mr Speaker, BHP transferred to PNG Sustainable Development Program or BHP established with the consent of the then Government and the then Prime Minister the set-up of PNGSDP only to clean up the mess. There is also Placer Dome; another big mining company did in Marco Copper in the Philippines. So what BHP did to Papua New Guinea is not new to what mining companies do around the world.

In Philippines, Placer Dome transferred its shares to a local company and that local company took on the issues of closing the mine, cleaning up and rehabilitating the live styles and environment. In Papua New Guinea, BHP did exactly that by transferring its 52 per cent shares to PNGSDP so that in the future, PNGSDP can use that money to rehabilitate the closure of the mine, and this what we are about to do now. We are going to use that money to rehabilitate the closure of Ok Tedi so that we can start with a new beginning and a clean slate.

Mr Speaker, BHP chose to vacate the mining lease after 34 000 local landowners went to Melbourne and filed a case against them for to claim social and environmental damages. This almost cost the closure of Ok Tedi Mine because BHP wanted to hop out of this operation. So Papua New Guinea took on the challenge to continue the operations of Ok Tedi.

Mr Speaker, the case was filed as the Prime Minister said in Supreme Court of Victoria; it went as far as that where BHP was registered as a company. In January of 2000, the World Bank also recommended the closure of Ok Tedi Mine because of the social and environmental damaged it had done to the people of Western Province, particularly to those people who live along the river.

As I say this, I also think that my people will face the same fate, especially those who live done the Ramu River as a result of pollutions from Ramu Nickel, Marinco, Ramu Agri, NBP Oil and Kainantu Mines. They all dump all their wastes into that river and we are already feeling the pinch.

Mr Speaker, in December of 2001, this Parliament under then Prime Minister Sir Mekere opted to pass the Ninth Supplemental Agreement just so that it can on the responsibility of rehabilitating the mine and closure of the mine when the time comes so that it can continue to meet the expectations of the people who live along the river. Finally in February 2002, BHP transferred those shares to PNGSDP. This is a trust company registered in Singapore. It is a limited guaranteed company which means that the people of Western Province and the people of Papua New Guinea do not own the company.

Mr Speaker, this is like the Red Cross. It is registered and organised in the same way as the International Red Cross where nobody owns the organisation so PNG Sustainable is not owned by Papua New Guineans.

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What we talk about as our shares is the dividend that flow to us, so like the Prime Minister said, quite rightly, PNG Sustainable is not only an overseas company but it is a foreign company operating in Papua New Guinea that no one owns.

Mr Speaker, PNG Sustainable Development Company does not represent the interest of Papua New Guineans because who on the board of directors is a Papua New Guinean that represents the interest of a Papua New Guinean group or landowner.

Sir Mekere is not nominated by the people of Western Province, nor is he nominated by the Government of Papua New Guinea to be a director. Everyone who sits on that board is an independent director meaning that they nominated themselves. So, if I want to be on that board I must have friends who are currently on that board so that they can nominate me to become a board member. That is the way PNG Sustainable Company is structured.

Meanwhile that operations at OK Tedi continues to pour 80 000 tons of toxic waste into the Fly River and is annually costing US35 million dollars to dredge those toxic waste out so that we can continue to use the river.

Mr Speaker, like I said, PNG Sustainable Company which we are here to debate today is not owned by us. It was established in 2000 as a planned exit of a company that wanted to exit Papua New Guinea.

Mr Speaker, the task of PNG sustainable Company is firstly to use those funds from the operations of the mine to continue the development and rehabilitation of the affected area people that is the people who are affected and live within the vicinity and along the rivers of Fly River. That is their task.

Their task is not to be keeping and maintaining saving in a foreign country, their task is to ensure that that US2 billion parked in Singapore or wherever must be brought in to rehabilitate the live styles of those people who have lost a living.

Mr Speaker, like I said, the company is not owned by Papua New Guineans we only annually cry for the dividends. If you go to Singapore and do a search you will find that you are not a shareholder of the company. Many of us are used to going down to IPA to search the company and see whose names are listed. You will not find that. It's a limited guarantee company.

Mr Speaker, the company was set up to manage the landowner challenges that were faced by the people and by the government at that time. So BHP agreed to set up this exit so they can avoid their responsibility to pay and compensate the people for the damages they have done, not just to their lives but also to their environment. And that damage, that social disorder will carry on for the next 50 years and another 50 years that we have to rehabilitate and then they have to leave.

Mr Speaker, therefore, I want to say that that money that is parked with PNG Sustainable is a compensation package for the people of Western Province who live in the vicinity and are affected by the operations of OK Tedi.

Mr Speaker, the people of Ok Tedi, this generation must have access to that money. What we hear and what we see and what everyone is fighting in the daily papers is basically to control the US2 billion that sits in the bank in Singapore. That's what everyone is fighting for, nothing more than that.

That US2 billion belongs to the people of Western Province and they must have access to it. The people of Western Province must be represented on the board of PNG SDB.

Mr Speaker, unelected leaders cannot claim that they speak for the people. There are only 111 elected members that speak for the people of Papua New Guinea and they speak and they can claim to speak for them. These include the Members and the Governor from Western Province who represent the people of Western Province.

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Mr Assik Tommy Tomscoll – They can claim and speak for them and this includes the Members and the Governor of Western Province. The Members and the Governor of Western Province who represent the people of Western Province have spoken and no other person outside of this Parliament that is unelected must speak and claim for the people and this I want it to be very clear.

Mr Speaker, I want to add that initially OK Tedi also add mining leases that were bordering to the vicinity to the current operation. Those mining leases were held by OK Tedi company itself. The OK Tedi company, under the Board, they surrendered those mining leases and the Highlands Pacific picked up those mining leases.

Mr Speaker, interestingly last year, PNG Sustainable Development (PNGSD) which is a company that is not owned by anybody practically, it's a company that is owned by the directors of the Board of the PNG Sustainable and they owned the company and not you and me, even not the people. They decided to subscribe to 103 million shares in Highland Pacific at the cost of US\$15 million.

Mr Speaker, I want to know where will those benefits go to and as far as I know, all the dividends that come from operating the Ok Tedi Mine will go back to the people to rehabilitate, to develop infrastructure for them, to care take when the mining is closed.

Mr Speaker, while I speak about the closer of mine, I look back at the Missima mine and what has happened to the mine. Basically, there is no economy in Missima.

Do the people continue to sit on land which at one time they claim to be their land? Their land does not give them any life style today. I believe that the people had a better life style before the Missima Mine came into operations. Whilst I think of them, that K2 billion, you as the Chairman, the PNGSD is fighting over, the Board is fighting over and all of us here in this Parliament is fighting too and I think let us rightfully return it back to the landowners or the people who should use it to rehabilitate their lifestyle.

Mr Speaker, when I talked about the OK Tedi situation, I want us to realize that the set up and the way we deliver OK Tedi is very different from the way Porgera is setup and operated. It is very different so you cannot say that it is not fair and unprecedented if we deliver OK Tedi, the way the Prime Minister was to deliver OK Tedi today to the people. This is a particular situation that requires a tailor solution and the Prime Minister is doing very well on this to attend to it and give solution and settle that issue once and for all.

So, that in the new chapter, we can reopen OK Tedi after the closer of this chapter and this chapter must close. We cannot continue with the programme and let us often hope that OK Tedi does have another life of about 20 years.

Mr Speaker, we must give the people of OK Tedi a better deal in the new chapter because the people of OK Tedi has given to this country K20 billion so, in a new chapter let us give them a better deal for their future generation a better deal.

Mr TOPIAS KUNANG (Kundiawa) – Mr Speaker, I would also want to join in this debate because it is a very interesting topic for this unholy hour, and from the outset I wish to raise some issues. I believe we have no problem with this generation of leaders thinking outside of box and being innovative. But it is also important that we take a very considerable approach with clear frame of mind to made decisions.

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The way I see it, there are two important issues here.

Therefore I am in agreement with the Prime Minister and other speakers that in this issue we need to consider the interest of the people of Western Province. If there is going to be a restructure will the interest of the people of Western Province be considered? That should be the first issue to address.

As for the extended citizens of this country I again agree with the Prime Minister that it is an uncomfortable thing for individuals trying to remotely control an important institution in this country. From the outset I did not like it as it does not appear to be formally stated. Therefore, I do agree with the Prime Minister that if BSP in some way or form controlled PNGSTP then this is wrong.

I had lived and worked in the Western Province and have personally tracked the OK Tedi river system down to the Fly River to its river mouth. I have also seen the extensive damage done to the environment and river system. Therefore, for BSP to be immune for the extensive level of damage of an important river system there will be no amount of value that we will generate from Ok Tedi in the past or yet to be generated to compensate the damages already done.

Mr Speaker, we must hold them accountable so other multi-national companies like Exxon Mobil that come into the country that they must respect us. We may be talking about such issues and how to address them but some of us may be in their pocket books so as to turn a blind eye that we are now blaming Sir Mekere Morauta.

Mr Speaker, I think that it is important that the legacy issues connected with Ok Tedi and this particular issue concerning the environmental damages caused to the Fly River system needs to be at the back of all our minds so that we must address it someday.

Mr Speaker, because of this the first and foremost issue regarding Ok Tedi is how we are going to deal with the continuing interest of the people of Western Province. That is the first thing. The second thing is that, in my opinion this company Ok Tedi, and how PNGSTB is going to restructure it is not an issue. Nevertheless, Ok Tedi is the country's goose that lays the golden egg as it supports one-third of our country's budget for many years now. This company is very important for this country and when we are talking about it we have to be very careful not to politicise it and harm its reputation for it is a company with world class operating excellence.

We can use Ok Tedi to do all the other mining interests that the government can come up with but there is a feeling of apprehension. Our track record for the government to run and operate companies in the past is not so good. There is still a question regarding legacy issues concerning management because the bureaucracy of the government is still manipulating the system. If we are going to talk about this company we have to think carefully on how we are going to structure it. I do not want to say much regarding this debate but I want to just push this caution.

Mr Speaker, in the statement made by the Prime Minister I took note that the Bill even though I did not read it in detail stated that, we are going to give the maximum power to the State to determine the future of Ok Tedi. With that, I have a little apprehension because I did not hear the Prime Minister mention that he has done any definite shareholding structure for the future. For instance, how much percentage will Western Province get, especially the affected communities along the Fly River up to the Star Mountains. He did not also say how percentage the government will also have.

Everything is now going to be controlled by the State and because of that I feel unsatisfied with this. Questions are being raised as to how much are all the stakeholders going to receive and there has not been any definite announcements.

The second issue that concerns me is that I heard the Minister for Agriculture and Livestock referring to funds that were put in Singapore. We must not fool ourselves because the constitution of PBGSTB is there. These funds in Singapore belong to Western Province and is called the Future Generation Fund amounting to more than K1.4 billion.

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That money is not for Singapore, BSP or any other person it is for Western Province, it is called the future generation fund that is about K7.4 billion or more. And now that we are thinking about restructuring PNGSDP, what will happen to this money?

This money is for the people of Western province and under this structure they are supposed to have 100 per cent control over this money or are they going to drag this money in some kind of treasury of the government?

These are just some of the questions that I want to be thought about and answered and also what is the management structure of this company? One of the reasons that BSP showcased PNGSDP in Singapore was the strength of corporate governance of this company. Some money has been saved and if we are going to take over a very successful company we must assure ourselves that we have a prevalent corporate structure to manage a company like this properly.

Mr BOKA KONDRA (North-Fly – Minister for Culture and Tourism) – Thank you Mr Speaker, I want to say thank you on behalf of the people of Western province and the Fly River provincial government. The tears of the people are very big and successive governments have not done so much and on several visits to the white house in Tabubil and I remember quite clearly a day when I had a barrel pointed at my head. I was asked whether I wanted to die or go to jail.

I replied, shoot me so that I will shed my blood for my land and they told me that, BHP or PNGSDP will not help me. The answer is or will come from Parliament. So I have come to Parliament in 2007 and was invited by the Prime Minister Peter O’Neill to join his party. When I joined his party I told him that he will not have to pay me to join his party I wanted him to help me solve the OK Tedi problem. And he told me only God knows the answer, and now I therefore want to thank him.

The people of Western are behind you to make sure that if the wife we picked is not good and is not taking care of the house and the children than she must go. I would like to see an official divorce. We always hear that western province has a lot of money but we do not have development and the reason is that that mine did not have a development plan for western province.

From what I know a plan was developed in 1979 at Konedobu and what caused it to be burnt? This was done to save costs for this company and I want to clarify with the information that I have. 80 per cent completely for them and 20 per cent for people that was the design than and this was to save cost only and the people of western province are crucified to make the economy of the investor.

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The people of Western Province have been crucified on the cross to make economy of the investor.

Mr Speaker, the people of Western Province has been put on a courting disaster. It is like you going catch a fish live and place it on the burning fire what happens and that is exactly what is happening in Western Province. The people are dying because the whole ecological system is contaminated and today there is ecological catastrophe. The people of Western Province are like the living death.

Today I am proud that Section 5 of the CMCA Act is going to be amended because BHP has created indemnity and you cannot take them to court. You just have go with it even if you see your environment damaged you cannot talk about it because you might be dealt with. But the time has arrived for us to repeal that law. The people of Western Province are proud and I am telling you that we are celebrating.

I do not believe in big breaths and I must tell you that when I was in grade one in 1981 I saw a big truck and I though that was the beginning of civilization. But after some time I have realized that there is nothing sustainable left for the people of Western Province only liabilities.

All the developments that they have been talking about on media are “kirap nogut” developments. They know how much damages have been done yet they want to fool us. We do not have money to implement. When they say put kina and we will put kina. PNGSDP is out of the pollution and we should use that money to bring in something sustainable to the people of Western Province.

Why should you tell me, a Member who comes from the Mine pit area to put kina for a kina. They did not give us an opportunity to educate our children well because they are afraid of the knowledgeable generation. That is a major problem right now in Western Province too.

In 2010 I brought in journalists from Japan, and they started from Tabubil. They discovered that a single village in the areas had 17 deformed children. Today we have 80,000 tailings waste. 121,000 wastes from the mine and 201,000 tones containing chemical such as mask, mercury, cadmium and everything is dumped into the river system per day. Where do they go when people are living in along the river. Our people the river system for their daily needs like drinking and washing.

When pyridine is used with water, oxygenation takes place and it gives out an yellowish color and by the time you breath that in you are dead. We do go into the river to wash gold, after few days our skin peels off because we are chemically affected and we are a living death. I believe in 20 or 30 years time we will die.

According to the Mining Policy Institute of Australia, by the time the mine closes it will take 999 years before the whole environmental system retains its original status. So who will live to see that, I think we will all die by that time. For instance, I send students from North Fly to study in New Zealand and they come here to take blood tests. The blood test indicates that all the students have metals in their blood system.

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I am telling you that all the students that have been tested have got metals in them.

Mr Speaker, I want to say this that what belongs to the people of Western Province we should give it back and what ever belongs to the State it should be taken.

That is the whole reason why I tabled the “Kondra Amendment Bill” on this Floor.

Mr Speaker, let me take this opportunity to thank the O’Neill/Dion Government for making the right decision for the people of Western Province. Let this serve as an example to the rest of the mines to take back some ownership.

As Member for North Fly I am neatly attired with my black coat and I am proudly representing an electorate that is producing riches from the mine but the developers have not delivered any tangible development there.

Mr Speaker, I don’t have to read too much into this issue. It is plain clear for all of us leaders and the people of this country to see and to at list give some paramount attention so that we can save the people of Western Province and give them what they deserve.

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

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

Bill read a second time.

Third Reading

Leave granted to move the third reading forthwith.

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

That the Bill be now read a third time.

Mr ROY BIYAMA (Middle Fly) – Mr Speaker, I rise in support of the Bill as part of the electorate affected in the province.

Mr Speaker, we have suffered so long and we know what the PNG Sustainable Development Program are doing to our province.

We hear a lot of bridge openings, bridge openings in the province and we have not seen these developments.

Mr Speaker, big companies have been paid huge amounts of monies to carry out feasibility studies and there is not a single project that has been done.

Today they are now using OK Tedi Foundation to at least take on projects described by the North Fly Member as “*Kirap Projects*”.

Mr Speaker, because now the Government want to take over ownership and give it back to the people this company is coming out in full force and trying to lure people of this country into believing what they are doing.

Mr Speaker, we would like to see a change in our province. I represent part of Middle Fly from Koim all the way down to Obo and on to the mouth of the Fly River and the dye back system out there is really killing the people out there.

Mr Speaker, I could remember in 2002 when I became a Member of Parliament and the then Minister for Finance and Treasury Sir Bart Philemon visited Ok Tedi and found out that the dye back that Ok Tedi was talking about is coming back and its not -

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The then Minister for Finance and Treasury, Mr Bart Philemon went and found out about the dying bag that OK Tedi was talking about of coming back. It won't happen because there is flood all over the place because of the sediment in the river system.

At Aiambak and part of my electorate, mothers prepare sago for today's consumption only because they can't preserve it for tomorrow because it will be bad by then. And so they have to prepare sago for one day consumption only.

Unlike before at my electorate we prepare sago for two weeks consumption but now we can't preserve it for later use. The people living along the river side are badly affected because the river system is polluted and they can't prepare their sago for later use and when they keep them the sago turns to dust.

When the National Government gave us 10 per cent our equity to our Provincial Government, OK Tedi came back and got half of that money; that 10 per cent equity turned out to be a 50 per cent provincial government and 50 per cent CMCA.

Our people really want to do their own things like building classrooms for their kids and aid post for their people rather than OK Tedi bulldozing the process in buying planes and ships and bringing outsiders to manage those assets.

And when travelling on these ships we pay K500 to go from Kiunga to Daru. And for the planes if we want to use them we must be notified two weeks in advance so that they will allow us to use it.

These are some of the problems that we face back in our districts and province as a whole with OK Tedi mining. Therefore, we would like to see that STP must be changed and they must be made aware that we at the provincial level know what they are trying to do for us. They must know what are some of our programs and district and provincial plans and they should not dictate to us. But today, they are telling us just swallow it. We want to bring in national government funds to improve our electorates but these people who are affected are even going

double dipping. And under the OK Tedi foundation we don't know what they are getting because the foundation is controlled by OK Tedi mine. They make their own decision in tendering the project. They award the contracts to whoever they favor like their own cronies.

Therefore, I will fully support the current Bill and pass it for the good of my people.

Sir MICHAEL SOMARE (East Sepik) – I want to elaborate a bit on the third reading for the sake of the Parliament.

Many a times in a debate there is always ups and downs amongst us but there is always a way out and therefore, I support this idea before us. And this idea of allowing the bigger portion to be under the control of the people of PNG, but we must not forget that a lot of work and effort has been put into it before it came to be.

Many investments

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We are people of Papua New Guinea but we must understand that there are many such projects and huge investments still to come on line in the future and with out actions today to fast track things will give wrong message to the world. The Prime may say that this is not nationalisation but interpretation of the people from the outside world will say that this is a country that is moving towards nationalization of major companies in the country. Please let us not give bad impression.

All I am saying is that if there if we have differences with Ok Tedi; the Prime Minister should call an emergency meeting and have the Minister for Mining call Ok Tedi to the conference table. You can only solve this issue on the conference table and not through legislations. When you do it through legislations, you know what happens because that is the impression the world get outside that this is what Papua New Guineans will do to us.

We had successful negotiations and Ok Tedi had made a lot of money for this country and people might not have been paid. I want to give you and example that I was involved in the signing of the agreement for the oil and gas projects. However, I opposed Ok Tedi earlier on when they did not want to build a dam when I told them to. I was a Prime Minister then and I

wanted to protect the people. The Parliament never took any notice. They went ahead and did not listen to my request for a dam and there was a change of government and things changed.

Let's be careful when you are getting up on the floor of this Parliament giving negative impression. We are trying to develop our country and we need money to improve the welfare of education, health and social services of our people. Where does it all come from? Not from heaven but from our resources. Let us take the opportunity to re-negotiate the deal and if the deal is not right for Western Province then let's go back and put everything on the table and discuss with BHP and say we think this is wrong. This is what you should do.

It may be time up my friend but you are giving a wrong message.

Mr Tommy Tomscoll – Point of Order! The BHP already left this country and we no longer have anything to do with them. We are now dealing with PNG Sustainable.

Mr SPEAKER – Your Point of Order is in order.

Sir MICHAEL SOMARE – I know that the young leaders are angry because the old man that went ahead and clear the way for this country is still standing here in this Parliament. He also built this Parliament.

I am not angry with the young leaders who want to make changes but we must think carefully because we are now just trying to build our economy in the last 10 years so if we are not careful, we will destroy the image that we are trying to portray to the outside world. So we must think carefully if we want to say something, it must be acceptable on both sides; ourselves and the developers. I am only concerned and I'm not opposing the idea. Papua New Guinea must benefit and the people of Western Province have the legitimate right.

I am of those leaders who want the idea of developed mindset of this country. Every time, I put the input of this first and I am not talking about protecting company. We must sit on a round table and discuss our problems with them so in this way, we also protect our image in the international arena. Unlike the LNG Project, nobody at the time wanted to listen to me, Sir Julius Chan and Paias Wingti.

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There is a lot of good talking but no-one wants to listen, the young generation thinks that you do things today and everything else will fall in place but I am sorry to say that's not how it happens. We can debate the bill but we must give opportunity to the developers and the people of Western province and the national Government must discuss and come up with alternatives so that the people and parties under these arrangement benefit equally so that in the future when we invite people to come they will listen and come because they know that we are reasonable people.

We might say that we are not reasonable people today because of the way we are arguing and the way we are discussing things and the way we are cursing the other side of the story when we have not heard the other side of the story, so it would be better for people to get together sit down and discuss.

And I would ask the Prime Minister to discuss this as it is a very important issue. You can pass the bill, do the third reading and I maybe one voice but I am saying that for the benefit of Papua New Guinea let us be careful on how we debate this issue, particularly on the development of our country, we may miss out.

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

Motion –That the Bill be now read a third time – put.

The Bill requiring an absolute majority of 56 votes Member as required by the *Constitution*, Mr Speaker ordered that the bells be rung.

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

AYES –62

NOES – 0

Motion so agreed to.

Bill read a third time.

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**MINING OK TEDI MINE CONTINUATION NINTH SUPPLEMENTARY
(AMENDMENT) BILL 2013**

First Reading

Bill present by **Mr Peter O'Neill** and read a first time.

Second Reading

Leave granted to move the second reading forthwith.

Mr PETER O'NEILL (Ialibu-Pangia – Prime Minister) – I move –

That the Bill be now read a second time.

Mr Speaker, this is Bill is a consequential amendment to the Bill that we recently passed on the Tenth Supplementary Agreement of OK Tedi.

M Speaker, according to the Ninth Supplementary Agreement of OK Tedi, all parties undertook to waive any right or actions against BHP Billiton and the State in relation to environmental harm occurring as a result of the mining operation at OK Tedi.

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Mr Speaker, this proposed Bill now removes that waiver for BHP Limited meaning that the landowners or any other affected party are free to bring any action or enforce against anybody.

(Members interjecting)

Mr PETER O'NEILL – This Parliament has done gross injustice to our people by denying their right to have their say and claims against the damages that were done to the environment and to them.

Mr Speaker, these sections in the Ninth Supplementary Agreement will provide information and that waiver for litigation will be repealed. This means that all individual's rights are legally restored and they are free to pursue any action they feel necessary.

Mr Speaker, the Government in 2001 made a very bad decision by granting immunity to a very big organisation preventing our small people their right to exercise under the laws of our country to protect themselves from permanent damage done to the environment and to their livelihood.

Mr Speaker, it was a wrong and bad decision and that is why this current Parliament must correct this.

I commend the Bill Parliament.

Mr JOHN PUNDARI (Kompam-Ambum – Minister for Environment and Conservation) – Mr Speaker, I want to thank the Prime Minister because some of the things that I wanted to say had already been mentioned by him.

Mr Speaker, I do not know where the Deputy Leader of Opposition and the Member for Kundiawa has gone to. Nevertheless, if they are listening in their offices I want them to know along with the Members of Parliament including the Ministers.

As a result of this supplementary so-called agreement for Ok Tedi the Department of Environment and Conservation immediately became a rubber stamp. The Department had no power whatsoever to monitor and control environmental compliance of the operator.

Mr Speaker, that is the truth and I want you all to drive it into your hearts and mindsets. That is what the agreement did to us and that is what we did to our people in Ok Tedi, and what we did to our people in Western Province.

Mr Speaker, to date, a line agency of Government tasked with the responsibility to ensure there is environmental condition compliances had its powers removed as a result of the supplementary agreement.

Mr Speaker, when you remove these powers, what you are actually saying directly or indirectly is that as a result of an environmental pollution my people can die. This is what Parliament is saying and that is what we are trying to correct. As young leaders of this Parliament you cannot continue to turn a blind eye when the knowledge and the information are before us.

I had shed tears for the Member for Middle Fly and the Member for North Fly and as a former Minister for Mining I went to that province. When our Prime Minister was the Treasurer I began raising these issues in Cabinet when Sir Michael Somare was the then Prime Minister.

Mr Speaker, it was all deaf ears then when I was the Minister for Mining. I also instituted an investigation when I was the Minister for Mining when the impasse occurred. Prime Minister I salute you on behalf of the people of Western Province and the people of this country at large. Our environment will always be our livelihood as I always say on the Floor of this Parliament. When the honourable Members and leaders from the province come and cry and say things like our people are dying and an important agency of government mandated by the *Constitution* of this country to regulate and monitor environmental compliance, and it is not happening because of an agreement some 10 or 12 years ago then this is gross injustice to our people. What is money against the lives of our people?

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That is what this Bill is trying to correct and just because the international community are going come and say, oh Papua New Guinea you have come up with some acts of Parliament to do this and now you turn your eyes against it.

Mr Speaker, only the thinking international community will support this Bill. They would praise this government, because for the first time as leaders as we ought to be, are concerned with the livelihood of our people and their future and it's very important.

I've been to Australia, where I have been presented reports by non-governmental organisations, the plight of our Western province people, as to the state of their health, education and infrastructure services. How many Western province people are participating in spin off benefits with the Ok Tedi Mine?

Mr Speaker, we have got to do the right thing. If you put your powers in a single board you got no control over it. The people of Western province are suffering. What is all these rubbish that comes in the media, where they are doing some little towers over there or classrooms over here?

Mr Speaker that is not right. Is it in the best interest of our Western people? You correct me, I have been there and I know what I'm talking about. For the first time we have got to do the right thing. We must never be scared, if a previous Parliament did the wrong thing and if we are informed now then we have got to do the right thing.

Mr Speaker, the rights of the people of Western province was taken away we the leaders shut them up when we should have protected their interest. We said "shut up and take what I am giving you, you stay away and I will control everything for you. I don't know how much BHP is paying him right now, but I would want to think that it is more than you as the chief executive of the land, our Prime Minister. Whose interest are we trying to protect here? It is our people's interest? BHP can never be allowed to come directly or indirectly by the windows or backdoors to continue to control our resources and at the same time ensuring that our people continue to die as a result of daily environmental damages. Whilst we are talking it is happening now. Rex Dagi can come back and take a law suit against BHP, nothing stops him or any affected Western province human being to do that. This is our land, we must ensure that we protect it. BHP is a major corporate international entity, why did they run away? They had all the money, all the resources, they could have fought the challenges with us and stood with us to fight the environmental damage and rehabilitate it. Why did they take advantage of us when we had a few resource investments in the country and they saw that we were so dependent on OK Tedi and despite seeing our economic plight they decided to leave? Why do you want to come and control our resource from Australia or somewhere else directly or indirectly using some puppet as chairman or director of the board, relying on an agreement that sold our birth right and our people's right? It will never happen.

Mr Speaker, with international technologies and all the inventions and innovations that we have now, there's no reason why we cannot build a tailings dam, if Hidden valley up in Morobe can do it, MMJV can do it, in a high seismic area of rugged terrain, high rainfall and be able to have testing and monitoring stations down that river

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Morobe Province can do it as well as the NGI provinces in a high seismic area, ragged terrain, high rainfall and be able to have testing and monitoring stations down the river. And be able to ensure that the river is safe and clean for our people; there is no reason why Ok Tedi cannot do it.

Ok Tedi will only do it if we close it now with this Bill and recreate a new arrangement. There is no reason why we cannot give equity participation to our landowners of Western Province. Whether it be five or ten per cent let us just give it to them. There is more than what PNGSD is collecting and saving in Singapore right now.

Mr Speaker, what is happening to that investment in Singapore? They are not telling the people of Western Province. Some little people here are investing it somewhere and they are gaining from those investments and are not telling the government of the day or the people of Western Province. This has become a private thing. People are dying and here you are saying you are saving money for the people of Western Province in Singapore?

By the time the mine closes and the money returned, the people are dead already. Can we bring back that money now and do something our dying people before it is too late. Let us also fix the environment. Let us build a dam and give the people some decent health and education services. Why do you want to store it there and people continue to die here.

Honourable Members this is a total injustice to the people of Western Province if we do not support this Bill. I want to also inform the Minister for Environment that continued environmental damages has been done down the Fly River system.

Thank you, Prime Minister for saving us all because it takes guts and courage to do this. We were elected to make these changes to do the right decisions and heading in the right direction going forward and into the future. Mr Speaker, I thank you.

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

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

Bill read a second time.

Third Reading

Leave granted to move the third reading forthwith.

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

That the Bill be now read a second time.

Mr KEN FAIRWEATHER (Sumkar) – I support this Bill and all the associated Bills. In 1981 I was a first sub-contractor on the site at Ok Tedi. We were tasked with building the tailings dam. I had a joint venture with Morgan Equipment. The tailings dam being and probably we worked on it for about six weeks. One night there was some seismic movement and I was there but did not think it was much. But the opportunity was taken to declare false

My contract was worth K20 million at that time, that is the joint venture with Morgan Equipment. When they declared false they gave me K68,000 and sent all my boys home. A fare loss, so today I feel it is a little bit of a payback. That is the reason I turn out to -

(Laughter in the Chamber)

Mr SPEAKER – I must caution you Honourable Member that you are not supposed to express your personal reflections on the Floor.

Mr KEN FAIRWEATHER – I do not think BHP was actually the owner of the Mine at that time. It was OTML Limited. They simply dumped waste in the river. The Government know about that so they cannot come from the past and did not know about it.

I was there and I lost all the money prior to becoming a Member of Parliament.

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They did know about it. I was there and I lost a lot of that money that's why I have to be a Member of Parliament and get paid nothing.

(Laughter in the Chamber)

Mr KEN FEAWEATHER – Mr Speaker, I argued this issue with Ramu Nickle Project too and the Minister for Environment was then the Minister for Mining. I think they would have built dowlings dams too. But they didn't. They got the approval to dump the waste in the sea.

That is a great disappointment to me and I hope in 30 years time that this Parliament is not sitting here blaming those people who approved that. It may well be.

Mr Speaker, I think we need to take the environment of Papua New Guinea a lot more seriously then we do. Not just the mining but the industrial too.

Mr Speaker, those pristine places that we know will not be pristine if we continue on the path of money for development. It has to be done together.

I thank God that the PNG LNG Project has come onboard and it makes this an entirely different country. We have got a clean mineral a clean energy and one that really won't pollute the environment.

Mr Speaker, we have a little gap in time now where we can use the money from the LNG to perhaps have a look at some of these things and right what is wrong.

There is nothing wrong with doing that. Every country in the world does this if something is wrong their Parliament changes it. If they got it wrong their people change them.

Even big countries as Russia and China now are looking at the problems of the past and those two countries are the two biggest polluters the planet will ever know.

Mr Speaker, I support this Bill but I think we should stop the mine as quick as possible because I do not believe that just transferring the shares or whatever will stop the harm that is been done to the people.

As far as BHP is concerned I think their share price may fall a little tomorrow but by the next day nothing much will happen and the environmentalist will start showing the Fly River and its environment impact on the *TV* and *Newspapers* and they wont want to cause too much trouble.

The current Board of the PNG Sustainable Development wont be happy tomorrow, they weren't happy on Sunday, they weren't happy on Saturday or on Friday last week.

(Laughter in the Chamber)

Mr KEN FEAWEATHER – To say that they haven't been negotiated with I must say that have and that I can assure you.

Mr Speaker, with that I think we shouldn't be too worried and I think we should go ahead with the Bill quickly.

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

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

Bill read a third time.

MOTION BY LEAVE

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

Leave granted

PERMANENT PARLIAMENTARY COMMITTEE ON CONSTITUTIONAL LAWS AND ACTS AND SUBORDINATE LEGISLATION – DISCHARGE AND APPOINTMENT OF CHAIRMAN

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

That Mr Richard Mendani be discharged as Chairman of the Committee on Constitutional Laws and Acts and Subordinate Legislations and Mr Solan Mirisim be appointed Chairman.

ADJOURNMENT

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

That the Parliament do now adjourn.

The Parliament adjourned at 4.15 p.m.,