

SEVENTH DAY

Thursday 31st May 2018

DRAFT HANSARD

<u>Subject:</u>	<u>Page No:</u>
QUESTIONS	1
Supplementary Question	4
Supplementary Question	12
MATTER OF PRIVILEGE	18
NATIONAL LIBRARY, ARCHIVES AND RECORDS SERVICES – 10 YEAR STRAETGIC PLAN 2016-2025 – PAPER AND STATEMENT – MOTION TO TAKE NOTE OF PAPER	22
PERMANENT PARLIAMENTARY COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE – REPORT ON THE REGIONAL PARLIAMENTARY WORKSHOP ON IMPROVING COMPLIANCE WITH THE UNITED NATION’S PROGRAM OF ACTION – PAPER AND STATEMENT – MOTION TO TAKE NOT OF PAPER	25
PERMANENT PARLIAMENTARY COMMITTEE ON EMERGENCY – SECOND REPORT INTO THE 7.5 MAGNITUDE EARTHQUAKE DISASTER IN WESTERN, ENGA, SOUTHERN HIGHLANDS, HELA, GULF AND WEST SEPIK PROVINCES – PAPER AND STATEMENT – MOTION FOR ADOPTION	27
SECOND SITUATION REPORT ON THE HIGHLANDS EARTHQUAKE EMERGENCY RESPONSE – MINISTERIAL STATEMENT – MOTION TO TAKE NOTE OF PAPER	33
UNDP PRESENTATION ON THE BOUGAINVILLE REFERENDUM – STATEMENT BY THE SPEAKER	41
ADJOURNMENT	41

SEVENTH DAY

Thursday 31 May 2018

The Speaker (**Mr Job Pomat**) 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.

The Speaker again took the chair at 10.45 a.m., and invited the Member for Pomio and Minister for Public Service, **Honourable Elias Kapavore**, to say Prayers:

‘Papa long Heven, mi tok tenkyu long dispela dei ken, the 31st day of May 2018, this marks the end of another important month, Lord we thank you for this day. Thank you for the responsibility that you have given us as leaders of this nation. Lord as we stand today, we humble ourselves, as we are in this honourable House, Lord we pray for mercy, for your kindness, for your direction, for leading by your Spirit in our life. Lord, we are not worthy, but we thank you Lord for anointing us, for empowering us to be here today, we asked you Lord to lead the Speaker today in his responsibility, the Prime Minister, the Leader of the Opposition, and all the Members of this Parliament, as we discuss the important matters of our Nation, Lord we pray to lead us by your Holy Spirit Amen’.

QUESTIONS

Awarding of FCAs

Mr GARRY JUFFA – Mr Speaker, I wish to direct my questions to the Minister for Agriculture and Livestock.

Before I ask the questions, I wish to give a little background information. Only a little, unlike some who speak too long.

Minister for Agriculture, Minister for CEPA, Minister for Lands and the Minister for Forestry all look after four ministries which are important for the processing of applications for a kind of permit or licence which they call FCR, Forest Clearance Authority.

Firstly, I wish to acknowledge that these ministers have done a marvellous job on their part in interacting with me accept for the Minister for Forest. He is too busy in his duties

that he had no time to see me or maybe I have no time to see him. But that is alright we will talk about it later. That's enough please.

These four ministries act as watchdogs over our country in the observation of our forest resources so that those who come in to develop those resources are genuine, honest and are respectful of our laws and country.

These four ministries are responsible for ensuring that anybody who claims to be a landowner is a genuine landowner and the area where the work is going to happen is in fact land belonging to that genuine landowner.

These four ministries have employees who are tasked with the responsibility of ensuring that the law is applied and the policies and procedures must also be adhered to by the developers or applicants in the most stringent sense.

The most important of all these ministries is the Agriculture Ministry because the purpose of this FCA is to develop agriculture.

I want all the governors and Open members who have forest resources to take note because this issue is affecting our people and the landowners. It seems that FCAs are becoming like SABLs whereby it is a good idea but some unknown people in government offices and some middlemen or conmen who frequent the back of Boroko Post Office and such places, connive with non-genuine developers with criminal intentions and come in and steal the resources of our people.

When that happens, I go back to the Agricultural Department to do my own research and investigations. I have been to those ministries and communicated with their staff and I want to truly thank those officers from those ministries who met with me and provided information.

02/07

Preliminary investigations have taken place and a report is underway and will be brought here.

My questions are:

(1) Is the Minister aware that his department needs to conduct a vital activity called a community hearing before the application is processed through his department?

His ministry will put out an advertisement notifying the people of that prospected area that within the next 21 to 28 days they are to meet at a designated area to air out their opinion on the proposed developments. It is in such gatherings that we can ascertain those who are against and those who are for the project and also identify the genuine landowners. After this, the department will issue a certificate of compliance. This certificate is not issued until this

hearing has taken place after that, the certificate of compliance is issued, then the Ministry of Forestry is given the FCA

(2) Is the Minister aware that his department is issuing certificates of compliance to at least 80 per cent of FCA without a proper community hearing?

(3) If the certificate of compliance was not given, how did the Ministry of Forest grant the FCA for Collingwood Bay as there was no community hearing?

(4) How was the certificate of compliance obtained?

(5) The FCA was granted before the agricultural plan was received. Is he aware of that?

I will keep asking these questions. In the next session, I will ask CEPA, Lands and eventually the Minister for Forest. I will expose these departments. They are not abiding by the laws. It is not entirely the Ministers fault, but it reflects badly on them because they are responsible for management and the administrative affairs of these departments.

So I want to know whether the Minister is aware that his department is issuing certificate of compliance without a proper community hearing. This is not the case with all FCAs but most especially in Northern Province. Most of the FCAs issued in Northern Province occurred without a proper community hearing. How was this certificate of compliance issued? The people want to know because currently there are tribal fights arising from these disputes and it is happening everywhere. Even in some areas that belong to some of you who are seated here very quietly.

Mr BENNY ALLAN – Thank you, Mr Speaker. I also thank the Governor of Northern Province for asking these very important questions regarding FCA.

Mr Speaker, I want to inform the Governor and the people of Northern Province that this is the first time I have heard that the Department is issuing certificates of compliance without due process being followed.

I am pleased that the Governor has raised these concerns with the officers at the department. He did not raise the concerns with me, but he raised it with my officers so I want to inform the Governor that this is a very serious issue. It is an administrative matter, but we need to investigate this issue and we need to correct it.

Mr Garry Juffa – Point of Order! Minister, you were not present in your office that time, you had some issues to sort out, therefore, I approached your secretary instead and he directed me to the officers who assisted me in my findings.

Mr BENNY ALLAN – Thank you, Mr Speaker. I thank the Governor for having met and discussed the issues with the responsible officers already.

03/07

I will go back to my department and find out from these officers. I want the name or names of those in the group that issued certificates of compliance without following the due process, so that we can deal with them accordingly.

There are four departments that are responsible for issuing FCAs. If we find out that it is within my department, I assure you that we will deal with those responsible accordingly and inform the Governor as to what actions I have undertaken.

Supplementary Question

Conduct Investigation-Forest Clearance Authorities

Mr JOHNSON WAPUNAI – There are two FCAs in Ambunti-Drekikir. As a concerned landowner for these areas, I have no knowledge of meetings conducted by Forestry or Agriculture departments. I was surprised to learn that there are two FCAs being issued and are operating since 2016.

Can you conduct an investigation into how these FCAs were obtained and take appropriate action against those responsible?

Mr BENNY ALLAN – I will respond in the same manner. Give me the correct names of the two FCAs that he is referring to so my department can assist in answering his queries.

Appoint New Board – Nombri Memorial Hospital

Mr MICHAEL BAGIADUA –My questions are directed to the Minister for Health.

Sir Joseph Nombri Memorial Hospital in Kundiawa is an emerging hospital and we are getting referrals right around the country. Recently, there was a problem with the hospital's board and its's CEO. The board and the hospital CEO were implicated after police investigations. And this matter went before the committal court and the CEO is on trial.

- (1) Is the Minister aware of this problem?
- (2) What applicable plans do you have for an interim arrangement?
- (3) How soon can the department implement these arrangements?

Sir PUKA TEMU – I thank the Member for Chimbu for raising important questions in relation to the Hospital in Kundiawa. We acknowledge that his hospital is one of the best in the country. A lot of specialists are coming into the hospital and providing services to our people in that region. And I commend the leadership of the hospital and thank the Governor for raising this issue.

04/07

I want to assure the Governor that yesterday I wrote and signed a letter recommending the appointment of a new CEO and a new Chairman. I am aware that board members and CEO were implicated so I will sit down with the Governor to advise him on the strategy of taking action.

Reveal Trust Fund Audit Findings

Mr JAMES DONALD – Mr Speaker, I wish to direct my questions to the Prime Minister.

Mr Prime Minister, if you can recall, you put a moratorium on Western Province development trust fund which is the non CMCA component and you asked for audit report before the funds can be accessed.

(1) Has the audit been completed, and if so, can you advise us when the report will be presented and when can we start accessing the funds?

(2) If you have the audited report, can you tell us how much of our money is available?

(3) If audit is not done then can you assure us if our money is in safe hands?

Mr Prime Minister, I am asking this because there are so many opportunists here in Waigani, who are trying to have access to our money. The abuse of our funds has been continuing for the last decade.

Mr PETER O'NEILL – Mr Speaker, I thank the Member for North Fly for his questions. It's true that I have put a stop to the draw-down of non-CMCA and CMCA funds that are being managed by the Department of Mining with the Department of Finance, of course pending of non-projects that are along the CMCA and non-CMCA affected villages that have been earmarked for these.

Mr Speaker, for many years huge abuses have taken place in the management of that fund, as the Member has rightfully stated. It's quite shameful that is why I instructed that there be an audit.

As of today, I have not received a full report of the audit and I know that it's difficult to the non-CMCA and CMCA areas, but I will not lift the ban basically because I don't want this abuse to continue.

Mr Speaker, if I don't receive the audit, I will expand the inquiry that is going on into OK Tedi, PNG Sustainable Development Program and the non-CMCA and CMCA programs as well.

Mr Speaker, the people who have been abusing the Trust of our people in Western Province need to be held accountable for their actions. The truth must be told where hundreds of millions of kina from successive governments have been stolen without any evidence of projects on the ground in Western Province.

The people of Western Province have the right to know so if I don't get the report within few months or so I will expand the inquiry. I am almost at the final stages of the terms of reference which will expand into all these organisations so that people know the truth.

Mr Speaker, as soon as I get the audit report, I will table it to the Floor of Parliament so that the entire country will know where the people's money has been spent and who has stolen it. That has to be clearly stated so that people can take the appropriate action that is needed.

05/07

There has been a lot of thieving that has gone on for many decades. The people of Western province, especially Ok Tedi and the villages that have been affected by the mine itself need to get the answers that they deserve.

Supplementary Question

Conduct Immediate Audit

Mr BRYAN KRAMER – Mr Speaker, he has stated that there has been massive fraud and abuse but we are yet to see an audit report to confirm these allegations.

Can the Prime Minister order an audit into this issue? To date there has not been one produced so who is to say that stealing has not continued under his term.

When can he make available an audit to those stakeholders on those trust accounts so that they can establish that those funds are safe and not being misused?

Mr PETER O'NEILL – I can assure the Member for Madang that those funds are safe and none has been drawn down because I have put a stop to it.

Since coming into Government, I have put a stop to the use of that particular fund. I understand now that the balance is close to K300 million. For the first time at least there are some money parked in the fund as we speak today unlike previous times where there was nothing or next to nothing there.

Mr Speaker, as soon as we clear the audit report and table it in Parliament, they will remain shut until people's money are in safe hands and spent on the right purposes. When you talk about fraud, all you have to do is go to Western province. I invite the Member for Madang to stop spending his time on *Facebook* and go and see the real world and then he will know that what we are trying to do is for our people. I am just trying to advise him –

Mr Bryan Kramer – Point of Order! I asked a very clear and precise question to which I have yet to receive an answer.

The Prime Minister is going on about *Facebook* which is already on the front page of our dailies, but that is not my question.

I asked if he will make available to those stakeholders the details of their accounts so they know that it is there and its status.

Mr PETER O'NEILL – I answered the questions but that very busy person keeps twisting his words. I said there is close to K300 million sitting in the account so what more do you want me to say. Do you want me to say it in German for you to understand?

(Laughter in the Chamber)

Mr PETER O'NEILL – Mr Speaker, the Members of Western Province have every right to go down and sit with the Secretary for Mining. You are welcome to go and sit with them because they are managing the accounts and ask for the details. I will authorise him to give you every detail that you want.

However, I will not allow that account to be open until the audit reports are finalised and I table it in Parliament. This is going to be the final position.

Explain Delay – Appointment of Provincial Administrators

Mr CHRIS NANGOI – I direct my question to the Minister for Public Service.

Mr Minister, you stated recently that from 13 appointed Provincial Administrators, only four have their employment contracts cleared while eight are awaiting legal clearance.

What is the cause of the delay?

06/07

Mr ELIAS KAPAVORE – Mr Speaker, I would like to thank the Member for Sumkar for asking this important question.

As I have said recently, we have 20 PA's that excludes NCD and the Bougainville Autonomous Government who operate under their own Act. From the 20 PA's that we have, 12 have been appointed substantively and four were cleared and eight are pending legal clearance. As you saw in yesterday's paper we advertised for Simbu, Manus and Kavieng PA positions.

The reasons for the delays, Mr Speaker, is due to the fact that the Office of the State Solicitor conducts their own due diligence checks, making sure that the process is followed, that is, the positions must be vacant and the positions must be advertised. That process leads to the shortlisting and then it goes to NEC. If any of these procedures are not done properly this causes the delays in regard to contracts of employment clearance.

According to Section 29 of the *Public Service Management Act*, the contracts clearance can be done within 14 days if all these procedures are followed properly.

I can say in this House that we have had few discussions with the Minister for Justice and Attorney General and his team in the last couple of months and it is continuing. We now have a good communication and deliberations going on within our department that will iron out issues of delays and we believe that we continue to sort out areas of delays.

Mr Speaker, on this regard, we just want to mention that we have 22 departmental heads. Out of these, 16 are properly appointed and eight are also acting.

With regard to performance appraisals, Mr Speaker, I would like to emphasise this point, especially the governors and portfolio Minister, once your PAs are appointed it is important that you have KPIs and KRAs in place so that it tracks their performance.

In the past we did not follow this requirement according to law which requires that every year on March 31, summaries of performance for all the Provincial Administrators and departmental heads must be presented to the DPM Secretary. We have not done that in the past.

In fact, last year, we had less than five departmental heads who actually presented their reports on their assessment. We need to improve on this. It is important that the annual

assessment report must be presented to the DPM Secretary as required under Section 30 of the *Public Service Management Act*. I believe we need to improve on this. It is important not only to appoint people but also assess their performance with regard to those not performing and those who are seen to be in abuse of office and decisions can be made appropriately when and where required.

Mr Speaker, while on this, we have continued to roll out the Pacific Leadership and Governance Precinct Program to all the provinces and districts. We have recently changed the PNG IPA to Pacific Institute of Leadership and Governance (PILAG). This is also to support the ongoing capacity building with regard to leadership and governance that must be based on ethics. This also will equate to the performance of all our PAs and our departmental heads.

Mr Speaker, we would like to also make sure that a similar kind of assessment must be also given or done for the CEOs of the districts and to LLG managers and the sector heads as well. We need to monitor the performance for all our departmental heads and make sure they perform according to their job descriptions and this is so important.

Mr Speaker, for so long we continue to allow non-performance and abuse of office to continue to be seen in our respective departments. We must put a stop to this and the way to do this is to monitor the performance through KPIs and KRAs.

Thank you

Effects of New Money Law

Mr IAN LING STUCKEY – Thank you, Mr Speaker. My question is directed to the Prime Minister with regards to the recent enactment of the *Public Money Management and Regularization Act* of 2017, abbreviated as PRMMR Act 2017, for the purpose of this question.

During the passage of this new legislation Finance Minister, James Marape, advised that the legislation was not meant to impede service delivery but to, and I quote, ‘optimise the use of all public funds for the intended purpose which ultimately would be service delivery.’

07/07

However, since the *PMMR Act 2017* was certified in February and came into operation in April 2018, there has been much opposition and public criticism from the affected State entities including the National Fisheries Authority, PNG Forest Authority, PNG Chamber of Mines and the National Information and Communication Technology Authority (NICTA).

My questions to the Prime Minister are:-

(1) Can you confirm that the *PMMR Act 2017* is a draconian law enacted by Government out of desperation simply to access money earned by State entities established under respective Acts of Parliament with powers to raise and spend money?

(2) Was this new money law enacted by Government hoping to bail out the country of the current financial mess and low cash-flow problems Government itself has created?

(3) What do you say about the fact that by channelling all money earned by State entities into Consolidated Revenue Fund, the whole operations of public entities including project funding, salaries and wages and other activities are severely affected?

Thank you, Mr Speaker.

Mr PETER O'NEILL – Thank you, Mr Speaker. I thank the Shadow Treasurer for his question on the PMMR Act that was passed by Parliament recently and is currently enforced by the Finance.

Mr Speaker, as the Finance Minister correctly stated, it was not designed to affect the operations of all the State agencies that are being affected by this Act. The 90/10 rule was established in that Act where they will keep 10 per cent of excess amount of money that they are raising other than the budgeted annual Budget that was approved by the Government to continue supporting the services that these agencies are running.

Mr Speaker, for far too long, we have established statutory authorities and agencies of government with the desire to improve service delivery.

Unfortunately, that has not been the case. We have established little empires everywhere; people receiving money on behalf of our people and our government, managing at freewill pet projects that are not approved by Government, some of which are not for the benefit of our country and our people.

That is why Government has to establish a position that these excess funds that are being managed at self-will by individual agencies must be brought back to consolidated revenue. As required by law at the end of each year, excess funds that are budgeted and not spent are supposed to go into consolidate revenue in any case. But that has not been happening for many years.

Mr Speaker, it is not a draconian law, it is trying to make sure there is accountability of public money that belongs to the people and the country. That is precisely what we are doing.

Mr Speaker, as we speak today, Finance Department has established a separate account to manage these funds which have been brought in. I'm told it is close to K1.6

billion. These funds have not been used to support the ongoing operational expenditure of Government. It has not been put into consolidated revenue at freewill and assumed that it is trying to support our cash-flow situation in the country.

We are managing the cash flow through normal government operations. And that is through the tax revenues, and all the fees that we collect and that are being deposited into the consolidated revenue, and as a result, we are meeting our ongoing obligations.

08/07

We haven't failed to pay a salary, we haven't failed to pay our loan obligations, we are continuing to pay our TFF, and we are funding our health programmes through the country.

Of course there are challenges remaining but, Mr Speaker, when you look back to where we were in 2010, 2011 and even beyond that, to 2002 onwards, our economy has been growing but what investments can we say we have done in the country.

(Mr Bryan Kramer interjecting!)

Mr PETER O'NIELL – Yes, you can ask the government then. I am very glad that the Member for Madang is mouthing off. He should ask his colleagues on the other side. What did we do with the K8 billion that was parked in the trust accounts. You can't even name one project that you've done in that time.

Mr Speaker, LNG was done by borrowed money and the selling off of our assets to fund that. It wasn't done through the surplus money that we had in the accounts so don't get into an argument that will get you into hot water. Argue with some common sense.

So, Mr Speaker, I was very interested in a data that we collected recently from certain international agencies like ANZ, Societie Generale, Credit Suisse, Bank of China. All these organisations who are doing business with Papua New Guinea put out data independently to try to make sense of where we are in terms of our economy.

Mr Speaker, our nominal GDP in 2010 was K38 billion. In 2016, it was K64 billion and I expect it will exceed K80 billion nominal GDP by the end of this year. That is a doubling of the size of our economy within that time. So the economy is growing.

How cannot you see the activities that are going on out there? It is good to see the Member for Sinasina holding his DDA meeting in Kundiawa very recently. That is very

good. Where do you think you got the money from, Member for Sinasina? Come on, give credit where it is due.

Mr Kerenga Kua – Point of Order! He is digressing from answering the question but let me say this, Mr Speaker, in 2016, I only got K1 million in November. So, where is the money that you promised? You promised Sinasina-Yonggamugl K10.5 million in 2016, as you did to the other electorates. They all got K1 million, I also got K1 million. I didn't get K9.5 so, where is the money you said you gave to me and my people in the district. Stick to the fact, I am trying to be supportive and keeping quiet over here.

Mr PETER O'NEILL – Thank you, Mr Speaker, What he failed to say was that in 2014 and 2015 he got more than K10 million like everyone else. So, I am quite happy to provide each individual data to this House on how much each electorate got since 2012 and 2013. I am quite happy to present that data to Parliament so we can know who is telling the truth. In any case let us get back to the questions by the Member for Kavieng.

The answer is that, no, the funds are still kept in the trust account that is now sitting down with each agency of government and clearing what programs are genuine programs that need to be funded properly and the funds will be returned to those agencies but we are not going to fund projects that are going to waste money in this country. And we are going to put it to the right use of delivering services to this country.

Supplementary Questions

Act Gives Financial Autonomy

Mr KERENGA KUA – An important supplementary, Mr Speaker. Not long ago, this Parliament, under the sponsorship of that government, put through an amendment to the *Mineral Resources Authority Act* giving them total financial autonomy.

09/07

The effect of which was that no revenue generated by that organisation would flow through the consolidated revenue to support the work of the government. You would recall I took objection to that and we were outnumbered and the Bill went through and became an Act.

Subsequent to that, they passed a *Public Finances Management Regulation Act* clawing back all revenue from those authorities including the Mineral Resources Authority.

(1) Are they now admitting that they have made a fatal mistake in passing through bills giving financial autonomy to organisations which are government instrumentalities and agencies contradicting themselves?

(2) Are they going to support other ministers who are now going to be coming through with similar proposals to give financial autonomy to their departments and agencies similar to how MRA got away with or are they going to stick to their Regulation Act?

Mr PETER O'NEIL – In my understanding with the *MRA Act* that we did, part of it was to make sure that we reshape the Board of MRA. The second part of it was giving them the authority to raise revenue. I don't think it was an authority to keep it but I will get our treasury people to look into that and write to the Member for Sinasina-Yonggamugl and inform him the exact provisions of that law. The PMMR Act simply says that all the funds that are left over must come back to the consolidated revenue. I will, however, write to the Member and get some advice on this particular provision that he is referring to.

Funds for Chuave Road

Mr GEOFFREY KAMA – I would like to direct my question to the Minister for Works but since he is not here, I will re-direct it to the Prime Minister.

This is about a road from Chuave to my electorate. This is a 9.8 kilometre road that was tendered in March 2017 and many people applied for that contract. However, the contract has already been awarded to one contractor but they can't work on it because that company is not from that area.

There were local contractors who applied who met the requirements but the Minister for Works maintains his own criteria.

The contract was signed in April 2017, 14 months ago, but the company has not started work. I understand there was an APC approval given by the Finance Department. The contract has terminated itself since the time frame has caught up. I have, however, decided to move in machinery from my district to carry out work since this is an important road. It is estimated to cost around K10 million but my district does not have that kind of money, given the country's financial situation

10/07

I began this work because it is a priority project for my people. And a similar work is being done in Karamui. We cannot wait and continue to ask for funding because we want to deliver. I have begun the road projects to connect to Karamui, with or without funding assistance. I will do it to connect my people to the main roads so they enjoy the benefits. For Chuave, K10 million was earmarked to build this road but is yet to be received, however, I will build it with or without funding. There is a budget out to build these roads but I am waiting to see which contractor would be awarded to do these works.

My question is in relation to the Chuave road. Approval was done in April last year, which means financing was done as well.

Can the Prime Minister confirm whether the funds earmarked for this road is available or has it been used up?

If the money is still available, we have a contractor ready to begin work. We have about 80 kilometres to complete so if there are funds or can the treasury release some funds so that we get logistics and other work done so that the road project will continue. This is because my DSIP is not enough to complete the project.

Mr PETER O'NEILL –I thank the Member for Karamui Nomane for his question. We have a strong commitment to link Karamui to Kundiawa and the rest of the Highlands highway. Every year we have continuously funded various roads that lead to Karamui, and Gumine. A couple were done by the former member and also by the former governor. We are still committed to making sure that we fill the missing link so that our people will have access to better goods and services. Karamui has huge potential for agriculture and it is important that this road connecting Karamui through Chuave must continue.

And if the Member is saying the contractor was not performing and the contract was cancelled, this only means that we have to re-advertise and get a new contractor to complete the work. If the information provided by the Member is correct, I will advise Works Department to make sure to advertise and get a new contractor to continue the work.

Explain Legal Implications – Facebook Users

Mr PETER NUMU – My questions are directed to the Minister for Justice and Attorney General, and for the Minister for Communications, Information Technology and

Energy to take note. It is in relation to the administering of justice, surrounding the issue of *Facebook* in the country.

Yesterday, the Governor of Madang raised an issue regarding his stand on *Facebook* and defamation of character. I know this affects most of us as well. There are those of us who are suffering in silence. He also mentioned that it is difficult to see their real identities behind the names that they use on social media networks. It will be difficult to redress because such actions create a bad image and destroys our character as well as our good intentions in the community.

(1) If there are people defaming others, how do we hold them accountable for their actions?

(2) Where can we draw the line of negligence or duty of care to hold either the State or the *Facebook* company accountable?

11/07

(3) If duty of care or responsibility is with the State, can we fix it because issues on *Facebook* are affecting our society, community, politics, churches and businesses.

Given the changing challenges in the globalised world, if the duty of care or responsibility rests with *Facebook* and we fail to administer this social media in our country and if we can't fix it, can we sue the *Facebook* for those of us to seek redress?

(4) Can you advise this Government, as the principal legal advisor to the Government, that if we cannot fix this then can we totally ban *Facebook* because it doesn't fit into our government systems, our laws and regulations and our society at large?

Mr DAVIS STEVEN – Mr Speaker, I thank the Governor of Eastern Highlands Province for giving me the opportunity to express certain views on the current debate in our country that relates to social media, especially in respect to *Facebook*.

Mr Speaker, I must express some caution in the beginning that the *Standing Orders* that rule our proceedings don't permit questions that seek an opinion whether legal or otherwise from a minister. We need to be very careful in that regard, Mr Speaker, and I hope that you can take note of that.

But I can address the broader issues for the benefit of the House and our people. I will nevertheless ask the Governor of Eastern Highlands to put his request for a specific legal opinion to my office and the State Solicitor of our country will be able to give an opinion that might suit the requirements of our Governor.

Mr Speaker, as I said, these questions give me an opportunity to make certain points on the current debate in respect to our reaction as a leadership to the issues that now arise in the current concerns on *Facebook* and our Government's intention to take action.

First of all, we talk about the rights and freedom of speech and I take the opportunity to remind the critics and those who are debating this issue that the same *Constitution* that gives the rights for the freedom of speech also gives the right and the expectation of our citizens to the full protection of the law. In other words, the rights of freedom of speech does not license anyone to commit a crime or to invade and unfairly assassinate other citizens character and standings in society. In other words, that right or the freedom to an expression of opinion also comes with it a duty or responsibility to observe the rights of others to be treated with dignity and respect.

So the questions raise an important issue for leadership of any government from the point of view of the laws and those of us who manage our legal systems; it's a balancing act. There is the right of those who want to take full advantage of the social media, often times it is individuals and in other circumstances these are groups, but these rights need to be balanced with competing interests. There is the public good and there is the welfare of our society at large that needs to be secured.

12/07

When the authors of our *Constitution* in 1975 wrote the *Constitution* of our country obviously they did not anticipate a time and a period when we would have such an invasion or such an open playing field with the social media and its effects on our communities today, four decades later.

Perhaps four years ago we began to take notice as a leadership to begin to address this particular social phenomena; this particular advancement in technology.

So as a result, this honourable House has passed the *Cyber Crimes Act* and we have reacted in reviewing and amending certain legislation, including the legislation that empower and enable the Censorship Board.

Mr Speaker, one just needs to look at the reaction of the Senate in the United States in recent times. It is that reaction that prompted our own Communications Minister to be concerned about our own response. In fact, in a matter of days we see the European Union react to the *Facebook* issue that affects their economy and their people.

So, Mr Speaker, I take the opportunity to say that it is our role and our responsibility as leaders to be able to protect and to be able to enquire into our own laws and see whether our citizens are protected.

Mr Speaker, I am coming to a point where I need to answer in a general way what the honourable Governor has asked, the question about his right or our rights as leaders and those of our citizens who might seek redress. The simple answer is, yes, those who offend or those who abuse this freedom in the social media space are liable for prosecution. The first option is to prosecute. That means that the offended or the aggrieved citizens have the right under our current legislation to initiate prosecution. This is a recent law, I might add, a law that requires to be tested, more prosecution so that we see whether it is adequate or not.

(Mr Bryan Kramer interjecting!)

Mr DAVIS STEVEN – And, Mr Speaker, if the Member for Madang can keep quiet, he might get some education on what I am saying.

And the other option, Mr Speaker, is within the civil jurisdiction of our courts. The laws of defamation have been part of our laws since Independence. For damages, Mr Speaker, as we all know, the intention or philosophy of the law on damages is to restore a person's standing, to repair an apparent damage that may have occurred as a result of an incorrect statement being made deliberately. Mr Speaker, that option exists today.

But this gives me the opportunity to say to our people and to this House, Mr Speaker, whether the current legislations are adequate, whether the laws of evidence, the rules of procedure and whether the systems exists for our people who are aggrieved to find redress in court are the very questions that this government must address. And this House must now address.

In fact, I venture to suggest, Mr Speaker, that by an unanimous bi-partisan approach we should, in fact, require the owner of *Facebook* to come and answer to our own Parliamentary Committee. What stops us as a sovereign nation from requiring that?

The Member for Madang is talking about jurisdiction, that's an issue that we can address. And if he can just consult the learned men in front of him, I'm sure he'll keep quiet.

13/07

Mr Speaker that is the reason our people need to be tolerant and try to understand what the Minister for Communication is seeking to do.

Mr Peter Numu – Point of Order! The Minister has answered the question satisfactorily, it is just that, I am referring to those who are creating false accounts in which we cannot seek redress from. If we cannot fix this, then that is a big problem in our country.

Mr DAVIS STEVEN – Mr Speaker, that is the point I am making. The Governor is interested and our people are interested in knowing whether our laws are adequate to protect them. And these are laws that seek to address very technical issues.

Mr Speaker, none of us on both sides of this House, with great respect, understand the complexity or technical complexity of *Facebook* and all these communication mediums that are being operated in our country. Of course, I hear the sentiments of the others on the other side, who say they have some expertise, but this expertise must now be followed through so that policy and legislation is formulated and can be administered. The Governor is right. He speaks about the administration of justice in our time. How do we protect our children, our people and our leaders? And then it raises the question of redress. Redress is about going to court but when 85 per cent of our people can ill-afford legal costs, are we ready? Are we prepared?

Mr Speaker, are we prepared to fund the Office of the Public Solicitor that the *Constitution* has created to protect the mercies of our country? Are we prepared to go down the legislation so that the lawyers can be compelled by law to provide pro bono services for those of our citizens who need protection of the laws?

Mr Speaker, those are the serious issues and serious questions that we need to address today. It's not about the convenience of protecting our officers who are already abusing their rights on *Facebook*. So I say today, although the honourable Governor has raised the question about the line of responsibility the duty of care, those are important legal concepts that I will get the State Solicitor to dwell on in a proper legal opinion that I will furnish the honourable Governor. Yes, the short answer, Mr Speaker, in our laws today, we can prosecute criminally. Those who seek redress can go to Court under the civil jurisdiction for damage.

Thank you.

MATTER OF PRIVILEGE

Mr KOBBY BOMOREO (Tewai-Siassi) – I ask leave of the Chair to raise a Matter of Privilege under *Standing Order No.97*.

Mr SPEAKER – Leave granted, go ahead.

Mr KOBBY BOMOREO – Mr Speaker, I thank you for allowing me to address this honourable House of Parliament.

Mr Speaker, this honourable House is the people’s House. We are their representatives. We are elected by them to represent their interests.

Mr Speaker, when we refer to one another as honourable Member of Parliament, it is in reference to the people we represent. What this means , Mr Speaker, is that, even if we feel strongly about national issues or other matters, we must recognise and accord to Members of Parliament the appropriate respect, decorum and dignity as represented of their people from their various districts and provinces that make up our great nation.

Mr Speaker, this is why a *Facebook* post headlined, ‘Did the dumb just get dumber?’ - a label to the honourable Member for Bulolo and Minister for Communications, Information Technology and Energy and Parliamentary Leader of Pangu Party - is highly unacceptable.

14/07

Mr Speaker, to make it worse, it is attributed to one Honourable Member of Parliament, casting sludge and labelling another honourable Member of Parliament, which is not acceptable.

Mr Speaker, as Member of Parliament -

(Opposition Members interjecting)

Mr KOBBY BOMOREO – We all have following of voters, supporters and fan clubs, we save these perceptions and lead or mislead them by our words.

Mr Speaker, the labels we extend to each other can demean each other’s standing and can un-naturally inflame and incite members of the public against our leaders or Ministers in Parliament. The honourable Member for Bulolo is definitely not dumb, but because of the Member for Madang’s post on *Facebook* -

Mr Bryan Kramer – Point of Order!

(Government Members interjecting)

Mr KOBBY BOMOREO – Let me finish!

Mr Bryan Kramer – Point of Order! Sorry, Mr Speaker, just a matter of protocol. I wasn't aware that the Member had sought leave of the Chair to give a personal statement. I understand he is supposed to present a statement to Parliament as the Chairman of the Permanent Parliamentary Committee.

(Government Members interjecting)

Mr SPEAKER – Honourable Member, your point of order is out of order because he did seek leave of Parliament to make this statement

Mr Bryan Kramer – I did not hear him seek leave.

Mr SPEAKER – Honourable Member for Tewai-Siassi, you can continue.

Mr KOBBY BOMOREO – The Honourable Member for Bulolo is definitely not dumb but because of the Madang Member's post, his fans are adding to this untrue, indecent demeaning reference. Is the honourable Member for Madang, a first-time Member, suggesting that the people have been electing a dumb member for a third time? That is not on!

Mr Speaker, what has the first-time Member for Madang done for the people of Madang in this first year of his first term of Parliament compared with what the Member for Bulolo has done over 11 years?

Mr Speaker, does the honourable Member for Madang also realise that he is insulting 14 other Members of Parliament who are Pangu Members led by the Bulolo MP?

Mr Speaker, we have to stop this kind of irresponsible labelling of one another of responsible National leaders in our conduct, speeches and writing both in Parliament and outside of the Parliament.

Mr Speaker, it is for this reason that I request the Chair to refer the Member for Madang Honourable Bryan Kramer.

Mr SPEAKER – Honourable Member for Tewai-Siassi, can you get to the point of your grievances and it can be taken up.

Mr KOBBY BOMOREO – Mr Speaker, I am almost finished. It is for this reason, I now request the Chair to refer the Member for Madang, Honourable Bryan Kramer, to the Parliamentary Privileges Committee.

I ask leave of the Chair to present this statement and other printed documents here with me. Thank you.

Mr SPEAKER – Honourable Member, the Chair will take up your grievances and analyse it. If it is a matter for the Privileges Committee then the Speaker will announce its decision tomorrow during the Sitting, however, if it does not fall under the powers of the Privilege Committee then the Chair will advise you on how to seek redress regarding the issue.

Mr Kerenga Kua – Point of Order! This publications –

15/07

Mr SPEAKER – Wait, wait, wait, the Chair has not recognised you yet and you are already raising your point of order. Honourable Members, let me inform you that when you want to raise points of order you must allow the Chair to give you permission.

What is your Point of Order?

Mr Kerenga Kua – Point of Order! If these comments are true and they have appeared on *Facebook* and social media, it is better for Parliament not to become involved. There are other avenues where you can seek redress outside of Parliament which have been set up by the law and the system has acknowledged. So let it go to the court house.

If somebody is offended let him take it to the courts and let the laws of defamation which the Attorney-General just explained deal with it.

If this publication appears on the Floor of Parliament then you can refer it to the Privileges Committee. This thing happened outside of the Parliament where there are other avenues. Why usurp the functions of those outside of the Parliament and try to control freedom of speech? Right or wrong, we are leaders and must accept some level of criticisms.

So this matter is not appropriate for this Parliament to deal with, it should be dealt with through the court system.

Mr SPEAKER – Thank you, honourable Member for Sinasina-Yonggamugl, I think you did not hear properly. Your point of order is ruled out of order by the Chair because the Chair explained explicitly that it will study the matter and if it is a matter for the Privileges Committee to deal with, it will deal with it, otherwise the Chair will make a ruling tomorrow.

**NATIONAL LIBRARY, ARCHIVES AND RECORDS SERVICES –
10 YEAR STRATEGIC PLAN 2016-2025 – PAPER AND STATEMENT –
MOTION TO TAKE NOTE OF PAPER**

Mr NICK KUMAN (Gumine – Minister for Education) – I present the following paper pursuant to statute:

‘National Library, Archives and Records Services – 10 Year Strategic Plan 2016-2025’

I ask leave of Parliament to make a statement in connection with the report.

Leave granted.

Mr Speaker, in the last term of Parliament, I delivered a statement in May, 2014, giving an overview of the priorities of the ministry in which I was in charge. I had the opportunity to recognise the achievements but also highlighted the challenges that come under the ministry with a view to mitigate the challenges going forward.

Four years on, Mr Speaker, I am here now to present to this Parliament, the achievements and progress we have made in an attempt to addressing some of the key challenges faced with the ministry. And I’m thankful that the Cabinet has taken the oversight of the 10-year Development Plan for the ministry of Library, Archives and Records Services.

Mr Speaker, under the leadership of Prime Minister O’Neill, this Government spearheaded key reforms which I have highlighted over the years during my term as minister

responsible for Education in the last parliament. One of those important deliverables is the 10-Year Development Plan for National Library, Archives and Record Services.

The plan underpins the strategic direction on how the State can achieve the goals and visions of fair and equitable provision of library and archival services to the people of Papua New Guinea.

16/07

The plan focuses on providing a roadmap for library and archives restoration in the next ten years going forward.

Mr Speaker, library functions were decentralised into the provinces in the 1980s and as part of the decentralisation process, all library and archive services were transferred to the respective provinces. However, the provincial government lacking the capacity and the funding, we have seen the libraries and the archives services throughout the country continuously scale down. Up to today, we have only six surviving and they are in Port Moresby, Lae, Alotau, Goroka, Kavieng and Arawa

The O'Neill Government has given prominence to education since 2012 when it came into office. It became one of the top priorities of the Government. The National Library in response realigned its responsibility, and one is to ensure that we revive our library services throughout the country. This is to ensure that the information provision of the library services to the people, protecting and safe-guarding the history records of our country are protected for the future generation of this country. This is in line with the pillars of the Vision 2050.

The NEC has approved and endorsed the 10-year Development Plan to develop and revive the library services right throughout the country and the archives and records services in the major centres of this country including Port Moresby. The archives services must be protected and stored in one establishment. For instance, the Health services, Lands Department and a host of all other government agencies have huge volumes of archives and some of those archives and files have become obsolete from after 10 to 20 years. These can be stored in a central point. This program will complement also the Government's continuous support in the education sector and particularly the TFF Policy.

Information develops human capital and the Library and the Archives speed the links as information banks to facilitate the learning and growth process.

Mr Speaker, one cannot underestimate the significant benefit inherited in the libraries and archives. The greater access to information is a key to unlocking the world. With the

support of the Prime Minister, I wanted to ensure that this Government makes it its business to enable its citizens to have access to up-to-date information that can be used to make informative decisions about life and to progress their human interactions within the society that they operate. Library services goes right to the heart.

17/07

Mr Speaker, under the Development Plan, we want to achieve the delivery of information banks to the people through the roll-out of library services both through books and e-platforms (e-library) to Provinces and their respective districts and schools. We intend to connect all government agencies, schools, and the wider stakeholders.

We want to engage urban councils and encourage them to develop resource centres within their functions and responsibilities.

Mr Speaker, the plan envisages to achieve and enhance the growth of library services to a level that can demonstrate this Government's commitment to developing its human capital by providing access to information as a platform for growth. The plan also intends to embark on converting all government documents into electronic versions. This is critical to ensure our future generation appreciates the historical records as a source of information to guide the conduct of their personnel growth and development of the country.

Mr Speaker, to conclude, I want to reassure this Parliament that for the first time, this Government has embarked on a strategy that will guide the development of the information provisions and the protecting of our critical and vital significant state information through protecting and harnessing for future growth and development under the leadership of the Prime Minister.

Mr Speaker, it is critically important that all government departments and instrumentalities of State need to collaborate to ensure their historical and significant information are kept in archival programs not only for reference for the future generation and to protect the national interests but to protect nation's essential records from threats of natural and man-made disasters.

Mr Speaker, to achieve the intended outcomes under the Strategy, it is incumbent that all stakeholders involved in this discourse must take ownership of the various programs under the strategy. It is incumbent on local authorities to take ownership of the roll-out of library services to provinces and districts and the subnational levels.

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

**PERMANENT PARLIAMENTARY COMMITTEE ON FOREIGN AFFAIRS AND
DEFENCE – REPORT ON THE REGIONAL PARLIAMENTARY WORKSHOP
ON IMPROVING COMPLIANCE WITH THE UNITED NATION’S PROGRAM
OF ACTION – PAPER AND STATEMENT –
MOTION TO TAKE NOTE OF PAPER**

Mr SALIO WAIPO(Angoram - Chairman) – Mr Speaker,I rise to present a report on the Permanent Parliamentary Committee on Foreign Affairs and Defence, on a regional parliamentary workshop on the United Nations Programme of Action addressing illicit trade and small arms & and light weapons in Apia, Samoa, 26-27 April, 2018.

Mr Speaker, before I make my speech, I would like to thank the Chair for making this trip possible for our country to participate in. I will be very brief and I want the Minister for Foreign Affairs and the Minister for Defence to take note, and shed some light on the delay of Papua New Guinea in repealing the Arms Trait Treaty (ATT)

The initial trade in small arms and weapons continues to be a very serious problem in a number of countries in the Pacific region. The negative impact of the illicit trade of small arms and light weapons, not only leads to loss of lives and serious injuries but it also negatively impacts the achievements of the United Nations Sustainable Development Goal No.16.

18/07

Mr Speaker, Papua New Guinea like other countries in the Pacific region is committed to fulfilling the Pacific Vision of a stable, peaceful and safe region for all members of the Society by continuing to cooperate at the sub-regional,regional and international levels to facilitate the implementing of the United Nations Program of Action (UNPoA) on Small Arms and Light Weapons (SALW) including the ratifying the ATT.

Mr Speaker, in the last three years, Papua New Guinea parliamentarians have been consistently attending the various activities of PGA. This clearly demonstrates Papua New Guinea's commitment to the spirit and the objectives of PGA. When my predecessor, honourable John Simon, attended the Annual Parliamentary Forum on Peace and Security in El Salvador from 30 November to 1 December, 2015, he reiterated what the PNG Foreign Minister, Honourable Rimbink Pato, said about

Papua New Guinea's implementation efforts on United Nations Programme of Action including the ratification of the Arms Trade Treaty.

Mr Speaker, the Foreign Affairs Minister said that there are two pieces of legislation that are before Papua New Guinea's parliament and once passed would set the premise for Papua New Guinea to implement the United Nations Programme of Action on Illicit Trade in Small Arms and Light Weapons . These two piece of legislations are: The Defense White Paper and The National Security Policy, which are still outstanding to date.

Mr Speaker, since then, our technocrat have undergone studies, attended all conferences relating to UNPoA on Illicit Trade in Small Arms and Light Weapons including the Arms Trade Treaty in order to understand their implications and then consolidate where Papua New Guinea stands in terms of our own Security Policy and Defence Force matters.

Mr Speaker, Papua New Guinea firmly believes that the work of the PGA through its Peace and Democracy Program play a critical role in mobilising collective support to help members improve their domestic legislations relating to the illicit trade in small arms and light weapons. Hence, Papua New Guinea remains committed to working in partnership with parliamentarians of committees in our region to leverage support from the PGA format to improve regulations and legislations of International Arms Trade within respective governments.

Mr Speaker, Papua New Guinea also remains committed in continuing to reviewing and addressing the legislative gaps in view of the provisions outlined under the UNPoA.

Mr Speaker, while on this, it is pleasing to note that Papua New Guinea is on the right path by passing (a) the Firearms (Amendment) Bill 2018, [awaiting Certification] and (b) the *Summary Offences (Amendment) Act 2018* with the view to imposing tough penalties on petty crimes.

Mr Speaker, I must also add here that, the marginalisation of women can also lead to unnecessary delays in achieving sustainable peace, security and reconciliation outcomes for the cause of our women folks in our region. Some of our Pacific Island countries, example Cook Islands and Samoa, had devised programs to have women as role models to champion the cause for young girls and mentor them to take leadership roles not only in their family units but in bureaucracy and political leadership.

19/07

Mr Speaker, finally, I am pleased to reiterate Papua New Guinea's support to continue engaging with PGA and other parliaments within the region. I am also confident that through

such deliberations, we can continue to make progress in complying with the UNPoA addressing the Illicit Trade in Small Arms and Light Weapons in our region.

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

**PERMANENT PARLIAMENTARY COMMITTEE ON EMERGENCY – SECOND
REPORT INTO THE 7.5 MAGNITUDE EARTHQUAKE DISASTER IN WESTERN,
ENGA, SOUTHERN HIGHLANDS, HELA, GULF AND WEST SEPIK PROVINCES
– PAPER AND STATEMENT – MOTION FOR ADOPTION**

Mr KOBBY BOMOREO (Tewai-Siassi - Chairman) – Mr Speaker, it is my pleasure to present to this Parliament, the second report of the Permanent Parliamentary Committee on Emergency on the National Emergency that was declared on the 19 March, 2018, retrospective to the 7.5 magnitude earthquake that occurred on 25 February, 2018.

Mr Speaker, I sincerely would like to thank fellow members of the Committee. Honourable Robert Naguri (Deputy Chairman), Honourable William Nakin, Honourable Jonny Alonk and Honourable Thomas Pelika for being with me.

I also thank the Speaker and the Deputy Speaker for giving their full support to my committee in the first and the second enquiry.

Mr Speaker, I also thank the House for adopting the first report and the Government for implementing the recommendations of my committee.

Mr Speaker, the Permanent Parliamentary Committee on Emergency is established by the *Constitution*, Section 240 to 242 and provides for the Parliamentary Emergency Committee to carryout investigations in the areas of Hela, Enga, Southern Highlands, Western, Gulf and West Sepik provinces that have been affected by the disaster.

Mr Speaker, *Section 242(2)* of the *Constitution* sets out the duties and responsibilities of the Emergency Committee. *The Emergency Committee Act 1979* being an Act to implement *Section 240 to 242* of the *Constitution* empowers and gives mandate to the Emergency Committee.

The Emergency Committee had the following Terms of Reference. It was to present to the Parliament a Statement as to; (1) whether or not the period of declared national emergency should continue and (2) the justification for the operations of the emergency laws and (3)

whether or not any emergency laws should be altered and such other related matters as it thinks fit.

20/07

Mr Speaker, on 19 March, 2018, the Head of the State, acting on advice from the National Executive Council declared, a State of Emergency in parts of the Highlands and the surrounding provinces that were affected by the earthquake that occurred on 26 February, 2018, with the magnitude of 7.5 on the Richter scale.

Parliament was then recalled to consider the emergency laws in relation to the existence of a national emergency in Southern Highlands, Hela, Gulf, Western Province and Hagen on the 27 of March 2018.

Mr Speaker, as in Section 228 of the *Constitution*, the National Executive Councils declared a National Emergency gazetted on 19 April, 2018. The declaration of a National Emergency covered Western, Hagen, Southern Highlands, Hela and Gulf provinces.

Mr Speaker, this report documents the views from relevant stakeholders in accordance with the terms of reference on the Inquiry and draws on the recommendations of my committee's first report

Mr Speaker, the role of my committee in this inquiry is to follow up on some of the recommendations in its preliminary report. The committee employed a bipartisan approach in understanding the views of the stakeholders on what the issues were on the ground.

Mr Speaker, the inquiry was conducted through interviews, meetings and written submissions. Witnesses were asked to provide verbal submissions which were recorded for transcriptions.

Mr Speaker, the committee also made key observations from these submissions and proposed ways forward in addressing some of these issues. The finding of the committee is addressed in two parts; General Findings and Specific Arrestment relating to specific provinces.

Mr Speaker, the first was visit from 2-11 April, 2018. The Emergency Committee comprised of committee members and secretarial staff who visited 6 provinces that were affected.

Mr Speaker, These areas included, Kiunga, Western, Kandep in Wabag, Mendi, Bosawe, Kutubu, Pimagar, Nipa in the Southern Highlands, Margarima in Hela, Kaiva in Gulf, Telefomin in West Sepik.

In our second visit from 17-25 May, 2018, the Emergency Committee visited Kiunga (Western), Mendi (Southern Highlands), and Kikori (Gulf) and sent a delegate to Tari for security concerns.

The purpose of the second trip was to:

(i) Assess the operation of the current State of Emergency which was declared on the 19 March, 2018, and further extended for two months from 13 April to 13 June, 2018;

(ii) Follow-up on the recommendations of the Emergency Committee's earlier assessment reported in April 2018.

Mr Speaker, the inquiry was held in several locations namely; Mount Hagen, Mendi, Kiunga, Kikori and Port Moresby (NCD).

Mr Speaker, the committee recognises and commends the Government of Papua New Guinea for responding immediately within 72 hours to the Emergency when it happened in the start. We would like to thank the Prime Minister, personally, who visited the affected areas in the immediate aftermath of the earthquake with a team of senior Government officials.

21/07

He further announced an immediate State of Emergency for disaster areas in Hela, Southern Highlands, Western Highlands, Western, Enga and Gulf provinces at that time. The National Executive Council further approved K450 million for relief operations and restoration work for over three to four years in the affected areas.

Mr Speaker, in the interim, an emergency disaster restoration team led by Dr Humbly as the Emergency Controller now manages, coordinates and controls all the restoration activities working with provincial authorities.

Mr Speaker, the committee also recognises and acknowledges the support of non-governmental agencies, the private sector development partners, bi-lateral partners, communities and church based organisations. They have contributed through some of the most difficult challenges faced in the absence of, or limited government assistance in the initial stages of the disaster. Their swift movement and rapid response in less than 48 hours after the earthquake was commendable. OK Tedi Limited, ExxonMobil, and Oil Search and

many other companies, mobilised and contributed in cash and relief supplies to the affected areas as soon as practicable.

Mr Speaker, a number of local NGOs and international organisations including World Vision and Red Cross have partnered with Mt Hagen based Highlands Humanitarian Hub to coordinate relief efforts to Hela and Southern Highlands, two of the worse affected provinces. The initial response by NGOs should also be commended and they are continuing to support those relief responses to our people.

Mr Speaker, due to ongoing security concerns in two of the earthquake-affected provinces, the committee could not travel to Tari in Hela and Kandep in Enga Province. Invitations extended to relevant stakeholders from the respective provinces who appeared before the committee in Hagen. However, despite these efforts, only a number of very important key personnel from the ground attended to the inquiry.

Mr Speaker, of all the observations made by the committee, one resonates loudly throughout this period of national emergency is that of the plight of our people who continue to suffer in in this devastated areas without basic service being delivered, not necessarily because of its unavailability but because of poor coordination of delivery of relief supplies and law and order issues.

Mr Speaker, in the course of delivering this report, the committee was faced with challenges of our own. One of the challenges faced was the limitation in time. The geography of the area affected by the earthquake made it impossible to visit and conduct an inquiry in these provinces especially in the district and LLG level.

Mr Speaker, we were also mindful of our security and safety whilst driving long distances and flying through unpredictable weather. Financial constraint was another issue faced by the committee prior to conducting the inquiry. However, with your leadership, the Deputy Speaker, along with the Clerk, we were able to complete this report successfully within the approved Budget.

Mr Speaker, we also faced difficulties in brining participants to the inquiry in some provinces. Like in Hela, there are tribal fights and the provincial administrator was in Port Moresby due to security reasons. The security threat in conducting an inquiry in specific areas of the Highlands region was also noted during our visit.

Mr Speaker, despite all these challenges, my committee and staff continue to travel and conduct inquiries.

Mr Speaker, Tari township and its surrounding have been the focal point in the recent surge in tribal fighting and killing. While tribal warfare plagued Tari for decades,

lawlessness has spiralled dramatically after the earthquake causing displacement in the region.

22/07

The total number of people killed in Tari stands at 23, as of yesterday 30 May, similarly in Wabag Town, Enga Province, law and order issue is brought about as a direct result of the disaster, election related or otherwise continues to pose a challenge, not only to the committee but also to much needed relief efforts for people affected by the disaster in both provinces.

Here are some of the important observations that were made during the Committee Inquiry in the Disaster affected provinces; the observations were made as a result of interview with witnesses and relevant stakeholders;

The Committee made the following observations:

(1) It was observed that some people affected by the earthquake had migrated to other province and towns.

(2) There was and is to this day poor coordination amongst Government Agencies resulting in communication breakdown between relevant stakeholders in the relief efforts.

(3) The Controller was given restricted powers to appoint his Assistant or deputies to adequately represent him in the affected provinces, as stipulated in the Emergency (General Powers) Act 2018.

(4) The absence of the Controller in the affected areas either personally or through representatives has added to the disorganisation and duplication of efforts.

(5) Most of the affected people in the remote areas are unreachable by road networks. Therefore, medical supplies are brought into the Aid Post by health officers and village volunteers walking on foot for very long distances, taking days.

(6) There are continuous killing in Hela and Enga, however, no arrests have been done by the Police so far. These murderers are freely roaming and are a threat to the community. This is further compounded by the fact that the Police and Defence Force personnel have limited man power and less fire power than the warlords.

(7) There is no proper authorisation for a full call out for the Defence Force Command to assist police to restore Law and Order in the Disaster affected areas especially in Hela.

(8) Lawlessness has made it difficult for proper and coordinated distribution of relief supplies to the affected areas. Often relief supplies are being hijacked by thugs and warlords and resold on the streets of Mendi and Tari.

(9) It was observed that people living in Kikori along Strickland and Kikori in the Gulf Province were still fearful of using the river system, drinking or eating fish from it.

(10) The high cost of transportation is hampering delivery of relief supplies to all affected areas; therefore, hungry and displaced people are walking long distances to main provincial centres to seek assistance.

Mr Speaker, based on the committee's recent enquiry it was observed that the government had not implemented 80 per cent of 10 recommendations made in April 2018. Therefore, my committee now recommends these following recommendations to the Parliament:

(1) The State of Emergency be further extended for two months until all relief efforts reach the rural, disadvantaged people.

(2) Full PNG Defence Force call-out to provide assistance to the police force and the civilian authorities during the national emergency declared to curb crimes and restore law & order in Hela Province and other affected areas should the need arise.

(3) Provincial and Local Level Government authorities to return to their respective provinces and districts to ensure normal government services are functional. Most of the LLG managers and DAs are not on the ground in nearly all the provinces that we visited.

(4) To put doubt and suspicions of the people of affected areas and PNG to rest, a proper independent inquiry into the cause or causes of the Earthquake and its impact to be undertaken immediately.

23/07

(5) All disaster coordination functions and responsibility PNG National Disaster Centre be decentralised to regional centres, provinces and be adequately funded.

(6) Government in the appointment of the permanent Provincial Administrator of Southern Highlands Province takes into consideration the neutrality of the appointee who must have no tribal, cultural or political attachments to the province.

(7) The displaced people from the worst affected areas are re-settled and relocated as soon as possible.

(8) Amendment of the Western, Enga, Southern Highlands and Hela Provinces *Restoration Authority Act 2018* to include West Sepik and Gulf Provinces.

(9) Counselling services be made available to deal with trauma caused by the Earthquake and after effects.

(10) In specific to Hela, the NEC expedite the process of the judiciary system and reopen the Hawa Prison Facility.

(11) The PNG Defence Force to take full control of the province in assisting the Provincial Administration to curb the law and order situation and restore normalcy to the province.

(12) Increase Police and Defence Force personnel on the ground in Hela and Enga.

(13) For Gulf and Western, recommendation 13 states that the results of the water assessment and analysis be made available by the relevant authorities, meaning the water samples have been collected but to date, the resource have not been made available to people.

(14) Section (3)(1) of the *Emergency (General Powers) Act 2018* to be amended to allow for the Controller to appoint regional controllers in each of the affected regions

(15) The National Executive Council to expedite the appointment of the deputy and assistant controllers to assist the Controller perform his mandated duties.

Mr Speaker, in conclusion, let me thank you once again for the opportunity and I humbly commend this second report to the Parliament.

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

**SECOND SITUATION REPORT ON THE HIGHLANDS EARTHQUAKE
EMERGENCY RESPONSE – MINISTERIAL STATEMENT –
MOTION TO TAKE NOTE OF PAPER**

Mr PETER O’NEILL (Ialibu-Pangia – Prime Minister) – I would like to congratulate and thank the Parliamentary Committee on Emergency for their hard work that they have put in making sure that these reports are tabled on a timely basis. The visits to the affected areas and talking to the communities is very commendable.

May I also say that to see that the new Members of Parliament taking this role efficiently and with a lot of enthusiasm gives me great satisfaction and I hope that this Parliament acknowledges all that work.

Mr Speaker, as we all know a 7.4 magnitude earthquake occurred on 26 February, 2018, particularly in the two provinces of Southern Highlands and Hela and the subsequent effects on our communities. To date, it is said that almost 160 people are known to have died and entire villages have been destroyed.

24/07

Sadly, Mr Speaker, the exact number of fatalities will never be known due to some remote location or remote communities not reporting to the authorities the exact numbers that have lost their lives as a result.

Mr Speaker, on 1 March, 2018, the National Executive Council approved the establishment of an Emergency Disaster Restoration Team to manage the response and relief and recovery operations and our government initially allocated a budget of K150 million.

Mr Speaker, these funds have been supplied to the restoration team in tranches and to date there has been almost over K70 million deposited in that account in addition to the almost K2 million each to the most affected districts that we disbursed and K1 million each to the less affected districts in the earthquake zone.

Let me take this opportunity also to express my appreciation to Mineral Resources Enga that has provided K1 million. Even though their province was also affected by this earthquake they were able to contribute to these efforts. A further K17 million has been provided by international and local donors. Millions and millions of kina have come from the business community, mostly in kind and of course, the support that has been provided by our international donor agencies has been highly appreciated.

Also, a sum of K15 million has been expended by Oil Search in some of their earthquake relief operations, especially in the areas that they operate in up in those two provinces.

Mr Speaker, the emphasis is now moving from relief to recovery so that some of the villagers whose villages have been decimated by the landslides can be resettled into areas where it is safe and this will continue for some months.

Firstly, I want to thank the government agencies that have been involved in this relief effort particularly the Papua New Guinea Defence Force, the Royal Papua New Guinea Constabulary, the Works Department and many other government agencies which were deployed to assist the relief efforts so that we can rescue the injured, deliver supplies and provide services where it was possible.

Mr Speaker, again, also government agencies were able to work very efficiently with the private sector to undertake many of these operations and saved many lives as a result.

Discussions with the PNG Defence Force and other agencies are still ongoing so that future tasking of work in the earthquake zone will continue under the Emergency Controller. And of course, this request has also been sent to the PNG Defence Force to extend the call-out of the PNG Defence Force in the area.

Mr Speaker, the mandate for the PNG Defence Force is necessary, particularly in respect of the operations in the Hela Province and the continued support that they are providing in Tari Hospital. The Defence Engineers are also helping us to assess the infrastructure that are damaged and rebuilding some of those infrastructure, particularly footbridges and care centres that we are now operating, Mr Speaker.

The Defence Force are also using some of their prime movers to freight some of our relief supplies from Lae all the way up the Highlands highway, particularly water tanks. These are manufactured in Port Moresby, shipped to Lae and transported by Defence trucks up to the Highlands.

Mr Speaker, in terms of the medical services provided in those two provinces, let me say that there has been significant damage done to the health infrastructure in those two provinces. In fact, in Hela only 22 per cent of the health facilities were functioning and around 47 per cent of the health housing for our health workers were completely destroyed.

Likewise, in Southern Highlands there has been damages to health facilities and of the 46 health facilities in the province, only 19 are open and the other 12 are partially open. So there is a lot of work that we need to do so that these health care centres are opened so that we can prevent the outbreak of diseases because of lack of effective sanitation in those areas.

25/07

Mr Speaker, the response team in conjunction with the Department of Health have delivered almost 12 tonnes of aid-post kits to the affected areas; these includes 640 boxes to Southern Highlands and 660 boxes to Hela with additional aid post boxes going to Western and Gulf Provinces, 500 cholera kits from the World Health Organisation has been delivered and medical supplies have been provided through Australian Government, Oil Search and other NGOs have also been delivered.

The Department of Health is working closely with the response team to again also deliver essential cold chain equipment such as vaccine freezers so these vaccines have been purchased, funded and provided for the immunisation programs that are ongoing in the area.

In addition, mobile x-rays, dentistry and other equipment have been purchased for both Tari and Mendi Hospitals. Essentials drugs and medical equipment's are also purchased for Moggulu and Dodomona in the Western Province, and of course a container-health care centre has been provided for shipment to Dodomona in the Western Province.

A medical team was also sent to South Fly District to diagnose and treat the suspected outbreak of YAWS and of course restoring and maintaining many of these centres is a priority and I will certainly keep the House informed as we make progress.

Mr Speaker, water supply is essential for drinking and during the operations we have been able to supply bottled water to all the affected villages. However, in the long term, supply of bottled water is not sustainable because it's costly, expensive to transport and of course the empty plastic bottles cost enormous damage to our environment. So the long term solutions is now being implemented and water purification tablets are being distributed to the affected areas and water purifiers are also being purchased and are in the process of being delivered to the affected areas.

We are also purchasing large 9000 litre water tanks and suppling this to collect water in the affected areas. So far 500 tanks have been purchased and the tanks will be coming from Lae and Port Moresby at the rate of 40 tanks a day.

Mr Speaker, we have engaged with the transport companies to transport them from Lae to Tari and Mendi by road. And of course we will ask the help of the large helicopters who are going to transport it to the final remote locations in those provinces.

As for Western Province, we are suppling this by large buses and then we will be using the helicopters to transport the tanks into the disaster areas.

Mr Speaker, we are working closely with the provincial administrations to try and coordinate that effort. In terms of sanitation, this is a major concern in the care centres because personal hygiene is very important. We are coordinating that with the WESH representatives and we are supplying our kits that include soaps and personal hygiene materials for women, and these are being dispatched to the remote locations on a timely basis so that our people can have access to that. We are also building basic toilet facilities in the care centres and this has been done by our Defence Force so that individual hygiene is taken care of.

Mr Speaker, in terms of food supplies there is continuing effort in providing some food supplies to the most affected communities. We have established stores in Mount Hagen and in Port Moresby to gather all the relief supplies that are coming from individuals and NGOs and organisations and of course we are trans-shipping them to Lae and then up the

Highlands highway to affected provinces. But when it arrives in Moro with the support of Oil Search we are airlifting some of these food supplies to the remote communities.

26/07

Again we want to thank Australia and New Zealand Government, other NGOs like Care Australia, World Vision, Red Cross Society, we have also who sent in supplies direct to the affected areas. We also thank the Australia Government for the use of C130, their big aircraft that was able to uplift large quantities to Moro and Mt Hagen and to Moro respectively. The C130 has now gone back to Australia that is why we are starting to deliver all the supplies by road but fortunately for the reopening of Komo airport on 27 April which is providing us a little bit of flexibility in trying to get the urgent supplies that are needed through that airport.

Mr Speaker, the supply mission was also organised for Western Province through *MV Kapela*, the ship has already delivered over 120 metric tonnes of food and water tanks to the Fly and Strickland River locations. Food supplies are also delivered by PNG Defence Force in conjunction with the Provincial Disaster Committee.

Mr Speaker, I want to thank the French and the Philippine Government for their support in delivering food, the UN World Food Program and many other people who were able to supply us with these basic food necessities as and when we need them.

Mr Speaker, we now trying to go into rebuilding some of the communities that were worst affected so that we can bring some level of normalcy in their area so there is now a delivery of restarter kits together with Oil Search Foundation which is a very sound initiative. This includes kits that are necessary for people to start returning to their homes and start rebuilding their lives. Items and materials for rebuilding the houses are delivered to communities.

Mr Speaker, with the funds that have been raised recently, we are able to buy portable sawmills from Farmset and other distributors. These are been delivered to cut their own timbers so that they can rebuild some of their houses more in a permanent structure.

Mr Speaker, in addition to that, almost 7500 solar lights and mobile phone chargers are also been distributed to those communities so there is enough lighting and enough ability for communication in those areas as well.

In terms of infrastructure, Mr Speaker, as I have said earlier, there has been considerable damage done to roads and bridges in the disaster area. It's been quite extensive and have to be repaired and restored.

Our Government through Department of Works has now reopened many roads including important roads at Poroma and Moro. They are now open for traffic which the Department has spent close to K40 million engaging contractors and the use of their own equipment in accessing many of the roads that were shut down by huge landslips along the way.

Mr Speaker, through the Tax Credit arrangement, we have now started upgrade and sealing of the road from Alimbu to Nagoli, and then from Nagoli to Komo so that it's permanently fixed for our people to continue to enjoy that.

Mr Speaker, discussions are now underway with Oil Search to upgrade and seal the road from Ambua to Kiburu, which will again give permanent infrastructure in the area affected by this huge earthquake.

Mr Speaker, with the relief efforts, it's a huge logistic operations. Interaction between the government departments and provincial administrations, NGOs and donor agencies is very important. The Emergency Controller now has a logistic system in place where donors and agencies are able to coordinate and work together so that we can maximise the use of limited funds we have and the security of shipments through the relief area are provided.

27/07

Mr Speaker, when you look at it, the Emergency Controller and Defence Force are working together. There has been some challenges including some law and order issues in the area but the extension of the emergency will continue to maintain the presence of Defence Force and Police in those two provinces,.

Some of the tribal fights that are going on are un-related to the disaster efforts but it is still hampering our personnel moving into those areas and the safety of staff and donor agencies is something that we need to continue to keep an eye on.

Mr Speaker, in the long term we are now building infrastructure. We have made arrangements with ExxonMobil to purchase some of their buildings here in Port Moresby and shipping them across to Kikori and using the gas pipeline road to transit some of the infrastructure so that we can have temporary administrative buildings for those two province in the area.

Mr Speaker, there is close to K30 million being spent on schools and medical centres that are being rebuilt using these facilities and relocation of these facilities from Port Moresby to Southern Highlands and Hela so that our provincial staff in provincial

governments can continue to work in an office location that can attend to the addressing the needs of our people.

Mr Speaker, security issues is an ongoing concern but we are working closely with the leaders in the area and Defence Force and local Police in trying to address the challenges that are there but I am certain that we will continue to overcome them.

In so far as the recommendations of the Permanent Parliamentary Committee on Emergency which recommended that the State of Emergency be further extended, Mr Speaker, as a result of the acceptance of his report and his motion, we have now extended that State of emergency by further two months as of today.

Mr Speaker, recommendation number 2, which calls for Defence call-out, that call-out will remain in that area for further two months but we will beef it up so we can attend to some of the pressing law and order issues that are in the area.

Mr Speaker, it will be necessary for us to appoint a Defence Force Senior Colonel who will take charge of the operation in the Hela and Southern Highlands Provinces.

Mr Speaker, recommendation 3 on retaining normalcy of provincial services, as I said, we are now in the process of building the temporary facilities that are already being transferred from Port Moresby. Provincial administrators have been appointed both for Southern Highlands and Hela and they are working closely with the restoration team in order for them to attend to our peoples need on a timely basis.

With recommendation 4, the Parliamentary Committee is talking about an independent inquiry. Mr Speaker, as I have stated in Parliament in the earlier sessions, an independent report has been conducted by the Australian Government. That independent report is now available. I will table it on the Floor of Parliament and I am certain that some of the conclusions of the independent report may not necessarily be to the satisfaction of everyone, because everyone has their own theory about how the earthquake has come about. But the independent report from experts are there and we will table this. I deliberately asked the Australian Government to do it independently and if that does not satisfy our people then we can look for a second independent report as and when necessary.

Mr Speaker, recommendation 5 talks about decentralising the disaster care centres to the provinces. Yes, we are building a new structure. A new structure is being drafted and formulated in line with experiences of the State Emergency Services of Queensland. We want to also involve the other organisations like Fire and Ambulance.

All these response team organisations are very important in disasters like this, they are the ones who will take the lead and not necessarily wait for bureaucrats or individual

politicians or leaders to take the lead, yet, still lack the capacity to manage some of the pressing issues that our people demand.

28/07

That is why, Mr Speaker, we are now drafting the new legislation. We will bring it to Parliament and will establish the entire disaster functions so that it is properly coordinated, managed and funded by government in the future.

Recommendation 6, an Administrator has been already appointed and has settled in and working closely with our restoration team.

Recommendation 7, Mr Speaker, in regards to the people that were displaced by the earthquake, yes, the resettlement exercise that has been recommended by the committee is taking place and as I said we are buying the walkabout sawmill so that they can cut their own timber and we can be able to build houses and resettle them in the new locations that our people will resettle.

In terms of recommendations 8 where it says we need to make amendments to the Restorations Act to include West Sepik and the Gulf Provinces, the amendments have been drafted and am certain that the next Meeting of Parliament we will put it through this honourable House.

Recommendation 9 talks about counselling services for our people. Frankly our government organisations don't have the capacity to do so, therefore, we will be talking to our development partners especially those who are specialists in trauma and stress management so we will be talking to them to see if they can help us to go to these communities that are been worst affected so that they can give some counselling to our people, Mr Speaker.

Mr Speaker, recommendation 10 is to reopen our prison facilities

Mr Speaker, I can assure this honourable House that the CIS Minister will give that direction today and we'll give it priority and reopen the house at the end of this session.

Recommendation 11 about the PNG Defence Force taking full control over the assistance in curbing law and order issues in those provinces, as I said, a senior colonel will be appointed to be the controller over the emergency on ground and he will take charge of all the issues in relation to that.

Recommendation 13 about water assessments, we will give directions to the PNG water but there is some work already been done so I will certainly follow up and find out

where we are in terms of testing the water and whether it can be able to be consumed by our people or not.

Recommendations 14 on Section 3(1a) refers to the emergency powers where the controller can appoint regional controllers as part of the new emergency structure. We will try and include that in the process, but I think rather than duplicating and allowing too many government structures that we cannot maintain and sustain into the long term, we need to probably create a provision in this new Act and the provincial administrators can become deputy controllers where they can immediately take charge rather than employing additional people. We know that at times we cannot afford it, so we will look into those areas.

Once again, Mr Speaker, let me commend the chairman and his committees, especially the first-time members for taking a very contractive leading role in this matter.

Thank you, Mr Speaker.

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

UNDP PRESENTATION ON THE BOUGAINVILLE REFERENDUM – STATEMENT BY THE SPEAKER

Mr SPEAKER – I wish to inform all honourable Members that there will be a presentation done by the UNPD PNG Office today at the State Function Room. This information is aimed at providing some information on the Referendum and its application to Bougainville. This information was presented to the Parliamentary Bipartisan Committee on Bougainville Matters in Parliament last week.

The committee considered that this information should also be provided to all the Members of Parliament to help them understand what the Referendum is and the arrangement with Bougainville.

Attendants will go around distributing further readings on the Bougainville Referendum. I urge all the Members to attend the lunch hour presentation.

ADJOURNMENT

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

That the Parliament do now adjourned.

The Parliament adjourned at 1.05 p.m..