

**THIRD DAY**

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**Thursday 13 February 2014**

**DRAFT HANSARD**

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## THIRD DAY

**Thursday 13 February 2014**

The Speaker (**Mr Theo Zurenuoc**) took the Chair at 10 a.m. .

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

Sitting suspended.

Mr Speaker again took the Chair at 10:30 am and invited the Member for Western, **Honourable Ati Wobiro**, to say Prayers.

‘Gracious Heavenly Father, we come humbly before your holy presence this morning and we want to thank you for this lovely day and for giving us one more day. Help us God for your glory and honour.

We pray for your wisdom, knowledge and strength and particularly for those of us who are present in the Parliament. Father, we pray that the debates and the discussions and the decisions that we make might be the decisions that will bless your people that will bring glory and honour to your name.

Lord, we thank you for this country, Papua New Guinea. There is no other country like this in this world. You have blessed us abundantly and Lord, we thank you for the many good things that you have given to us.

Lord, we realise the responsibilities that lay on our shoulders as leaders. Lord, we might be good stewards and managers of the blessings that you have given so that we might be a channel of your love and your goodness to your people.

Thank you, Father God, for our Speaker. We commit him into your hands and thank you God for blessing him and his family, for our Prime Minister and his family, his Deputy, the Ministers and Governors as well as our families who have stood beside us. Lord God, we continue to serve you faithfully. Give us divine and heavenly insight oh God so that we might make decisions that will benefit our people and that will bring glory to your name.

Lord, as we continue to bless and lift up your name we pray together the Lord’s Prayer. Amen.’

## PETITION

**Mr KILA HAODA** (Central) – Thank you Mr Speaker, I wish to present a petition on behalf of my people of Kairuku-Hiri.

The Petition is in relation to the current betel-nut ban in the National Capital District. The Petition reads: To Peter O’Neill, the Prime Minister of Papua New Guinea and Honourable Kila Haoda Governor of Central Province. Carbon Copy to honourable Kerenga Kua, Minister for Justice and Attorney General.

We, the community leaders of Kairuku-Hiri District in the Central Province attested and humiliated by the Governor of National Capital District with acquiescence of the Governors of Central and Gulf Provinces in the banning of selling and chewing of betel-nut in the National Capital District.

We, the Chiefs of Mekeo, are now exercising our right as Papua New Guinea citizens in petitioning you Honourable Peter O’Neill Prime Minister of Papua New Guinea to direct the Governor of National Capital District to lift betel-nut ban using –

**Mr SPEAKER** – Honourable Governor, I will have to interrupt you and advise you that the petition did not come to my notice so you can present that tomorrow. It was addressed to the Prime Minister and that is not correct, it must be addressed to the Clerk for us to have it written out in the correct format. Thank you.

## QUESTIONS

**02/03**

**Mr KELLY NARU** – Mr Speaker, my questions are directed to the Minister for Higher Education, Honourable David Arore.

My question is in relation to the Government’s policy on Free Fee Paying Tertiary Policy, particularly with regards to tertiary institutions and it emanates from a personal experience that I have with students from the Morobe Province.

Mr Speaker, by way of explanation, over 160 students from Morobe Province have been denied registration which it closes tomorrow. Unfortunately, I have tried everything to see the University authorities. In fact, I had an audience with the Pro Vice-Chancellor

yesterday to see if they are able to accommodate the registration of students pending the processing and payment of the scholarship fees.

Mr Speaker, my province has a scholarship fee covering tertiary institutions going back some 15 years and we have consistently been at it till now.

Unfortunately, this year, the University has circulated a circular to all parents and all sponsors that they will not accept registration of students and also the allocation of accommodation at the University until all fees are paid upfront. That is the dilemma we are facing now.

Mr Speaker, whilst the Government is promoting and embarking on a free fee paying policy covering our students, it is unfortunate that tertiary institutions who should be implementing this policy, are not doing that in the true spirit of free education policy that the Government has.

(1) Can the Minister for Higher Education issue a directive to the University of Papua New Guinea and all other tertiary institutions that it is practically impossible for Government sponsored students and students who have been sponsored by Members of Parliament from their electorate, that because of the accounting system that we have, we are unable to fork out the cheque payment that will enable the students to register?

(2) Can the Minister also seek some form of leniency and direct the institutions to dispense from the strict requirements so that our students can enroll and commence classes?

**Mr DAVID ARORE** – Mr Speaker, I thank the Governor of Morobe for his very important questions.

Mr Speaker, this issue was raised at Caucus this morning and I assume the good Governor was not in the meeting this morning and I have been directed to immediately act in regard to his sentiments.

My meeting with the Universities is scheduled for lunch time today.

**03/03**

I will meet with the Registrar and the Vice Chancellor and discuss this issue and have our students registered. I want to assure the Governor that it shall be done immediately and ask them to extend the enrolment period to cater for our students.

The problem we have with the Universities and other Education Institutions is the drawing down of funds, which must be considered seriously. It reveals that we have

problems with the accounting system in this country. So we have to start going back to the drawing board and consider possible ways whereby the Education Department can have their accounts open during this particular period while the other sectors have their accounts closed. The peak period in the Education Department is when the examinations are done between September, October and November and then there is selections and placement of students up until February. That's one main problem in the Department and it should be considered seriously again.

Secondly, for the Governor and other Members concerned, Universities and other Institutions need funds to operate therefore when the commitment is made, please make it your business to pay on time so that Institutions can run smoothly. I will do my part by discussing with the Registrar to have the students registered. But if there is a timeframe, you must pay up. If you don't, how will the Universities operate smoothly? So I appeal to all the Members sponsoring students to pay on time.

**Mr ANTON YAGAMA** – I direct my questions to the Minister for Mining.

(1) Are you aware of the problem at the Kurumbukari Mine?

The MOA signed between the landowners and the Government is not coming to fulfillment and the landowners are not happy with the operation of the mine.

(2) If not, can you send some of your officers to inspect, investigate and resolve the problem? The people no longer have trust in the developer.

**Mr BYRON CHAN** – I thank the Member for his questions. I am aware of the problem back at the mine site. I was informed by the Governor of what actually happened at the Kurumbukari Mine. I want to inform you that I met with the officers this morning and I have instructed them to go and investigate the situation and deal with the outstanding matters immediately.

**Mr JIM KAS** – Mr Speaker, I direct my question to the Deputy Prime Minister, who is Minister responsible for the Provinces.

My first question is in relation to the Manam Island issue. On 27 of March 2013, I met with my Cabinet and passed a resolution to establish the Manam Restoration Authority Act.

**04/03**

Soon after that I presented a draft of that law to the department, and I want to know where we are in relation to the draft law, the Manam Restoration Authority Bill that the Madang Provincial Executive Council came and give to the department and to you specifically.

In addition, the displacement of the people of Manam in the care centres in the Bogia and Sumkar districts need to be addressed immediately as the Madang Provincial Government and the Provincial Administration has found land for relocation but for some unknown reason the Member for Bogia has stopped the Resettlement Scheme.

Can the Minister give advice on the status of the draft law that was submitted to his department by the Madang Provincial Executive Council?

And I want to ask if we can all work together to address this problem that the people of Manam have faced for a long time.

**Mr LEO DION** – I thank the Governor for raising this important issue that is affecting the lives of the people of Manam. The *Manam Restoration Authority Act* is one that was passed by the previous Government, which enabled the restoration to be managed by the Government of the day.

During my recent trip to Manam, I noticed it to be a very sad situation. It appears that the legal arrangement of that Authority has not being implemented. I thank the Governor for his good intentions during my visit and for taking the initiative of working together with my Department to see some way forward in relation to improving the Authority or make some amendments to effectively accommodate for all the circumstances in relation to the implications of politics, financing and general administration of the Restoration Program.

Mr Speaker, I was confronted with some difficulties in relation to that and these difficulties revealed that the Members of Parliament from the province need to work together with the Governor. I commend the Governor for that initiative because he was the only one that had the focus and vision in relation to making sure that all the ingredients for an Authority and also for the financing capacity should be improved.

In fact, I asked him over to this side so we can assist him but that does not stop the Government from pursuing that. The Madang Provincial Government must make sure to

work together with all its Members and continue on the initiative taken to resolve that situation.

To continue on the initiative to resolve this particular issue, my Department needs to hear both sides of the story. The Governor has already given an insight into the situation and has made provisions including providing the land by speaking to landowners in Bogia District but according to our structure in this country where the governor is there and the provincial government is there, there are certain protocols to be observed in relation to working relationships.

**05/03**

What I am saying is that consultation is very important. In this particular case, a particular Member of a particular district is objective to the initiative. It is a very good initiative as the Minister responsible, I think is the way forward in resolving those issues.

But having said all that, I recently instructed my Department Secretary to get all the Parliamentarians, especially the Member concerned to sit down with the various stakeholders from the District and come up with advice from his side as to what can be done in order to support what the Governor is doing and vice versa. Unfortunately, we have not been able to do that because of various commitments by the particular Member of Parliament.

So I just want to appeal, firstly, before we resolve this issue, all Members of Parliament from the Province and the Provincial Government must work together. At the same time, the Governor is actually doing very well. He is sitting on the other side but credit must go to him.

So both the Members from Madang and the Madang Administration need to work together to make sure that we chart a way forward. Enough of talking, all the administrative work has been done and the submissions have been completed and handed in. We've also got the Manam Restoration Authority which the Governor has appointed a former judge to look at the Acts and he has suggested and recommended certain changes to be done. My Department will only pursue that with the Attorney-General once we get everyone to agree to it because there are certain political activities underground in Madang that is hindering this activity, like everywhere else.

The Manam Restoration Authority is like the Bougainville Restoration Authority. The Prime Minister is having a look at it as well as the Members from Bougainville and they are



also consulting me as they go about it to ensure it is similar to the Gazelle Restoration Authority.

But the onus is on the Government to make sure that they understand what the authority has been doing for example in East New Britain. We have the same case in Oro. Their Governor is not here but it is also in the system.

I appeal to you, Mr Speaker, these authorities must not be politicized. They must be run by people who are capable. In fact, it is meant for good intentions like the Gazelle Restoration Authority, where you have a provincial leader approved by the Provincial Executive Council to take the lead as Chairman and the Board Members are divisional heads who can make decisions at nation level. For example, the Finance, Treasury and Planning Secretary are on the Board of the Authority. The Gazelle Restoration Authority actually went and built and restored the province with hundreds of millions of kina in relation to the restoration of Gazelle and a lot of you are admiring East New Britain today because it was managed through that Authority and through the leadership over the years.

So, we want to bring some of those experiences to use elsewhere. It is clear but firstly, I wish to appeal to the Members of Parliament from the affected provinces to work together and come up with a common stand and approve your submission through the PEC process before it comes to the Department.

But coming back to Madang Restoration Authority, I hope that we will meet with the other Members to collect their views. My intention is to call you, Governor, to the Provincial Affairs Office where we can sit down and resolve one or two things if you can but if I cannot then I will ask the Prime Minister to intervene but I think it can be done only if all members of Parliament from the province can work together.

### **06/03**

Even today the people from Bogia move to Manam and back. We cannot control nature. Those volcanoes can erupt anytime and the people will be in danger. It is the responsibility of this Government and I sadly say this whilst I commend the Governor, I felt that my province was once affected like these people are now affected so why is the Government sitting quietly on this whilst the situation is being like that. There is no finger pointing here, we need to resolve this issue. I sought funding from the Government and they allocated a lot of money just like what the previous Government did. However, we need to

better manage the funding. The government can allocate funds to provinces but it depends on how we manage it.

Mr Speaker, I can assure you that with the support of the Prime Minister who assured me that we will get the restoration program provided it is not politicized.

**Mr ROBERT GANIM** – My questions are directed to the Deputy Prime Minister and the Minister for Inter-Government Relations. In 2011, there was a By-Election in Chimbu and one of the senior public servants of Enga who was coordinating the Election there, disappeared on the night of March 11, 2011. Up until now, three years on there has not been any positive response from the Department, therefore, the people of Wabag have asked me to ask some questions.

(1) Has the Electoral Commission and the Department of Provincial and Local Level Government conducted an investigation into the disappearance of the officer, Openekal Tiene?

(2) If yes, can he confirm if there is a report to provide to the people of Wabag?

(3) If not, why didn't the Electoral Commission and the Department of Provincial and Local Level Government conduct any investigation or inquiry into the disappearance of the senior Electoral Commission Officer?

**Mr LEO DION** – Mr Speaker, I thank the Member for his sensible questions. Since I came into the Ministry, I have not seen nor heard any report on that matter but I would like to say this on behalf of the Government past and present. I give my condolences to this senior public servant's family and his people for the suffering they have endured. I know the officer personally because we once worked together. The question that is asked is not simple because it tests the system of government and its ability to report and complete its investigations in a most satisfactory manner.

**07/03**

Also, recently we heard the news from the people of West New Britain regarding the missing scientists, which was not in the similar circumstances but due to the fact that information and knowledge of their disappearance was lacking.

Mr Speaker, therefore, I would like to apologise and will be giving directions to my Department and the Electoral Commissioner regarding this issue and many more, for

example, the reports that they must submit. Nevertheless, from my past personal experiences in the Police Force, when there is a disappearance and there is no information regarding the circumstances of the disappearance, there must be a coroner's inquest where a coroner's report must be submitted.

We have government lawyers who know the basic processes and procedures down at that level. Therefore, forms have to be completed so that the Police will then come in to report on the disappearance or the circumstances in which a person or persons have disappeared. At the same time proper investigations must be done to conclude this type of disappearance.

The Police up at Kundiawa or wherever it had happened and the courts have done their processes and I have no right to raise this issue here, but from the perspective of the Department and the Electoral Commission, Mr Speaker, I will therefore ask for a report regarding this matter so that the Government can be satisfied that this matter has been concluded in the most satisfactory way. Of course, that will not repair the damage that has been done and the grief for the immediate family, clans and relatives of this particular officer.

Therefore, on behalf of the Government, I would like apologise regarding this matter and I hope and pray that a satisfactory conclusion is reached in relation to the cause of the disappearance and so forth.

To conclude, I will be asking the Electoral Commissioner as well as my departmental head to submit to me reports and hopefully, I should be able to submit it to the Member or to Parliament.

**Mr JOE KOIM KOMUN** – Thank you, Mr Speaker. My short question is directed to the Minister for Works.

The Kindeng-Kondapina road connects four Electorates, namely; Anglimp-SouthWahgi, Dei, North Wahgi and Jimi. The Government has so far spent about K12 million for the contract for the construction of the new road which runs through the Wahgi Valley with little to no rough terrain. Then a variation of K5 million was also allocated for the road which brought the total cost up to K17 million. With that, again, in the last year you committed K2 million and the contractor who has been contracted to do the road has so far done nothing.

Can the Minister therefore report to this Parliament what is happening to this road?

Thank you.

**Mr FRANCIS AWESA** – I thank the Honourable Member for Anglimp-South Wahgi for his important question.

This particular road has cost the Government, like the Honourable Member had said, up to about K17 million. This road is only about 17 km long and this particular contractor is one of those contractors that I mentioned on this Floor of Parliament this week who do sub-standard work. They do not comply with the specifications for the particular contracts that they are undertaking. Therefore, in this regard, the short answer is that I will get the Department to investigate the circumstances under which these roads have been done or the shortcomings of it.

I am very concerned about this type of attitude by contractors in not fully complying with the contracts under which they have been engaged by the State.

**08/03**

This is one of them where this particular company has a history of not fulfilling the contract conditions so I will report in time this week to the honourable Member and advise him on the circumstances.

I have also want to inform Parliament that all other contractors are working properly but only one or two are not fulfilling the requirements and conditions of their contract. So this is one of them and there was another one that was brought to light this week. They will come under the close scrutiny of the Works Department in future contracts so I want to assure the honourable Member and the Parliament that my Ministry is working very closely with the Department to make sure that we are getting value for money in all these contracts.

### **Supplementary Question**

**Mr JOE SUNGI** – Mr Speaker, we see that the Works Department has not given us a specific rate on per kilometre of road sealing and for each machine working on new roads.

Does the Department of Works have standard rates which we can apply in this country so that the contractors do not take advantage of this with their cronies and set their own project costing and benefit from it?

The reason I am concerned about this is because we are spending so much money on the infrastructures where quality is not achieved and at the same time, we could have saved some of those money for other priority sectors like Health and Education.

If the Department has any rates in place, can they advertise it and inform us on the standard rates per kilometre for sealing, maintenance or construction?

**Mr FRANCIS AWESA** – Mr Speaker, I thank the honourable Member for Nuku for his supplementary question. This is a very important question because this is why we are going back to the old PTB system. Under the old system of doing businesses, we had PTB which gave details for hire of different types of earthmoving machines and dump trucks and how much they are worth on hourly basis. That is the reason why we have decided to go back to the PTB system so that everybody will know the rates for maintenance of a kilometre road and everything else.

During the Leaders' Summit on Monday this week at Gateway Hotel, I mentioned that we are reviewing the old ways because it is consistent across the board for all hire of heavy equipment and light vehicles. On top of that, one of the other relevant issues in this regard is the feasibility study. Everybody is doing feasibility studies costing millions of kina to the extent of K4 million to K5 million and there is no need for that. We have been spending a lot of money on feasibility studies and we will be carefully reviewing this and try and put a stop to it. We have feasibility studies on bridges, roads and other infrastructures so everybody should know what we are talking about.

**09/03**

Mr Speaker, the other thing in this regard is the issue on the cost of bridges. Certain people have frequented the Department of Finance and Planning in the past and have quoted the maintenance of bridges at K4-5 million. This is not necessary. We have to tag the prices on average that would cost about K270 000 per span. So these are very important questions that I am addressing because I want to get this right across the country. Costs for feasibility study and hire of light and heavy vehicles must be done properly. It seems we have gone all over the place in the past and it is about time we come back and address these issues accordingly.

**Mr POWES PARKOP** - Thank you Mr Speaker. I direct my questions to the Minister for Treasury. My questions relate to the constant increase in taxes imposed by the Banks. I think the Honourable Member for Manus, Ronny Knight, highlighted this matter in one of the Grievance Debates.

Mr Speaker, I have a relative who had K200 in her transaction account. She never did any deposit or withdrawals. After a while, the bank deducted bank tax and everything was gone. This is a situation that all our people are now facing. There are too many taxes being charged by the banks.

Mr Speaker, the Treasurer knows and we all know that with withholding taxes, everybody is expected to pay the banks for looking after their money. There is no discrimination about how much you have in the bank, even if you are a small saver you still pay the same price. There is another tax called transaction tax. So every time you use the bank, the ATM machines, the Eftpos system as well as the phone banking you are charged certain fees. Some of you have plenty of money so you do not realise how much has been deducted from your account.

(1) Can the Minister put a limit on taxes for savings in the bank so that those who have K10 000 and below should not be taxed on withholding taxes because people do not earn a lot of money. The Banks are killing our people every time they make a transaction. Our people have limited choice because the Microbanks are also enforcing similar tax rates. Maybe we should return PNGBC and operate on using passbooks.

Since the Treasurer is promoting the Eftpos system, he could be robbed in the supermarket too because when you make a swipe, you do not see actually how much is being punched as cash-back.

(2) Can the Treasurer, using his powers whether it is legal or not, direct the Bank to release regular transaction records and bank statements to all of us so that we know what we have withdrawn.

**10/02**

**Mr DON POLYE** – Thank you Mr Speaker. I am aware of the issue on bank charges. The O’Neill–Dion has established this Tax Panel that is looking into all these issues and hopefully, by the end of the first quarter, recommendations are expected to be forwarded by this panel and we will implement the recommendations from there especially in regards to tax by the Banks and also other areas as well.

So there will be an overarching view of taxation whether minor Micro-Banks or major Banking institutions and other areas that the taxation regime is going to be looked at and the review will guide us.

I am of the view to support the honourable Governor's sentiments and we will include them in the Committee's recommendations.

Mr Speaker, in regards to the Eftpos machines, I support technology and it is a good technology and it improves the efficiency of financial services to the people of this country, but I am also aware of rumours that technology can be abused by some experts who know how to hack these machines to divert funds and have access to personal accounts.

Mr Speaker, I will bring this to the Banking institutions attention and as citizens and owners of individual bank accounts, you have the right to get statements on your card to find out what your transactions were.

Mr Speaker, the issues that the Governor has raised are very valid and the Government has already taken actions and all forms of his sentiments are being looked into.

### **Supplementary Question**

**Sir JULIUS CHAN** – Mr Speaker, the Governor for the National Capital District is quite right. The Banks in this country are really making a big killing.

There is a big difference between the deposit rate interests compared to the lending rates which is so high. So the Banks make a lot of money from the margin of the deposit rate and the lending rate.

Mr Speaker, from all the reports I gather, all the Banks in this country are bleeding us to dry. They make super profits.

Mr Speaker, can the Treasurer give them a proper reasonable rate of return and if they are using that system to make super profits, the Government should have a super tax on them.

Mr Speaker, I say this because I am very concerned. I have introduced old age and disable pensions since 2009 and it has been working for the last five years. It is alarming to note the fees are so high. Mr Speaker, surely, you can give a punch on these Banks. I am sure the Treasure is able to intervene.

Mr Speaker, super profit is becoming an overnight success for these institutions right under our very noses and I am sure the Treasurer can intervene on the deposit rates, the lending rates and the foreign interest charges too.

**11/03**

They are making huge profits and I don't know of any banks in this country that has gone through the normal business risks, they don't have risks. The managers are very well paid at the expense of the lender and the borrower.

**Mr DON POLYE** – I thank the Governor of New Ireland for his supplementary question.

To answer his questions; we have allocated funds in this year's Budget to cater for Financial Service Review of all these areas. This aspect of financial services; interest rates, deposit rates, lending rates or even foreign currency exchange rates and other services that are provided to this country, the Government has already allocated funds to do an overall financial review of all these services. So the prudent thing that I will do is I will get the submission that is prepared to Cabinet with the terms of reference that will reflect some of this very important point that the Governor has raised and we will review it.

By the end of this year, we should have some way forward as to at least making it manageable, affordable and justifiable those fees that have been charged to our citizens.

#### **MOTION BY LEAVE**

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

Leave granted.



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

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

That so much of the *Standing Orders* be suspended as would prevent Notice Nos. 120, 121, 122, 123, 124 and 125 Government Business being called on forthwith.

**JUVENILE JUSTICE 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** (Sinasina-Yonggamugl – Minister for Justice and Attorney General) – I move –

That the Bill be now read a second time.

Mr Speaker and Members of this Parliament, it gives me great pleasure to be able to introduce the Juvenile Justice Bill 2013, which repeals and replaces the current *Juvenile Court Act of 1991*, and its related consequential Amendments.

The purpose of introducing this Bill is to get legislation to address the special needs of our children coming into conflict with the law, addressing law and order and maintaining a peaceful and just society.

**12/03**

A juvenile for the purpose of this Bill is a person who appears to be ten years old or older but is definitely below the age of 18 years. A separate delicate procedure will apply to alleged offenders of ages below 10 years. In short, they will not be arrested, charged or detained and tried but will be dealt with in other ways.

Mr Speaker, PNG does not have a comprehensive juvenile justice system. Parliament in 1991 passed the *Juvenile Courts Act* to address the special needs of children coming into conflict with the law. The major challenges in the area of juvenile justice reform including inadequate reflections of contents and innovations such as diversion, restorative justice and statement of general principles.

The National Law and Justice Sector Policy approved by Cabinet in 2001, highlights restorative justice as a foundation for Papua New Guinea's future law and justice programs. Juvenile justice was identified as a priority area for reform. In 2007, the Cabinet approved the introduction of the National Juvenile Justice Policy and the protocols and minimum standards for juvenile institutions were also endorsed.

The policies and minimum standards have helped clarified roles and responsibilities, reduced confusions, provided guidance and justification for the need to review the *Juvenile Courts Act (1991)*.

The proposed amendment to repeal the current *Act* in its entirety and to replace this with a new regime under the proposed legislation provides the comprehensive juvenile justice system based on the principle of restorative justice, Melanesian tradition and contemporary justice practices.

It corrects deficiencies in the current *Act* and incorporates articles of the *United Nations Conventions on the Rights of a Child (CRC)* and the United Nations Minimum Standards rule for the administration of juvenile justice and reflect what is contained in the National Juvenile Justice Policy.

Mr Speaker, the proposed Juvenile Justice Bill therefore promotes;

1. Diversion and mediation drawn from traditional Melanesian and restorative justice values as an alternative to imprisonment.

2. Rehabilitation.

3. Fast track police processing of juvenile cases and the reduction of unnecessary pre-trial detention of juveniles.

4. The prevention of the abuse of juveniles within the criminal justice system

5. Separate and upgraded Police and CS lock up facilities for juveniles

6. Increased monitoring of juveniles' conditions within Police lock up and CS facilities to regulate sections by Juvenile Court magistrates.

7. Training of juvenile police officers and voluntary juvenile court officers.

Mr Speaker, as a result of the proposed Juvenile Justice Bill 2013, minor consequential amendments to the *Correctional Services Act* (1995), the *Criminal Code Act* (1974), *Village Court Act* (1989) and the *Lukautim Pikinini Act* 2009 will be made as this legislation is contained in provisions that make reference to the current *Juvenile Courts Act* (1991) which will be impacted by this Bill.

The emphasis of the proposed Bill is centred upon Community Based and Restorative Justice approaches for juvenile offenders. It is aimed to minimise the use of formal court proceedings and it encourages the involvement of parents, the victims and the community in holding juveniles accountable for their actions and requiring them to do something to repair any harm they may have caused.

### **13/03**

Therefore, effective implementation of the comprehensive juvenile justice system will require all Law and Justice Sector agencies at the National, Provincial, District and LLG levels; involvement of Families, Community Groups, NGOs, Churches, Community Leaders and committed individuals is necessary and paramount in promoting and supporting juvenile and justice reforms.

Mr Speaker, this speech also covers my presentation of the other Bills which are consequential to this Bill being enacted which are, the Lukautim Pikinini (Child) Amendment Bill 2013, Criminal Code (Amendment) Bill 2013, Correctional Services (Amendment) Bill 2013, and the Village Courts (Amendment) Bill 2013 insofar as *Section 20* of that *Act* deals with a juvenile offender.

As those are consequential to the main Juvenile Justice Bill of 2013, Mr Speaker, with that, I now commend this draft Bill to the Parliament.

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

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

Bill read a second time.

### **Third Reading**

Leave granted to move the Third Reading forthwith.

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

That the Bill be now read a third time.

**Dr ALLAN MARAT** (Rabaul) – Thank you, Mr Speaker, and I thank the Minister for Justice and Attorney-General for finally bringing to the Floor of this Parliament, the Juvenile Justice Bill.

I say thank you to him because this Bill has been in the pipeline for a long time and has finally made it to this Floor.

I just want to point out a minor concern which is already occurring in some courts in England where the *Papua New Guinea Criminal Code* originated from. The concern is that they are now reducing the age of the minors who are committing some of those offences.

Huge changes have happened in Papua New Guinea already, especially in terms of technology. Currently, there are a lot of pornography and many other violent videos which are promoting all sorts of mindsets and distorting the culture of children.

At this point in time even in the villages videos are being shown and my concern is about control. It is good to treat our junior citizens well. Under this criminal justice system, we need to be very careful with our young people.

Though they have committed some altercations we must try and restore into their mindsets the right thoughts so that they begin to frame a proper picture of their own future in the society.

**14/03**

In my opinion, when we take the stance to protect our youths as well as in processing our juvenile offenders, we must focus more on the issues that affect their mindset. What have we done about the readily available pornographic and violence videos that are being promoted in public? What programs does the Government have in place to stop these CD's and videos' from entering rural areas? Although we want to help our young people, I don't think we are doing enough. The legislation is to process the youths that have committed

offences. If they commit rape, murder or some of the serious indictable offence, how are we going to punish them? All these issues have to be considered and I support this Juvenile Justice Bill because it targets our young people but what if they commit very serious indictable offences? I leave these thoughts with you in the hope that Government will also look at measures to prevent all the immoral things that destroys the mindset of our youth.

**Mr MARK MAIPAKAI** (Kikori-Minister for Labour and Industrial Relations) – I rise to commend the Minister for Justice for bringing this bill. Dame Kidu and I attended this children’s conference in Geneva and in the children’s report on Papua New Guinea this was one issue that we had to resolve as a country. Just look at the crime rates, when you study the people who go in and out of jail, they happen to start at a very early age but because we did not have these types of laws they were abused in the cells. They were over- groomed in the prisons as a result. We have these high rates of young people of a particular age committing serious crimes in the country. I commend the Government and the Minister for the effort. I think it’s overdue. As a result of these efforts the *Lukautim Pikinini Act* came about and now we are amending the *1991 Act*. I support the approach for the Melanesian way of solving issues and the age limit because you cannot put a ten-year-old into an adult prison as well as in terms of making judgements on the crimes committed. They know the consequences if they go beyond that age and there’s another age limit where they are given a second opportunity and if they don’t improve then they definitely end up in prison. It is high time we protect them and if we start grooming them, they will definitely change. Currently, our justice system doesn’t classify or differentiate between adults and juveniles. The moment a youth commits an offence, he goes through the same justice system as an adult for prosecution and that is why we have high rates of criminal offences committed by very young people.

I support the Bill and I commend the Justice Minister for bringing this Bill before this Parliament.

**Mr DAVIS STEVEN** (Esa’ala-Minister for Civil Aviation) – Thankyou, Mr Speaker. I put on record my appreciation for this Bill and the series of amendments

**15/03**

Mr Speaker, these amendments are timely and they are commendable. From our nation’s point of view, after 40 years and after using and operating laws that we have

inherited since Independence it is now time that we pass laws that are sensitive to the circumstances of our country. These are the kinds of legislations that can be described as new generation legislations that have emphasis on Papua New Guinean ways and the Melanesian Ways and are reflective of the realities that we face in our country today.

Mr Speaker, the wisdom of this legislation is reflected in many ways and the Attorney-General has already highlighted some of them. Nevertheless, the important point about these legislations and why we must support them is that they target the children and youths.

Mr Speaker, this is the sector of our society that is fragile and is often misunderstood. In the past, this sector of our community has been treated in the same way as the other offenders of the law. As the Minister for Labour alluded to, elsewhere our friends in our jurisdictions have realised the importance and have passed laws, but the thing about this legislation and one that we need to commend the Department for Justice for is that there is now emphasis on parental responsibility. There is now emphasis on the responsibility of clans, communities and ensuring that the village and districts courts are aware that it is not in just rushing the juvenile offenders through the system like everybody else but it is in being sensitive in understanding that some time some of these issues can be better dealt with outside the precincts of court.

Mr Speaker, this is timely indeed and it reflects the wisdom of this Parliament and that is why I urge our leaders to debate this. The benefit of this kind of legislation is when it goes to the Judiciary, the judges have no room for misinterpretation. There is no room for ambiguity and uncertainty that the clear intention of Parliament and the people of this country have been expressed. Therefore, we should not see young offenders being unnecessarily sent to Bomana, Giligili or elsewhere to prisons throughout this country where instead of being restored and rehabilitated, they are fermented into the kind of monsters that we do not wish to see in our societies today.

Mr Speaker, this Bill empowers the Police and the Courts to have discretion so that we do not see the culture of panel beating continuing. This is a Bill where we admit as a nation that it is not in panel beating our children in the police stations or wherever we send them to be processed by law, it is not in rushing them but it is in trying to help them to be restored. So, the Bill in its emphasis in bringing the churches for example is an important inclusion to this law. Therefore, the law that was passed here today is a good and clear law.

The intentions and desires of our people have been reflected here. We must look at ensuring that these legislations are supported.

Mr Speaker, I must close by adding that on top of these laws, I see the need for the Justice Sector to respond. We have already seen this in the policy statements from the Ministers concerned that there will be training and modernisation of the Police, magistracy, village courts and CIS in how they deal with our juvenile offenders in light of the law that we passed today.

Mr Speaker, thank you very much.

**Ms LOUJAYA TONI** – Thank you, Mr Speaker, for the opportunity to participate in this debate and I commend the Honourable Attorney-General for having this Bill being brought to this Floor of the Parliament.

The challenge now, as I see, it is for my Department to partner with the Law and Justice Sector, the CIS and National Planning departments through its Church Partnership Programme for bringing the balance by way of rehabilitation.

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While we pass such legislation, we must plan for and fund rehabilitation, not only just supporting the current establishments like Boy Scout or Salvation Army but working closely with our development partners to identify how well we can open up our rehabilitation program so that it involves the Open Members within the 89 Districts to fund not only the training programs but also to work closely with our church partners who are already operating in the areas of rehabilitation in a very small way.

And I once again look forward to the opportunity now that the gauntlet has been formed on the Floor with regards to this Bill being passed.

I look forward to the opportunity for a consultative endeavour whereby we can bring rehabilitation to the forefront and how we can fund it and move it side by side with such legislation.

Motion (by **Mr Patrick Pruaitch**) agreed to –

That the question be now put.

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

The Proposed Bill requiring an absolute majority of 56 Members as required by the *Constitution*, the Speaker ordered that the Bells be rung.

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

**AYES – 75**

**NOES – 0**

Motion so agreed to.

Bill read a second time.

**17/03**

**LUKAUTIM PIKININI (CHILD)  
(AMENDMENT) 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.

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

That the Bill be now read a second time.



Motion – That the question be put – agreed to.

Motion (by **Mr Kerenga Kua**) - agree to.

That the Bill be now read a second time

Bill read a second time.

**18/03**

### **Third Reading**

Leave granted to move the third reading forthwith

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

That the Bill be now read a third time.

Motion – That the question be put – agreed to.

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

Bill read a third time.

## **CRIMINAL CODE (AMENDMENT) BILL 2013**

### **First Reading**

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

## **Second Reading**

Leave granted to make the Second Reading forthwith.

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

That the Bill be now read a second time.

Motion – That the question be put – agreed to.

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

Bill read a second time.

## **Third Reading**

Leave granted to move the Third Reading forthwith.

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

That the Bill be now read a third time.

Motion – That the question be put – agreed to.

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

Bill read a third time.

## **CORRECTIONAL SERVICES (AMENDMENT)**

### **BILL 2013**

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

## **Second Reading**

Leave granted to move the Second Reading forthwith

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

That the Bill be now read a second time.

Motion – That the question be put – agreed to

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

Bill read a second time.

## **Third Reading**

Leave granted to move the Third Reading forthwith.

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

That the Bill be now read a third time.

Motion – That the question be put – agreed to.

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

Bill read a third time.

## **VILLAGE COURT (AMENDMENT)**

### **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.

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

That the Bill now be read a second time.

Motion – That the question be put – agreed to.

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

#### **Third Reading**

Leave granted to move the Third reading forthwith.

Bill by leave read a third time.

19/03

**VILLAGE COURT AMENDMENT  
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** (Sinasina-Yonggamugl – Minister for Justice and Attorney General) - I move –

That the Bill be now read a second time.

Mr Speaker, this Amendment is not consequential to the Juvenile Justice Bill 2013, and therefore a separate speech has been necessary in order to create awareness on the details of the Bill or the Proposed Amendment itself.

Mr Speaker, it is a great honour for me to stand up and introduce a Village Court Amendment Bill 2013. The village court system was created by *Section 172* of the National *Constitution* at the Independence of this country in 1975. It operates on the lower level of the hierarchy of the court system we have after the local court was abolished by Parliament in August 2000.

As we all know, the National Executive Council made a decision last year to put all our hard working village court magistrates, councilors, peace and land mediators on the Public Service payroll commencing 1 January 2014. It is, therefore, timely that we redefine the jurisdiction of the Village Court and increase their rolls so that whilst they get their salary on a fortnightly basis, we also get more value for the money that we pay to them.

Mr Speaker, the system of village courts has been in existence for the last 36 years under the *Village Court Act 1973*, until 1989 when the first Amendments to the original legislation was made.

Mr Speaker, village courts are the most accessible and cost effective means of Justice Administration. PNG is unique in having this system of justice bringing together formal and informal processes in addressing law and order issues at the local community level of our nation.

Mr Speaker, this Bill seeks to:-

(1) Modernise the *Village Court Act 1989*, to accommodate the changing relationships, conflicts and issues in villages and for the ever increasing settlement population migrating into urban areas with their varied ethnic and cultural heritages

(2) Strengthening the role of village courts in protecting the rights of women and children and addressing violence in PNG community.

(3) Ensure that village courts comply with our Constitutional requirements including those protecting the rights of people accessing the courts.

(4) Set limits to the number of officials appointed to each village court to make it manageable and cost effective and to ensure speedy processes of appointment and revocation.

## **20/03**

(5) Overcome ambiguity and conflicts with other legislations and address grey areas in the legislation for effective and efficient administration of village courts.

(6) Clarify Ministerial responsibility for the proclamation of village courts and their suspension as well as the abolition of appointments, suspension and revocation of village court magistrates, the chairman and the deputy chairman.

(7) Limit the tenure for office and officials and provide for the review of the performance of these officials at a three year interval.

(8) Incorporate appointment of at least one female magistrate to each village court as equal partners in development and decision making and assist in making a safe environment for our people to live in.

(9) Locate responsibility for the appointment and revocation of peace officers and court clerk who perform supervisory and administrative roles with the provincial administrator.

(10) Strengthen the role of village courts in their supervisory roles in appeals and review processes and endorsements of imprisonments orders for village courts to comply with the law and for law and order to prevail.

Mr Speaker, the village courts play an important role in upholding local law and order both in urban settlements and the rural villages where the bulk of the people live. When parliamentarians, policy makers, bureaucrats and others talk about the decentralisation of functions and responsibilities, I note that the functions regarding the establishment of the administration of village courts was decentralised to the provincial governments by law in 1995 under the *Organic Law on Provincial and Local Level Governments*.

There are 1 490 village courts operating across the country with 16 194 officials who sit as magistrates, peace officers and clerks in these courts to maintain law and order at the local level. It is simple and quick to get a dispute resolved through the village court and it is done at low cost. These attract more people to take their cases to village courts than to other bigger courts.

After the local court was abolished in August 2000, the village courts have been dealing with a lot of cases that would otherwise fall within the district court. This provides a much greater level of access to justice than would otherwise be available. I am proud to say that some of the village courts established in the remotest parts of the country deal with many cases because there is no district court and police presence and they are the only government authority that represents the State to maintain law and order in those environments. We should recognise their crucial role in these communities and support their roles in minimising conflicts and these amendments will help to achieve these goals.

Mr Speaker, while we work in air conditioned offices and are comfortable, the village courts are trying their best to contain law and order for our people and often work tirelessly in very trying conditions. I seek undivided support from all Members of the Parliament to support this Bill which will help the village court officials to perform their roles.

**Sir PUKA TEMU** (Abau- Minister for Public Service) – Mr Speaker, I support the Honourable Minister for Justice in this very important amendment and like all of us who recognised the important roles that these people provide at the village level. We also accord recognition to ward councillors, land mediators and others. And those of us who are making the effort to establish Community Police at that level.

**21/03**

Mr Speaker, while we make laws and policies at this level I think what is going to give full recognition of these important front liners, and I strongly suggest that we include this in the 2015 Budget, is to provide infrastructure for this group of people.

For example, in my village called Kapari, I would put a Government Office complex where the magistrate, ward member, and peace officers are there so that there is that recognition that government services are there. I have an aid post and school and that is called the Government Station.

We want to put up a similar facility there because at the moment when a village court hearings are held under trees, under the village court magistrate's house or at the mission station, and so that recognition is not there.

While this honourable Parliament, in passing the law recognizes them but I think the physical structure being there is a further recognition of their presence as the communities are becoming complex due to their multi-ethnicity.

In my community, there are people from all over the country and there is this village court magistrate dealing with Goilala, Abau, Oro and even Sepik people. So it is a complex issue. In terms of giving support to the front liners, including land mediators and peace officers, I think we really have to provide them with the equipment needed to capacitate them with stationery such as pencils, pens, writing paper and others. They don't have those basic items. So while we are doing all these big things here, we are leaving them like babies without diapers.

So, please Minister, while we are supporting you here, we need to provide the infrastructure out there and you have Abau's full support.

**Mr JOE SUNGI** (Nuku) – On those improvements to our services in village courts and at lower levels, I have served in the province all my life, and I see that history has been set within our legislation because this is the Ninth Parliament. The ninth is the meaning of the nine spiritual fruits so the fruit must be borne now. So I really thank the Attorney-General, with the support of the Prime Minister and the Cabinet and all of us for supporting these amendments and the other bills so that we can see the services flowing down to the roots where all of us are.



My major point of discussion is that we have all the relevant laws and the magistrates will work and we are going to pay them but we will still face problems with Police. The issue of Police is glaringly apparent in any rural station, be it at the district level or at the LLG level. We need to ensure that there are arresting powers as well as logistical support to go down and support them at that level.

To ensure that magistrates perform their tasks to expectations, magistrates will need their village peace offices and ward members to support them. They will be paid and they will be happy but we will fall short because police presence in all our districts is lacking. I don't know about you but in my district there is not one regular policeman or woman there. It is a sad case to see along the border because there is no police presence. That is a big concern.

If we see the law and justice system in its entirety, the law and justice system works together and if you fail in one part, the others will not work.

**22/03**

We must look at how we can set a standard, for instance, how much manpower should each electorate have to assist the functions of essential offices at the district level. And the various manpower needs for the CID, traffic, and drug squad functions all these must be known in order to support the magistrate.

I have been to my District and I have seen that the youths who commit offences threaten and abuse the officials and there is no police to support these officials. It is a very big issue and we must seriously look at the police aspect of it.

I appeal to the Minister for Police to wake up and do something about his Police system in the country. When are we going to see effective Police assistance down at the district levels? We can have all the laws passed in this Parliament but it will not work because the arresting powers are not exercised. I can't afford to bring Mobile Squads into my district let alone the rest of the entire country. We must have a sustainable system in the district so that Police personnel can stay in the district and operate.

We will put up the funding for the houses. I have five houses available but the police are not there. I have no problem with funding, the K10 million DSIP funds is enough for me. I thank the Government for the funds but the question is, how I will manage that money? My district does not have enough policemen. I commend the Attorney General and Minister for Justice for the good effort in creating these laws.

From my heart, I am grateful to see that all these officials in the lowest level of the justice system will now be paid. This is the most important decision our Government has ever made for the good of our rural people.

Mr Speaker, can we as the Government address the issue of increasing police manpower in our districts so that they can support all these legislations that the Parliament passes.

**Mr DE KEWANU** (Mendi) – I thank you, Mr Speaker, for recognising the people of Mendi. Firstly, I take this opportunity on behalf of the people of Mendi to congratulate this Government for finally appreciating the work of magistrates and councillors in the wards. It is history in this country to notice front liners.

When I took office, I recognised the important work that magistrates do and the first thing that I did was to pay them an allowance and buy them uniforms. I can tell you that some of the magistrates have worked tirelessly over the years and they take their job with commitment and pride even without recognition from anybody. In some villages the parties who are there to be mediated upon pay the magistrates for them to hear the cases.

For the Government to recognise these people, it will go down in the history of this country. Some magistrates who have worked over 30 to 40 years are now excited about this news. I commend the Minister because the Government has recognised their efforts and now the responsibility will be given to the magistrates who must now perform at those levels. There are violent situations beyond compare that occur in the rural areas and these incidents are being handled by village magistrates.

**23/03**

Such situations could have gone out of control but these people have taken the frontline and for our Government to recognise our magistrates, peace officers and council wards members is something that will be embraced throughout the country.

Therefore, I would like to give my support to the Government and the people of Mendi. I also would like to thank the Attorney-General and the Government of the day for recognising what has been overdue for many years. I would like to say that law and order in this country has been maintained at the same level and will now never be the same again because at this time the magistrates, council and ward officers will now perform well making our jobs easier.

Now that we have set the law for them to work on a platform it will set the rural setting as a better place for each and every one of us to control and manage law and order at that level. I am proud and I believe I am also speaking for the 111 Members of Parliament and this Government, that this is something that we have taken on board and things will never be the same again.

In this Ninth Parliament, I can see that there are a lot more things that are going to come, a lot more things have happened with a lot more laws that are going to be passed. This is just only the beginning for the first term of the first year. We have got four more years to go and I can see that things are not going to be the same for this Ninth Parliament and the country.

With the leadership of our Honourable Prime Minister and Deputy Prime Minister and their Government, I can see that the playing field will change. Laws will come into effect and this is just the beginning. I can see the stage that we are setting for this nation. I believe that God has given the wisdom, knowledge and understanding for this Ninth Parliament because things are going to be different like the landscape for our economy.

Therefore, I would like to commend the Attorney-General and this Government for this very important Bill that is before us that we are going to pass today.

**Dr ALLAN MARAT** (Rabaul) – Mr Speaker, I have only a minor point that I would like to mention.

The Minister in his speech made mention of land mediators. Nevertheless, I am happy that village court magistrates are finally being looked after well now. As for land mediators, they are a different class of people. They ought to be treated differently and I think that it is time that they are properly looked after also because they really fall in the category within the legislation, the *Land Disputes Settlement Act*. They are a responsible group of people because they initiate disputes in relation to the 97 per cent of total landmass in this country, which are all customary land.

For some time now, I have had informal discussions with fellow legislators of this Parliament who have also have stressed the importance of looking after land mediators. This is because in the past they have not been properly looked after and in fact the land mediation mechanism within the *Land Disputes Settlement Act* have somewhat faltered because of that.

This is because the process is that from land mediators it goes to the lands court. From the lands court it can then go on to the Land Titles Commission for land tenure conversion and the people can secure titles in that manner.

Nevertheless, I am happy with this village court amendment but for land mediators, I think that they ought to be treated separately. They are under a different category because they look after 97 per cent of the total landmass of this country.

Motion – That the question be put – agreed to.

Motion (by **Mr Kerenga Kua**) agreed to.

That the Bill be now read a second time.

Bill read a second time.

**24/03**

### **Third Reading**

Leave granted to move the third reading forthwith.

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

That the Bill be now read a third time.

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

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

The Bill requiring an absolute majority of 56 Members as required by the *Constitution*, the Speaker ordered that the Bells be rung.

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

**AYES – 75**

**NOES – 0**

Motion so agreed to.

Bill read a third time.

**25/03**

### **ADJOURNMENT**

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

That the Parliament do now adjourn.

The Parliament adjourned at 12.40 p.m..