

## SECOND DAY

Wednesday 29 August 2018

## DRAFT HANSARD

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## **SECOND DAY**

**Wednesday 29 August 2018**

The Acting Speaker (**Jeffrey Pesab Komal**) took the Chair at 10.15 a.m..

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

Sitting suspended

The Acting Speaker again took the Chair at 10.42 a.m., and invited the Member for South Fly, **Honourable Sekie Agisa**, to say Prayers:

‘Heavenly Father, thank you for your presence in this House. And we invite you to be with us during the session today as we go on to addressing some of the very important issues affecting our beautiful country. Lead us by your spirit and give us wisdom and understanding through your mighty power. And we thank you for the people whom we represent here today. I say this prayer in Jesus’ name Amen.’

### **SPEAKER’S INVESTMENT SUMMIT – STATEMENT BY THE ACTING SPEAKER**

**Mr ACTING SPEAKER** – Honourable Members, you will recall on 27 July 2018, the Chair made a statement announcing the co-hosting of the Speaker’s Investment Summit by the National Parliament in partnership with the Business Council of Papua New Guinea and the Investment Promotion Authority during the August –September 2018 Sitting of Parliament.

The Chair is pleased to announce that preparations are well underway. Also as part of these preparations, the Chair wishes to advise that there will be a full briefing on the planned summit for honourable Members to be held during lunch at the State Function Room today.

The Chair encourages the participation of all Members at this important briefing.

**BROADCASTING OF PARLIAMENTARY PROCEEDINGS –  
STATEMENT BY THE ACTING SPEAKER**

**Mr ACTING SPEAKER** – Honourable Members, I have to inform the Parliament that the Permanent Parliamentary Committee on Broadcasting of Parliament Proceedings met today and resolved that:

- (a) *The National Broadcasting Corporation* will be allowed to broadcast and telecast live;
- (b) *EMTV* and *TVWAN* and *CLICK TV* will be allowed to film the presentation of the statement by the Minister responsible for APEC, Lands and Physical Planning on APEC 2018 Papua New Guinea preparation and debate after Question Time.

**ACKNOWLEDGMENT OF STUDENTS  
(Tauruba Primary School and Pacific Adventist University Medical Students) –  
STATEMENT BY THE ACTING SPEAKER**

**Mr ACTING SPEAKER** – Honourable members, I have to inform the Parliament that Grades seven and eight students from Tauruba primary school in Rigo District Central Province and fourth year Health Science students from the Pacific Adventist University are present in the Public Gallery this morning.

On behalf of the Parliament I extend to the students a very warm welcome to the National Parliament.

**02/02**

**QUESTIONS**

**Logging in West New Britain**

**Mr SASINDRA MUTHUVEL** – Mr Acting Speaker, I wish to ask my question to the Minister for Forest.

Mr Acting Speaker, you are aware that West New Britain is one of the leading logging province. There has been so much illegal logging in the last six months in the absence of proper investigation or inspection teams.

The province doesn't have the capacity to monitor logging operations within the province and recently there was an outcry on Social Media about the detraction along the Pandi River posted by the tourism operators within that local area.

Mr Acting Speaker, is there any consecutive plan to monitor various logging especially large-scale logging happening in the province?

We are not disputing any logging in the interior area but how the Minister can stop illegal logging along the buffer zones and also the river Pandi. There was a devastating logging activity along the Pandi River which destroyed most of the environment.

Even if they have a logging permit how do we stop logging on buffer zones and protected areas?

Thank you, Mr Acting Speaker.

**Mr DOUGLAS TOMURIESA** – Thank you, Mr Acting Speaker, and thank you to the Governor of West New Britain for the question.

I am well aware of the situation of the issue that was raised by the Governor. He brought it to my attention about two weeks ago and I have dealt with the issue already.

Mr Acting Speaker, from the outset, let me make it clear that it is very true that the company actually logged two buffer zones but you cannot be pointing fingers to everybody, I have to take control of the issue at hand as minister responsible for the industry and authority.

The Pandi River had islands and they even went and logged those areas. In fact, they took advantage of an issue that was affecting the department and the authority so for the last six months due to certain reasons our officers couldn't go out to monitor the logging areas and I have made this very clear.

The company called KK Consultants, who literally knew that they were not supposed to log the buffer zone areas, went ahead and signed an agreement with the landowners on 3 May, 2018, and they used that agreement to go and log in the buffer zones.

Mr Acting Speaker, we have taken corrective measures knowing that they have violated the Law of the Land and *Forestry Act 1991*.

So, firstly, we have put a stop to work in that area. Secondly, we have given them a show cause notice of 14 days which will now lapse in two days' time and the company has been imposed with a very heavy fine.

And so I would like to assure the Governor and the people of West New Britain, especially the people living around the Pandi River area that we have already taken measures by penalising the company by putting a stop to the logging in that area.

**03/02**

But I was surprised when I received the letter from the landowners that they have actually recommended in their letter to the company to log that area but they have to replant new trees.

The landowners have no right to instruct the companies to go in and log buffer zones. The company is fully aware that they cannot log buffer zones and we have now penalised them heavily and we have also terminated the concessions around that area.

With that I would also like to thank the Governor for his immediate response to us. As soon as he got the report from Mr Raymond, who is a tour operator in West New Britain, it was reported and we were able to put a stop before further damage done.

### **Relief Supplies for Manam Islanders**

**Mr ROBERT NAGURI** – Mr Acting Speaker, I wish to direct my questions to the Minister for Inter-Government Relations, which concern the people of Manam Island.

As we all know, Manam Island experienced major volcanic eruptions in 2004 and the people were displaced and resettled in plantations on the mainland. Now it's been 14 years, and the people are suffering at the care centres. But these care centres are no longer regarded as such but as illegal settlements. As a responsible Government, this is irresponsible, inhumane and negligent on our part which is unacceptable.

I have tried to have discussions with the Minister for Inter-Government Relations early this year in raising this issue with him, but the only pending issue we are waiting for is the submission to NEC for the Resettlement Authority. It's the only holdup and if we can get this through then I am willing to help with the assistance of the NGOs to carry out the resettlement exercise.

Just recently, on Saturday 25 August, 2018, at 5 a.m. after returning from carrying out the duties as Deputy Chairman for the Emergency and Disaster Committee up in the Highlands I received a phone call from the people of Manam Island that there was a major eruption from the main crater. The whole island is now covered with dust but the most affected area is on the north-west side of the island.

I have managed to use whatever resources available to move families away from the most affected areas to areas where it's clear of dust and they are resettled temporarily on the other side of the island with their relatives.

In terms of assistance and donations so far I have received a little bit of assistance from the Madang Provincial Administration with regard to relief supplies yesterday. And a naval boat was on the island distributing some relief supplies such as rice, oil, flour and tinned fish. But I still need a lot of help from the Government.

My questions are:

(1) Can the Minister clarify whether the submission for the establishment of the Authority has gone to NEC?

I am aware that K2 million was released by National Planning last year in December, and it's still with the Madang Provincial Treasury and I have been asked to get this fund since March this year so that I can help my people on the island but it never eventuated.

(2) Can the Minister discuss this issue with the Minister for National Planning and release this fund to the National Disaster Emergency and start coordinating some relief supplies?

(3) Can the Minister accompany me to Manam Island to see for himself the extent of the destruction caused by the volcanic eruption and how the people are living on the island now?

**04/02**

**Mr KEVIN ISIFU** – I thank the Member for Bogia for his question.

Firstly, as the Member for Bogia has mentioned, on 25 August 2018, the Government dispatched a naval boat with about 30 men who are currently on the ground to assist in the disaster.

I am also aware of the sensitivity of the issues regarding the people of Manam. With regard to the Restoration Authority, we are working on the submission which will eventually be presented to the NEC. As soon as we get the management in place then they will start to look at how we can manage the Restoration Authority of Manam.

I would like to assure the people of Manam that the Government is responding very well. As of the day before and yesterday, we had food supplies going into Manam.

In relation to the K2 million that the Member inquired about, I am aware of that funding that was given but I will have to find out where the money is and will inform you

consequently. However, all in all, the Government has responded very well and we will submit the submission in the next NEC Meeting. A board will be set up to manage the affairs of the Manam Restoration Authority.

### **Telco Companies – Explain Increase in Rates**

**Mr ALLAN BIRD** – Mr Acting Speaker, I direct my questions to the Minister for State Enterprises and I would like the Prime Minister and the Ministers for Communication and Finance to take note.

Mr Acting Speaker, about a month ago there was a change in the business approach for our three telco companies namely Bmobile, Telikom and DataCo. I understand the decision was taken by the Government and there was a certain business rationale behind the merger.

Mr Acting Speaker, in that time we were approached by the unions that were concerned and they basically told us that after the merger, the cost of telecommunications would go up. I want to apologise to the unions because the Opposition did not take up the questions at that time. What their predications were at that time has now actually taken place. If you check your phones, you will find that the costs of telecommunications has actually increased by at least 170 per cent. This makes our communications the third most expensive in the world.

**05/02**

Mr Acting Speaker, first of all, I would like to understand the business rational behind this.

(1) Was it their intention to increase the charges to our people and the cost burden?

(2) Is it to raise additional revenue for the Government so that it could fund some of the projects and repay loans that it's been taken out?

(3) Who are this people that are sitting on this board, what are their competencies, and how have they been able to secure these jobs and in so doing turn around and advise the Government that than puts the burden on its people?

The last question is for my people of East Sepik.

Mr Acting Speaker, last year when Telikom came to my province and because I wanted to support a 100 per cent Papua New Guinean owned company, I made a speech to

the people of East Sepik in public and asked them to throw away their Digicel sim cards and purchase Telikom.

Mr Speaker, on that day the staff of Telikom told me that their sales increased by 700 per cent supported by the people of East Sepik. Now you change your policy mid-stream and in essence, Telikom is now stealing from my people.

Mr Acting Speaker, this is legalised thievery.

Mr Acting Speaker, I would like the good Minister to explain because the people of Western Highlands are also experiencing the effects caused by that decision.

(4) Can you explain to my people of East Sepik, this Honourable House and the people of Papua New Guinea what led you to make these kind of decisions?

**Mr WILLIAM DUMA** – Mr Acting Speaker, I'd like to thank the Governor of East Sepik for these very important questions.

Firstly, all of us must realise that nothing is cheap in this country. Like everywhere in the world, nothing is free. If all of us at the same time, yell and scream and complain and expect our SOE's to make decent dividends and to help contribute to the national economy, I already told this Parliament, Mr Acting Speaker, that all of our SOEs have not been performing very well and it needs all of us to work together to understand.

When you want to get something that you really want, it is an unnecessary pain that you have to go through. Going back to the East Sepik Governor's question on telecommunication charges, we all have to understand that prices are not fixed by the companies to operate in the industry. Prices are fixed by ICCC based on whatever is put before the table.

**Mr Allan Bird** – Point of Order! Mr Acting Speaker, if ICCC was going to approve these increases, I would understand a 10 to 20 per cent increase, but a 170 per cent does not make any sense to me. And this is what I am asking you to explain.

**Mr WILLIAM DUMA** – I am not sure whether it is 170 per cent increase. You need to produce the figures but the answer remains with the ICCC.

All of us can argue and I can give you my figures but at the end of the day, it is the figures that will be produced by ICCC that will be the guide. You can have your figures, I do

not certainly agree that it is a 170 per cent increase. That remains to be clarified by the ICCC, but this is the figure that you are using.

I do respect you and I am saying that those are the figures that I do not necessary agree and we remain to be corrected by the ICCC and certainly one would think that ICCC would even allow an 170 per cent increase right across the board automatically like that as you would like to think, it does not make any sense. All am saying is that, there are certain increases that have been approved by ICCC, and if Parliament so requires the information, we can ask ICCC to release a press statement to clarify this.

Mr Acting Speaker, to start with, we have forgotten that even before those little increases were made, Digicel charges were even higher than Telikom or Bmobile, and even now currently as you speak. What has happened is that when you realise that we were operating below the rate that were charged for Digicel, we increased the price by 30 per cent, the minimum of 30 per cent, not 120 per cent. So that is the fact. The charge that we are paying is unnecessary, in fact your own companies Bmobile and Telikom have been imposing charges 30 per cent below what has been charged by Digicel.

We have to make money, companies that are owned by us have to make money and to compete with that at the same level as Digicel and then that is why we have restructured and we have put people on the board who will bring credential, which we feel will help this company turn around.

## **06/02**

No one has an immediate answer for all of us here but what we are trying to do is fix what has gone wrong for the last 20-30 years.

So, Mr Acting Speaker, I agree that there have been price increases but these are necessary increases that have been approved by ICCC to enable our companies, companies owned by our people to trade out of difficulties and to provide at least a decent dividend for ourselves as well as other people.

Mr Acting Speaker, there will be price increases but not within the range of 100 to 170 per cent as has been alleged. These increases are normal and they are actually reasonable increases.

**Mr Allan Bird** – Point of Order! If you were to dial on your phone right now you'll see that the increase went from K50.00 to K137.00.

Mr Acting Speaker, by my very poor mathematics that's a 174 per cent increase.

**Mr WILLIAM DUMA** – Mr Acting Speaker, you have to remember that there are a range of products, products that are provided by 2G, Spectrum 3G and 4G so you need to be specific about what you are saying. You cannot just simply use a common figure and say that's a 120 per cent across the board. If you want to enjoy services provided by 4G off course, you pay more. If you want to enjoy services provided by 2G then you pay less. So there are price ranges.

So, Mr Speaker, if required by this House I will in due course ask Telikom to make a statement that will hopefully clarify all the misunderstanding that we have but I can say that the price increases are not unreasonable. They are fair and they are designed to ensure that our companies also trade out of the development and make money for all of us and it's certainly not 170 per cent increase as has been suggested in here.

### **Supplementary Question**

#### **State-owned Companies- Profit Oriented**

**Mr KERENGA KUA** – Mr Speaker, the Minister's answer reveals a fundamental problem on the reasons behind why the Government is in business and that reason needs to be properly stated on this Floor of Parliament so that we all understand.

I was always of the view that the Government is here to serve the people and where there are costs involved to minimise it as much as possible to relieve the pain and suffering on the people. Here the Minister is saying that it needs to compete at the same level as private enterprise.

If that is the case, what is the priority of this Government? To serve the people, minimise their pain and suffering or to make money like all private enterprise in which case, all of those Members on the other side should resign and go into private enterprise.

**Mr WILLIAM DUMA** – Thank you, Mr Acting Speaker. I thank the good Member for Sinasina-Yonggamugl for his important question.

Mr Deputy Speaker, you have to take a country on a case by case basis. In our case, our economy is very small. Until such time the economy is in the hands of our people then and only then can we look at diversifying our investments in those strategic state-owned companies.

Right now, Mr Acting Speaker, the reality is that we do not control our economy. It is in the hands of foreign business interests and all of us are aware of that.

And if you want to at least maintain control of the economy, you are better off making sure that you continue to own those state-owned companies.

You only go down the path of selling out 100 per cent or even 40 per cent if you feel that the economy is doing very well. If you look at the case of China for instance, the only country which seems to be doing very well now at this stage, it continues to own all those state-owned companies. It has never sold out all those state-owned companies and look at where it is now.

And if you take the example of Singapore with Thermostat Holdings, a very small country with no natural resources like ours continues to own the strategic companies hundred per cent. So -

**Mr Allan Bird** – Point of Order! The supplementary from the honourable Member for Sinasina-Yonggamugl was very, very specific. He asked the Minister to explain why the Government was in business, not so much to make comparisons with other countries and how they have been doing but –

*(Members interjecting!)*

**Mr Allan Bird** – Shut your mouths and listen! You might learn something. The Member for Sinasina is asking whether the Government is here to assist the people by reducing their burdens or are they here to increase their pain. That was the question so can the Minister answer that please.

**Mr ACTING SPEAKER** – Honourable Governor, that point of order is out of order.

**Mr WILLIAM DUMA** – Mr Acting Speaker, it is an obvious question with an obvious answer and that is, if we look at every country in the world they always start with backbone companies.

**07/02**

Every country started by owning all the companies then depending on their economies decided on whether to divert some of those according to their percentages or continue to fully own them. In our case, we are not in a situation where we can afford to sell those national companies. Only when we feel that our companies are making the money and our economy is strong then the Government will make a policy decision whether to divert. For instance, the case for Qantas in Australia. In this case it is irresponsible of any government in this country, especially when our economy is so small to scale down our state-owned companies a hundred per cent to foreign interests.

**Mr GARRY JUFFA** –Thank you for finally giving the people of Oro the opportunity to speak. In true Christian spirit. I forgive you for treating me with contempt.

*(Laughter-in-the-Chamber)*

### **SABL Inquiry**

**Mr GARRY JUFFA** – My questions are directed to the Minister for Lands, and for the Minister for Environment and Conservation, the Minister for Local Level Governments and the Minister for Forestry and the Prime Minister to take note.

These are in relation to the matter of SABL, which we are all familiar with. Firstly, I want to congratulate the Minister for Lands for his ongoing efforts in cleaning up that Ministry. He is making a lot of inroads and meeting a lot of resistance but he is doing a fine job. There is much work that needs to be done to weed out criminal elements that are operating in your department. We stand by to assist and we are all familiar with the SABL subject, whereby 5.2 million hectares of Papua New Guinea was stolen. And it raises such an alarm that an inquiry was commissioned in 2011 by the then Acting Prime Minister Sam Abal.

The inquiry concluded that 97 per cent of the SABLs were illegal and it recommended cancellations. In 2016 the Prime Minister Peter O’Neill tabled a report and I commend him for that and he undertook to ensure that there was action taken. To ensure the recommendations made were followed through.

In April 2017, the Minister for Lands at that time, Mr Benny Allan, declared that all SABL licenses must be surrendered. In May 2018, the SGS report indicated that exports of

round logs were still taking place from the west of these SABLs, confirming that nothing has happened.

In questions raised to the Prime Minister, he mentioned that relevant Government departments are responsible for taking action. But your departments are not taking your cue.

My questions are; now that we have a vibrant Minister for Lands;

(1)What is your department's plans to act on the Prime Minister's directives to cancel the SABL?

(2)Will the fraud investigators that you have engaged to investigate that department also extend their services to cover the SABL inquiry and the massive crimes perpetrated by the corrupt public servants and the illegal logging pirates that have operated in that department, who appear to be acting with will and whim?

(3)Will your department take any action to stop the on-going trespassing and illegal activities on the 5.2 hectares of people's land which is still taking place?

**Mr JUSTIN TKATCHENCKO** –Thank you Mr Speaker, and I thank the Governor for Oro for his very important questions on SABL. It is a serious issue for us. Many of us are landowners in Papua New Guinea and I totally agree with him on his questions relating to the seriousness of getting these sorted out.

**08/02**

I agree with the Governor with his questions of getting these sorted out once and for all. When I became the Lands Minister, we set up a committee that was sanctioned by the Prime Minister and NEC to investigate over a 100 SABL cases that were pending over the last many years. You will be pleased to know that 30 per cent of those SABLs have been cancelled, 60 per cent are in Court and we have major issues between the landowners themselves and the developers that have taken these matters to Court.

It is difficult for us to actually terminate and cancel those SABLs immediately or else we end up in Court causing more problems than its worth. We are waiting for a lot of these cases to conclude so that we can ensure that we are getting a final outcome benefit of the landowners as well as the investors.

There are some good SABLs that are working in partnership with the landowners and the investors that are working well but they are a small minority and I can give you the guarantee that it is my aim and objective as the Minister for Lands to finally see the

conclusion of these corrupt practises of using SABLs for peoples own personal greed and gain.

I can say now that SABLs are totally banned from being issued from the Lands Department and that has been concreted in place since I took on as minister. So, from that I am rest assured that that before the end of the year I will have a full report on all the SABLs. A committee will be headed by a senior Lands Department officer and also the State Solicitor, members from the Provincial Affairs to ensure we get a bipartisan neutral approach to assessing each individual case.

### **Clarify Law on President Elections**

**Mr PETER GEMUNGO SAPIA** – Thank you, Mr Acting Speaker. My questions are directed to the Minister for Inter-Government Relations and it is regarding the candidates who stood for president elections in Madang and have come back in.

It has created confusion between the public servants and the Ward members because there is already a caretaker president but those who have gone for elections have come back as presidents and they were sworn in at the provincial government, PEC and Assembly meeting.

(1)In which section of the Law on Provincial and Local -Level Governments allows them to come back as president?

There are six members of parliament from Madang and we do not have the opportunity to attend PEC Member Assembly meetings because we do not receive proper notification from the provincial government to attend these meetings.

(2)In which section of the Law are we not allowed to attend PEC Meetings?

Thank you, Mr Acting Speaker.

**Mr KEVIN ISIFU** – Thank you, Mr Acting Speaker, and thank you to the Member of Rai Coast for asking his two questions. The first question is regarding the presidents who go for elections and return holding office.

To answer this question many of these people have gone to Court but the Law states that when you resign and go to contest in the elections, you cannot return to your previous job but many of these presidents who have gone to Court have won their cases and the Court has directed them to come back. So, when the Courts gives orders it is followed and that is the Courts duty to address it.

**09/02**

This does not mean that if a council president from one of the LLGs wins his election petition that the same law covers the other council presidents as well.

No, the law is there to protect individually. Most of the council presidents in every LLG do sometimes have doubt and therefore the laws governing the election petition of council presidents needs to be altered and looked at very carefully and the onus is on the government to decide.

Second question on PEC and assembly meetings in provinces, there is no law stopping you from attending meeting. All provincial governments must have their assembly meetings. Whilst on this for the benefit of all the members it's proper that I look through the law on how the assembly meetings are supposed to be conducted. These are technical and legal issues otherwise I might give you a wrong answer to you.

**Mr Peter Isoaimo** – Point of Order! The onus is vested upon the governor of a province, he decides whether to appoint council president or an open member to be a member of PEC.

**Mr ACTING SPEAKER** – Honourable Member for Kairuku-Hiri, your point of order is out of order.

**Mr Peter Isoaimo** – Point of Order! I stand to clarify his answers. I think I am more qualified because I have been a provincial government member for over 20 years.

*(Laughter-in-the-Chamber)*

**Mr GINSON SAONU** (Morobe) – I ask leave of the Chair to direct a question to you, Mr Acting Speaker.

**Mr ACTING SPEAKER** – Leave is granted.

### **Perks and Privileges of Former MPs**

**Mr GINSON SAONU** – Honourable Members, this is for the benefit of former Members of Parliament and us to follow suit when our term is up.

Mr Acting Speaker, I understand that PNG Parliament is a registered member of the Commonwealth Parliamentary Association (CPA) which gives all former members of Parliament automatic membership.

For that matter, all former members of this Parliament are entitled to all perks and privileges under the terms and conditions of this CPA arrangements.

My questions are:

(1) Why were former members not paid their entitlements including housing, vehicles, school fees and domestic market allowances and others not mentioned under the CPA terms and conditions

(2) Can the honourable Chair ensure these entitlements be considered and regulated by this Parliament and be included in the RBF payments for all former members fortnightly?

**10/02**

(3) To facilitate the above concerns for the former CPA members, can the Office of the Speaker immediately engage a working committee comprising of at least three former members of Parliament and an officer of the Parliamentary Legal Service division and Parliamentary Privileges Committee to work on the findings and compile a report on the requirements under the Commonwealth Parliamentary Association to your office for further deliberation?

Lastly, why don't this Parliament regulate to have all former Members of Parliament gain automatic recognition for a Queens Award on their merit?

Mr Acting Speaker, all of us in this term of Parliament including you will join this club, therefore, this issue is very important and must be addressed for the benefit of all former Members of this Parliament. All of us will be former MPs when we leave this Parliament.

**Mr ACTING SPEAKER** – I thank the Governor of Morobe for his questions. The questions will be answered in due course so once again, thank you.

### **Forests – Review Timber Permits**

**Mr CHRIS HAIVETA** – I would like to direct my questions to the Minister for Forest.

Mr Minister, as you know we met about two weeks ago with regard to some concerns about the timber permits in my province.

There are about four timber operations in my province which constitutes to one of the biggest forestry operations in the country.

Our concern is the review of the permits. Some of them are going into ten years now and have not been reviewed.

(1) What are the processes and procedures?

So that the Member for Kikori and I can try and fix this problem.

There is an attitude by certain staff in your department who collude with the operators to stop PFMC meetings for reasons only known to themselves.

I think this was a similar problem expressed by the Governor of Northern in Parliament sometime back which led to a heated argument here between the two of you.

(2) Can you assure the people of Gulf, the Member for Kikori and me that this review will take place?

(3) Can your office inform me in writing on the actions that you have taken and what the outcomes are?

(4) As a matter of policy, can you inform me of the powers that rest with the provincial executive council and who has the authority to appoint the provincial forestry management committee?

The provincial governors have the powers to appoint chairmen to try to clarify the policy which operators are taking advantage. It is because of them that we are arguing amongst ourselves.

**12/02**

The same goes to the Minister and Member for Kikori, we will not bypass your office. I've already mention it on this Floor of Parliament a few months ago and I will mention it again today that members of Parliament will be involved in the projects that we run because when landowners have issues, the Member will take it on board.

The landowner cannot run to us at the Parliament and say so and so, and that is why we need to run the projects through the members so that when issues come, as Minister I must also run to the members and he will assist me to sort out some of my issues.

And that is why, finally, Mr Acting Speaker, I wish to say that in the revised Act that will come I want the support of all of you because of such issues as encroachment as mentioned in the first question.

And when you see it, the tree is in the middle but they have to cut all the trees in between to get to one species.

In the revised Act to come, you have to pay for whatever tree you fell before you get to the specific species you want as well.

So, we have captured that in the revised Act as well so when it does come to Parliament,

I'm asking all honourable members to support this Bill so that we protect our forests, we protect the environment but more so, so that whatever resources we have, we must reap the maximum benefit for our country, our landowners and our people.

**PREPARATIONS OF APEC FORUM 2018 –  
MINISTERIAL STATEMENT –  
MOTION TO TAKE NOTE OF PAPER**

**Mr JUSTIN TKATCHENKO** (Moresby South – Minister for Lands, Physical Planning and APEC) – Mr Acting Speaker, I ask leave of Parliament to make a statement on APEC Papua New Guinea 2018 Preparations.

Leave granted.

Mr Acting Speaker, after 25 years as a Member of the Asia-Pacific Economic Cooperation forum, Papua New Guinea is now the APEC host throughout 2018.

This is the first time that Papua New Guinea will host a full APEC year. In less than three months, our country will play host to the Presidents and Prime Ministers of countries that account for half of global trade and half of global GDP.

APEC in Papua New Guinea has come about because of several factors. These include the growth and development that had been taking place in Papua New Guinea, this was recognised when APEC leaders agreed that our country would host this important forum. But very importantly, we are hosting APEC because of the confidence of Asia-Pacific Leaders have in Papua New Guinea. This comes from the confidence they expressed in our Prime Minister chairing APEC for the 2018 year.

This House must recognise our Prime Minister's leadership and the confidence he carries as a statesman. Now is our time to demonstrate leadership in our region, and to promote the economic potential and opportunity that our country has to offer.

The policy agenda for the 2018 APEC is comprehensive and forward-thinking. There are challenges, particularly in managing the variety of views on the direction of the Multilateral Trading System. We have every confidence in our SOM Chair, Ambassador Ivan Pomaleu, and his policy team to be inclusive in negotiations and reach consensus.

At the Leaders' Summit in November, leaders will work to deliver what will be called the Era Kone Declaration. Era Kone is the traditional name of what is now called Ela Beach, and the site of the iconic, magnificent APEC Haus. It is envisaged that the Declaration will contain consensus on what economies of the APEC region can achieve by working together in areas that matter to all of us.

## **13/02**

This includes access to the digital economy for our people, and ensuring economic inclusion for all. And, for the year to be a success on the policy front, we must deliver a working environment that facilitates discussion and negotiation.

This means ensuring that we have the right logistical elements in place.

This is essential to enable leaders, ministers, and delegates to arrive and depart from airports without delay. This means providing the transport so they can move freely between hotels and venues. It means creating the venues to undertake meetings in a highly functional venue setting, and to have meals and catering provided.

Very importantly, all logistic elements must be underwritten by a well-planned and highly effective safety and security component.

In both logistics and security, hosting APEC in Papua New Guinea has more challenges than most APEC host economies. But every challenge can and is being overcome each challenge is taken on individually and solutions developed and implemented.

Mr Acting Speaker, looking at logistics, Jackson's Airport has limited capacity, less than previous APEC host cities. The most significant challenge is parking the aircraft of APEC Leaders and CEOs that will land in Port Moresby. The greatest issue is parking 'Code E' aircraft — these are the large aircraft such as Boeing 747s and similar size aircraft. We will not be able to park all visiting aircraft at Jackson's aircraft.

This is a challenge that has been faced by previous hosts of APEC and other forums such as G20 meetings. Where aircraft cannot be parked in Port Moresby for extended periods, options are being negotiated with other regional airports for aircraft to fly on and park. These are with airports in Papua New Guinea, Australia and Indonesia. Our logistics team is currently in the process of finalising arrangements and confirming contact points for economies to make their own aircraft parking arrangements. For arrivals on commercial aircraft, there will be increased demand for both arrivals and departures. Arrangements are being made with Air Niugini for additional flights.

It is important to note that not all delegates will arrive and depart on the same day but will be spread over two weeks. The runway tarmac at Jackson's Airport is also currently undergoing resurfacing, and additional parking spaces being built.

This work is long overdue, and will be a further legacy of hosting APEC and will maintain safety and functionality of the airport for decades to come. Accommodation is the next challenge faced by Papua New Guinea in hosting the APEC Leaders' Summit.

We simply do not have enough hotel rooms in Port Moresby to accommodate all delegations. To overcome the gap in rooms, we have secured the services of three cruise ships from the P&O Line.

These ships are essentially floating hotels, with almost 6 000 beds across the three vessels that will be rented by delegates from APEC economies. All APEC Leaders will be housed in established hotels. The cruise ships will host the APEC CEO Summit, visiting media representatives, and the overflow of delegates from hotels.

All venue buildings to be used for APEC events have either been completed or are nearing completion ahead of the APEC Leaders' Week.

The most obvious of these venues to anyone who visits Port Moresby is APEC Haus at Ela Beach.

## **14/02**

Constructed under the tax credit scheme by Oil Search, this State-of-the-Art Facility has been purpose-built to host APEC Leaders Events. And very importantly, after APEC, the building will house artefacts from the National Museum.

For a Nation so rich in culture and heritage, we have to do more to ensure our people can experience our past. There are so many artefacts in storage at the National Museum, that

thousands of items can be rotated through exhibits at APEC House. This will open up museum artefacts to more of our families, and also to tourists who visit our Nation.

The construction of APEC House is nearing completion ahead of schedule, and will be ready for preparation for APEC fit-out in September. Importantly, this is a PNG-built and funded construction project.

The Hilton Hotel, being built by the Star Mountain Group, is nearing completion and will be ready in September. There have been concerns in delays in the Hilton Hotel construction timeline, but this building will be ready to accommodate delegations in time for the Leaders' Summit.

The International Convention Centre, gifted by the Government and people of China, is already being used for APEC operations. In November, this Convention Centre will house the APEC Concluding Senior Officials Meeting and the Meeting of APEC Foreign Affairs and Trade Ministers.

The refurbishment of Morauta Haus is continuing and is ready to house the APEC Joint Security Task Force.

In terms of transportation, the movement of leaders, ministers and delegates is a very important element of APEC operations. Buses, vans and cars that will be used for APEC transport are in the process of being acquired.

We must thank our partners for contributing to ensuring the capability of our transport network. China is providing a range of city buses, mini busses and fire engines for use during APEC. The Government of Japan has already delivered a range of mini-buses, mini-vans and ambulances. Australia is also providing a series of fire engines. And very importantly, these vehicles, especially the fire engines and ambulances, will be part of the lasting legacy of APEC and will be put to public use after APEC.

Our country is further receiving diplomatic training and other support from New Zealand and ongoing co-operation from other APEC partners such as Canada,

Mr Acting Speaker, the APEC road network in Port Moresby has been identified, and is being prepared. This includes a resurfacing of the Poreporena Freeway, and the construction of the National Boulevard, that will lead to Parliament House.

It is very important for our hosting of APEC that we showcase the Nation to the world and involve our people around the country. We don't want delegates to just visit Port Moresby, but we want them to experience the culture and meet our people in all regions.

The magnitude, size and logistical requirements of hosting and accommodating APEC meetings makes it difficult to have full regional meetings so we are taking APEC to the people through regional visits.

Already APEC regional visits have taken place in Alotau, Goroka, Madang, Kavieng, Lihir, Wewak and Lae, with an upcoming visit planned for Buka. In preparation for the APEC Leaders' Summit in November, Papua New Guinea has already hosted a number of APEC and other international events. This includes a range of working level meetings and three APEC Ministerial Meetings for Forestry, Transportation and Mining.

As a Government we have also delivered the 8th Asia, Pacific and Caribbean Leaders' Summit, Pacific Islands Forum Leaders' Meetings.

We have also successfully delivered a number of other international events including the Pacific Games, FIFA Women's Under-20 World Cup and Rugby League World Cup. But regardless of how successful we have been in delivering these events they can in no way be compared to the logistics and security requirements of delivering an APEC Year.

**15/02**

Mr Acting Speaker, the APEC 2018 Papua New Guinea year is already underway.

This began with the first, second and third APEC Senior Officials' Meeting of 2018 in attended by more than 5 000 delegates. This series of meetings involved us hosting up to eight concurrent meetings at four venues over several weeks.

These have been our first major challenge — and our APEC teams came through with flying colours. We delivered world-class accreditation, venues with best audio-visual equipment and a Papua New Guinea cultural experience the delegates will never forget.

In the coming months before we reach the Leaders' Summit, further meetings will be held at ministerial level for finance and women in economy. When it comes to APEC expenditure, appropriately K74.5 million has been drawn down in 2018, with K56 million expenditure to date and of remaining K18.2 million and K5.5 million has already been committed and awaiting payment. We are now in the business aimed of the APEC year with security expenditure which is still being finalised such as salaries, vehicles payments, building renovations and meeting costs and international meeting centre.

Pending further security requirements to projected expenditure of K202 million is substantially less than the budgeted amount for this year of K270 million. Placing this into perspective delegates and member economies alone are anticipating to be spending up to K200 million on airfares, hotels, administration, and other expenditure in PNG. But the real value of APEC is long term and this is through the level of global awareness of PNG economy and investment potential. It is through the opportunities we have drawn through regional APEC expertise and capacity building to strengthen our key economic sectors such as tourism, agriculture, fisheries, telecommunication, small and medium businesses enterprise and forestry.

Together all these stimulates translates to billions of kina in increased future economic output and our rise of skill levels and economic enhancement for our country. APEC is good for PNG in the short term as we showcase our country to the world and in the long term for economic growth and development.

There is no doubt that we all have a lot of work ahead of us that we cannot risk on the success of previous meetings and we cannot be complacent but must maintained momentum and we must continue to deliver well class venues, transportation and accommodations. We have a strong team of professionals at the APEC 2018 PNG coordinating authority. They carry with them a depth of experience and are committed to the tasked at hand.

As we prepare for the Leaders' Summit in November 2018, we have received the commitment of leaders that will attend. The Prime Minister has met with every APEC leader with the exception of the newly elected Australian Prime Minister, Prime Minister of Malaysia, new President of Peru who are being formally invited to attend this historical event.

## **16/02**

Preparations are continuing in earnest and our teams are working day and night. We will ensure Papua New Guinea is APEC-ready to host up to 9 000 delegates and business people from around the world in the coming months. But all the best logistical arrangements in the world are worth nothing if we do not get APEC safety and security right.

Mr Acting Speaker, the policy discussion that is taking place not only needs to have functional venues but we need to keep leaders, ministers and delegates safe and secure. The global security environment is very challenging in current times. The threat of crime and

terrorism is real in every country. This House has approved the establishment of the APEC 2018 Papua New Guinea Joint Security Task Force.

We have since approved amendments to the Act that further strengthen security options that will maintain safety during APEC. Every APEC Summit is effectively a joint security operation involving security elements from every participating APEC economy. But co-operation is even more important for Papua New Guinea where we do not have the security assets and resources of other countries. We are working with our partners so that we can deploy fighter jets in our skies, enhance maritime security and deliver Joint Special Forces operations.

The Australia/Papua New Guinea Policing Partnership with the Australian Federal Police has been enhanced and focused on APEC preparations. Capacity building for the Papua New Guinea Defence Force by the Australian Defence Force is raising our Military Special Forces elements to the highest level. The United States has also just announced that it will provide US Coast Guard support for our maritime in-shore security. The outcome of these partnerships will not only strengthen APEC Security Operations, but the increased capability this leaves behind in our disciplined forces will last for many more years to come.

The Joint Security Task Force is deep into planning and conducting exercises, and this is progressing well. I was very pleased to witness a demonstration of their growing capacity in a mock counter-terrorism exercise in Port Moresby. I watched as the best of Papua New Guinea's security forces undertook an exercise to rescue people threatened by terrorist. Our young people carried out the security exercise with discipline and precision, and demonstrated just how far they have come in their training.

The PNGDF has been conducting crowd control and clearance exercises on the grounds of the International Convention Centre. The JSTF preparedness timeline is advancing, and APEC Economic Leaders' Week Operational Orders are being completed and issued. The focus of the build-up is based on dedicated planning teams, working with our partners, escalating preparations with a focus on high-end capabilities.

During the recent senior officials' meetings, our security elements were out in full-force and demonstrated their high level of preparedness and response capability. With every APEC meeting, lessons are learned, new procedures are introduced and capability enhanced. Security operations for APEC will be comprehensive and proactive. These operations on land, air and sea will counter any potential threat and strive to prevent any potential threat, be this of violence or other disruption. It is only through co-ordinated engagement between our

security, logistics and policy agencies, working with our international partners, that we will have a successful APEC year.

**17/02**

Mr Acting Speaker, in hosting APEC, the benefits are clear. There are both economical and social benefits. In hosting we will turn the spotlight of global attention on Papua New Guinea.

Around the world today, there are millions of people and so many investors that know little or nothing about our country. That is changing and the economy and the potential of Papua New Guinea is in the world news headlines. This exposure around the world for all the good reasons will have the direct and positive impact on the economic development in Papua New Guinea.

We will create opportunities in the international community and that will stimulate investment in our economy. We will promote the culture and identity of Papua New Guinea to emerging tourism market and bring more visitors to our shores and our country. As host, we are guiding regional policy that will have direct impact on key sectors of our economy. This is in transportation, tourism, telecommunication, small and medium enterprise, empowerment of our women in our economy and many other sectors. These are benefits that will last for many years to come. And in the mediate short term, travel by more than 15000 delegates, business people and their governments will deliver an immediate currency injection worth as much as two hundred million kina.

I would like to thank most of the members of the Opposition for their bypassing approach to the hosting of APEC. However, we have seen opportunism creep in from individuals who are playing politics at the best and are clueless at worst. We have seen misinformation from certain members in particular who have misrepresented the value of hosting APEC.

The claim by some particularly on social media that billions of kina have been spend on this year APEC is absolutely false. Why do this people talk down about the greatest international event in our history? Why would these wreckers try to mislead the people of Papua New Guinea with fake news? Why would they try to embarrass the nation in the international community?

They have criticised the resealing of our roads in Port Moresby. The Poreporena Freeway was built 20 years ago and has fallen into disrepair. What makes the claim is even

more ludicrous is that the resealing is been done as a gift from the Government of China. This is not at the cost to the Government or to the people of Papua New Guinea. It's a gift to assist us in our APEC meeting. And then they would have the public believe that there is no value to the nation in hosting APEC. Through APEC Papua New Guinea has excess to technical expertise, to capacity building and policy advice that other developing countries could only dream of.

The benefits of hosting APEC will last for many years beyond our hosting year and will strengthen many sectors in our economy.

The opportunities for Papua New Guinea as the destination for global investment will be enhanced and this will lead to increased trade and business and jobs. So instead of talking down our economy people should get behind our hosting of APEC and be a part of this great opportunity for Papua New Guinea. Get behind Papua New Guinea and our new position in the global community.

**18/02**

Mr Acting Speaker, the hosting of APEC provides great opportunities for our nation, for our industries and economic sectors and for the creation of jobs for our people.

Let's embrace APEC, and let's welcome the Asia-Pacific and the world to Papua New Guinea. This is an enormous opportunity for our country, and I commend the vision of our Prime Minister for bringing APEC to Papua New Guinea.

Now is our time to show the world the opportunities that exist in Papua New Guinea, and now is our time to tell the world just who we are in Papua New Guinea. I will continue to update this House on APEC preparations as we draw closer to the APEC Leaders' Summit, but otherwise let's get behind APEC and make it an absolute success.

Thank you, Mr Acting Speaker.

**Mr Kerenga Kua** – Thank you, Mr Acting Speaker. I want to debate on the report. Can the Leader of Government Business sit down?

**Mr ACTING SPEAKER** – Honourable Member for Sinasina-Yonggamugl, the Chair is making a decision. The debate can come later.

**Mr Kerenga Kua** – When?

**Mr ACTING SPEAKER** – This afternoon.

**Mr JAMES MARAPE** – Mr Acting Speaker, your instructions take precedence at least from the Members of the House.

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

That the Parliament take note of the statement and the debate be deferred to a later date.

Debate adjourned.

Sitting suspended 12 noon to 2 p.m..

**19/02**

**DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL –  
STATUS OF THE OFFICE OF PUBLIC CURATOR AND  
OFFICIAL TRUSTEE – MINISTERIAL STATEMENT –  
MOTION TO TAKE NOTE OF PAPER**

**Mr STEVEN DAVIS** (Esa'ala – Minister for Justice and Attorney-General) – Mr Acting Speaker, thank you for allowing me to provide this Ministerial Statement on the current status of the Office of Public Curator and Official Trustee of Papua New Guinea.

I present to this Honourable House on the progress it has made, the constraints and difficulties it has encountered to its current state and its future visions, which I hope to assist to implement.

Mr Acting Speaker, the Office of the Public Curator and the Official Trustee is vested with statutory powers to administer several legislations which fall either under the Public Curator's responsibilities or the Official Trustees responsibilities. Under the Public Curator's responsibilities, the *Public Curators Act* and the *Wills, Probate and Administration Acts* are administered. These two legislations govern the administration of deceased, insane or missing persons estates in Papua New Guinea. The dominant responsibility of the Public Curator covers administration of Estates of Deceased persons who die "intestate" (someone who dies without a Will). Ninety-nine per cent of Papua New Guineans die intestate.

Mr Acting Speaker, under the Official Trustee's responsibilities, the Public Curator performs Trusteeship duties pertaining to Persons Declared Insolvent, Minors (under the age of 21) Trust, or other Trustee responsibilities as stipulated under the *Trustees Act* and any other Act that may stipulate a role for the National Official Trustee which I will elaborate further below.

Mr Acting Speaker, and also the *Constitution* provides that the Ombudsman Commission may "place under the control of the public trustee" any assets or income of persons convicted of an offence under the *Leadership Code* as provided under section 28 (1) (c) of the *Constitution*.

### **Background that Gave Rise to Current Reform**

Mr Acting Speaker, I believe most honourable ministers and members of this Parliament may be aware that this office which became quite controversial at times in years preceding 2000 and by mid-2003 the Auditor General had provided reports and audits to the Minister of Justice and Attorney General concerning the financial statements of the Public Curator's Office which were tabled in Parliament and it was immediately evident that the office was in a "chaotic state" as stated in the Public Accounts Committee report to Parliament.

Mr Acting Speaker, the Public Accounts Committee reports to Parliament, Volume 1, stated that "the Auditor General identified significant failures in those financial accounts, serious financial and administration problems and wide mismanagement at all levels within the Office of the Public Curator, over a long period of time" and that "the Public Accounts Committee finds that the Public Curator past and present have failed to act in the best interest of beneficiaries, failed to carry out the duty of a Trustee adequately, or at all, failed to either recognise that a problem existed.

**20/02**

If there was a case of corruption at its worst, this could be it.

The report further identified that the Auditor General had found that the Public Curator has never had sufficient persons with necessary qualifications to ensure that the office was able to carry out its statutory duties. Lack of staff or adequately trained personnel has resulted in backlog of estates in various stages of resolution.

Mr Acting Speaker, this was the findings of the Auditor General and to this day few deceased estates have been resolved in a reasonable time period and there are many instances of estates not resolved after a decade or more."

Mr Acting Speaker, this is a case of either mismanagement, stealing or theft from dead people. As if stealing from the living was not enough, the systems have allowed to steal from dead people.

So, Mr Acting Speaker, at this juncture, I just want to respond to a statement made early this year by this Government about the need or otherwise for ministers to make statements reporting on the work of our departments. It is our public duty, we are paid to come to this Honourable House to inform the honourable leaders and our people of the situations affecting public institutions. What we are doing as leaders in our time is to change that course and make improvement to create a better country.

Mr Acting Speaker, since 2013, this Government has had the opportunity to reverse that cycle and trend of corruption in this public office. Starting by the appointment of first the amendment to the *Public Curators Act* so that the powers of the public appointment of the Public Curator and Trustee will be vested in the National Executive Council

Mr Acting Speaker, I am happy to say that in 2013 an important decision was made and a capable, trustworthy lawyer was appointed to this Office and the story has changed since then.

Mr Acting Speaker and honourable members, you can read from page three of this statement and onwards of the progress that has been made. Needless to say that the progress was one that despite or in spite of the difficulties, logistics, funding and the rest but it is of interest to know that the new Public Curator was able to make a lot of changes and a lot of progress in getting this office going.

The summary of the letters of administration granted by the National Court to the Public Curator to do work on behalf of deceased estates since 2013-2018 stands at 242 cases. This is the power that the Public Curator is empowered by the Laws of Equity to distribute properties.

Mr Acting Speaker, as for disciplinary action, the Public Curator has persisted with zero tolerance on corruption in his office and as a result:

- Four (4) were criminally charged and cases pending;
- One officer of the Public Curator's Office is currently in Buimo Prison, Lae.
- And 14 staff were terminated and replaced for corruption, bribery and fraud-related matters.

**21/02**

Mr Acting Speaker, whilst the Public Curator has taken such action, my department has seen the need for legislative review and amendments.

Since becoming Minister I have perused and considered the New Public Curators Bill which was supposed to be tabled in the last Parliament but it did not eventuate as Parliament rose for national elections. The intention was good but I was of the strongest view that the piecemeal amendment to only few provisions of the old Act would be like "stitching an old piece of cloth on a new cloth or putting new wine into old wine skin". It is my intention that the Act must capture the current status of the society and future generations and address all aspect of deceased estate administration for both intestate, insane and testate estates.

Mr Acting Speaker, the time is right to give more power and autonomy to the Public Trustee to deal with deceased estates matters without too much interference by outsiders as reported in the second volume Public Accounts Report to Parliament which stated in order to carry out his statutory role in an efficient manner, the Public Curator should be free of inter-meddling by any person. This was further supported by the scoping study on options for reform Final Report prepared by Law and Justice Sector Program Consultants as a delicate balance needs to be found in regard to the Public Curator. The Public Curator needs to be sufficiently independent to avoid intermeddling which can lead to inappropriate decisions being made in

Mr Acting Speaker, the new *Public Trustee Act* which I intend to develop will include among others: -

(1) Increased penalties for breaches for non-compliance of requirements during the administration processes;

(2) Penalties to be reviewed for staff who are "Trust Officers" that breach the provisions of the Act;

(3) And will empower the Regulations to operate efficiently and effectively

Mr Acting Speaker, I will need all parliamentarians to support this very critical legislation.

Mr Acting Speaker, the Public Curator is conscious of controversial issues highlighted in my opening remarks. Statutory Requirements of submitting Annual Reports to Parliament is a critical management tool and the Public Curator has embarked on a mission to correct the wrongs of the past and opened dialogue with the Auditor General and had several meetings for the audit issues that were never attended to since prior to 2013 and agreed to address the Audit issues raised in 2011 which were attended to and subsequently an audit report was issued for

2011, 2012 and 2013. Draft Financial Statement for 2014 were submitted to Auditor General's Office in September 2017 and pending Auditor General's Office to Audit.

Mr Acting Speaker, I thank the Chief Justice, Sir Salamo Injia, for the foresight in decentralising the letters of administration application matters to the regions. This has been one of the greatest impediments to deceased estate administration in PNG and also one of the contributing factors that led to a lot of mismanagement and illegal activity issues raised in the past.

A lot of the estates were defrauded when the beneficiaries were out in the provinces and found it difficult to come to Waigani National Court to provide evidence that they are the correct beneficiaries to claim their benefits.

Mr Acting Speaker, I wish to report to the people of Papua New Guinea through this Honourable Parliament that all deceased estate matters will now be dealt with from the regions. Beneficiaries including widows and orphans will not have to spend more money to come to Port Moresby to make their applications for letters of administration. This will reduce costs, time, identify proper and correct beneficiaries to benefit from deceased estates.

**22/02**

### **Provincial Offices**

Mr Acting Speaker, the Public Curator, considering the plight of the people also embarked on a project to decentralise its functions to the provinces. I wish to request through this Honourable Parliament for honourable members to support this endeavour through logistics and funds because they are for the benefit of your people in the province.

Mr Acting Speaker, I am pleased to report that some provincial offices have been established through co-ordination with Provincial Administration. So far, officers have been established in Milne Bay, Popondeta, Daru, Madang, Manus, West New Britain and Wewak. Some provinces have shown interest and we are working with them to appoint officers in those provinces. We need all provincial governments to support as this is a very critical area of service to the people.

### **Law Suits Against the Public Curator and State**

Mr Acting Speaker, the Public Curator has defended the office with utmost sincerity, diligently and with determination that most cases were defended successfully and even prosecuted matters for and on behalf of beneficiaries

successfully. He helped develop case precedents which now lawyers and courts can refer to. He contributes to Legal Training Institute as part time Trainer since 2009 on wills and Probate Administration in PNG.

Mr Acting Speaker, however, there is one major case still pending to date and the State is continuing to defend. That's part of the mess I have mentioned at the beginning of this Statement. It is the Late Kibi Kara case. This is a K45 million claim against the State for negligence by the Administrator of late Kibi Kara estate. The Courts appointed one of the widows of late Kibi Kara as an Interim Administrator.

Ashures Lawyers are lawyers for the Plaintiff. The former Public Curator, Mr Paul Wagon appointed Mr Ralf Saulep of Saulep Lawyers to act as Agents of the Public Curator to defend the Office. He is currently on record as Lawyer acting for Public Curator.

Mr Acting Speaker, finally, I would like to urge you all not to leave your wives and children suffering in a painful and desperate situation after you are gone like some of our leaders who have left us in the recent past to be with the good Lord without putting their family in order before they left by not taking five minutes to put on paper their intended distribution of their hard earned assets and wealth. Please make a Will!

Therefore, I want to acknowledge the support of leaders from both sides of this House who have recognised the need to support the Public Curator in attending what we call "*Walk for Legacy*" on Saturday morning around the beautiful Paga Esplanade. Not Walk for Life or Walk for Yoga but Walk for Legacy.

Mr Acting Speaker, as Minister responsible, I wish to see a Papua New Guinean Public Trustee Organisation just like any other in the world manned by professional people under professional standards and systems established to serve Papua New Guinean widows, orphans and insane who are vulnerable and marginalised. I hope to assist to establish an office where people will be willing to come to be served rather than being forced by circumstances to come. Our Government want this organisation to change.

Mr Acting Speaker, I once again commend this Government and the support we have received from both sides of the House in enacting amendments to make sure that this important institution is supported.

Thank you, Mr Acting Speaker.

**Mr MICHAEL NALI** (Mendi – Minister for Works) – I move –

That the Parliament take note of the paper.

Thank you Mr Acting Speaker, there are two things in life and one of them is our lives. When we are alive to do so many things and in most cases, we forget about the sufferings of other people and we really do not know who is enduring what kind of suffering. We are only focused on making sure that our families are okay; we make sure that our children are in schools and provide food and shelter for our families.

**23/02**

Mr Acting Speaker, when sickness befalls us and we die, put yourself in a mother's shoes. If instance there is a mother with five children and their father decided to abandon the family, would you imagine what goes on in that mother's mind? If I was that woman, whose husband died and left me with five or six children, I would have so many thoughts as to who will help me to raise my children, who will provide accommodation, education and all other things to cater for the welfare of the family.

I really do not know how I would handle all these if I were that mother or any other woman in such a situation. I want to take this opportunity to say to my fellow men that physically we may be the strongest creature but mentally, many women have defeated us. Coming towards the end of the Minister's statement, he made mention that everyone in this house and outside as well must make sure that you must have a will.

Mr Acting Speaker, I have lived to witness a lot of very bad people. We have a culture where the wife and the children become nothing and the brother or the relatives become so important. Driven by greed that they come to take away everything from the children or whatever the father has left for the children. Whatever the father has left behind for the mother to rely on to raise the children is taken away through the very bad element of greed that drives a man to steal everything. But I have also lived to realise that those people who have done that have not lived to enjoy the dead man's money and things.

Mr Acting Speaker, if one of us gets into this kind of situation I am warning you not to touch a dead man's money. Even from the office of the Public Curator, I am pretty sure there has been a lot of abuses. From that office, a lot of assets that belong to mothers and their children have been sold to friends. You may think that you are the smartest creature on earth but you are a fool. The man that created the one that died and those that the dead man

has left behind is watching. Every time you feed from what you take out of that family's assets, that widow and her children's bank account and whatever you buy from that dead man's money; you are poisoning yourself. You are eating it and it is working inside you. Do not think that he is dead and gone, the spirit continues to live.

Mr Acting Speaker, so I think one of the important things is it is a welcoming news to finally discuss issues surrounding the Public Curator. You are showing us where it was to where it is now. I would want to ask you not to stop here but continue and simplify this so that an ordinary village widow must be able to front up at the Curator's office and claim what is rightfully hers. She just has to say, I am the widow and these are our children, my husband was so and so and he has died. W, however, have two groups here, one has a will the other has none.

**24/02**

Those of us who have a will, at least there is some guarantee that our mothers and wives and the children have some guarantee to get back and rely on what the father has worked hard for and left behind for them.

And then we have another group that does not have a will. So, how does the widow and the children get out there and fight what sometimes look like terrorists who come and fight for what is rightly their father's and they take everything away.

And, Mr Acting Speaker, this is something that we must think very seriously about and correct. We must simplify how an ordinary woman, a mother and children can get out there to get what is rightly theirs'.

Mr Acting Speaker, I am proud to stand here and say that I have a will, my will is there, just in case I kick the bucket tomorrow, I will never come back to see my family but I have a will and I have people who are administering my will in the event that I disappear.

In my will, knowing very well that I have brothers and sisters and family, I have also included them in my will, a very small but reasonable percentage of what little I have. But in the event that this person dies, whatever little I have allocated goes back to my wife and children.

Mr Acting Speaker, we are not more significant than the other, responsibility wise and name wise we are significant but there are a few little inheritances that we have accumulated and some meagre sums of money that we are going to leave behind when we leave some

issues such as retirement benefits when we go. The widows are still picking up retirement benefits of former Members of Parliament.

So, these things are very, very important. So, it is a very good time. A great opportunity for us to ask ourselves, do I have a will? If you do not have a will, you do not know what tomorrow is holding for you so go and get a lawyer to draft your will and leave it behind so that at least your family does not suffer.

Mr Acting Speaker, I do not have much to say, what I want to say has ended on this note but to conclude, through you Mr Acting Speaker, I want to ask the Minister, please, do not stop here. Go further and make this thing simple. Simplify it so that our mothers and widows and children should not struggle to access what is left behind by their fathers at their passing.

Nowadays lawyers are becoming very, very important people that sometimes do assist and make things possible but in many cases it becomes very frustrating for ordinary widows and their children.

**Mr CHRIS HAIVETA** (Gulf) – Mr Acting Speaker, I rise to support the Ministerial Statement from the Attorney-General and to thank him firstly for making changes in the Public Curator's Office. He has done a magnificent job and we must be happy about the major effort he has invested into the office of Public Curator.

I worked with the Public Curator before. He is a lawyer who has a good standing in his community and in the legal profession. So, I am happy with both men and I think we should all applaud them and give them a clap.

**25/02**

Mr Minister, where abuse happens to the administrators over the deceased will, the Court must appoints people who are carry out duty with care and must include a major penalty in the Act.

Secondly, there must be enough checks and balances in the Act to protect the recipients of that will and to protect the officers that are administering the will, especially in the regulation.

Mr Acting Speaker, if I can recommend to the Minister to look at simplifying a prescribed form that must come with the Act and it must have all the necessary components of a basic will form that we can gazette, pass and make it available in all government

departments, all provincial offices and district headquarters. This is not just for us, but also our people to have access easily, instead of going to see a lawyer which is expensive.

Mr Acting Speaker, the final issue that I want to raise is about the struggles you are experiencing, Mr Attorney General, with cash flows and probably with the independents in the statement, this needs to be addressed by the Government as a whole.

Mr Prime Minister and Mr Treasurer, we have an appropriation passed every year where provinces and departments are given allocations. I am sure the Public Curator also makes submissions and is appropriated its share of the Budget. Now, whether that budget is going through the Secretary of the Department or going directly, is something that we really have to sort out because we have cash flow problems in the country.

But, in the Appropriation Act, that we pass every year, concerted efforts must be made by the Executive Government to make sure that not only the Wills and Probate Office is funded, but all Departments are funded and appointed properly. I do not care where you get the money, but when you come here and ask to pass the Budget, you must provide those funds on time, if you do not provide those funds on time, there is no discipline and there is lack of confidence in the Government system. People don't work or turn up for work because they can't do anything, they just seat at the office doing nothing.

So, there is a need Mr Minister, through your statement, you have identified a problem in the way we fund our public expenditure and it needs to be addressed immediately. Find the money and give it to the Office of the Public Curators, the Departments and Administrators, so that we can effectively carry out our functions.

To add support to the Ministers work, there has to be a certain degree of independence put that to the Act so when he brings it to the table, I am sure that both sides of the House will wholeheartedly support it.

Thank Mr Acting Speaker.

**26/02**

**Mr GARRY JUFFA** (Northern) – I move –

That the Parliament take note of paper.

Mr Acting Speaker, I wish to join my colleagues in commending the Attorney General. He has been very active and has brought to us much good positive work and I commend him for that.

It's a very important effort and you have gone through and scrutinised dormant entities such as National Narcotics Bureau and the other two entities that suffered because people who were appointed in the past to head this organisation were not appointed because of merits but for political convenience, and this is what happens when such appointments are made.

Therefore, it's very important that the people that we appoint to head departments and organisation must be on merit basis. This is a very important organisation and I concur with the Governor of Gulf that somehow - and here I would like the Minister for Public Service to take note - we must incorporate this into our public service machinery so that all public servants must have wills upon entry and it's a must for their families because many of them serve this country and government loyally and then when they exit, their wives, children and loved ones are abandoned to the will and whim of relatives.

I also recommend to all governors that you have to from the PSIP allocate some funding and I have done it for us.

In Oro Province, we are going to allocate every year some funds to assist and run the Public Curators office in our province. I have already allocated K200 000 this year and a vehicle to assist the officer on the ground to get out and not just do his mandated work but also to provide assistance so that he can carry out awareness. These concepts of savings, preparing a will or leaving behind something for our families are all foreign concepts to us as Melanesians and Papua New Guineans. But it's a must that we have to practice it today so that we may be able to prepare our children who will run this country and develop it so that they are abled and enabled to be able to meet their responsibilities as citizens of this country.

I want to ask members of Parliament to join in this small walkathon that happens every Saturdays which I have attended and I feel that more of us should join in. And also our good Governor for NCDC who normally takes lead in this 'walk of life' every Sundays. We all must take part in such activities by taking the lead physically out there so that our people can mingle with us, communicate, interact and they will see that we are not isolated from them and talking only in Parliament but we are physically with them out there.

We in the Opposition are willing to support those ministers who are proactive or productive by doing something meaningful for this country. And we will give credit where its due to whoever minister that deserves it and he is not the only one there are others and others who could improve but I won't give you the list yet, thank you very much.

**Dr ALLAN MARAT** (Rabaul) – Thankyou Mr Acting Speaker. I too want to express my gratitude and appreciation to the Minister for Justice and Attorney General for presenting this important statement in relation to people who die inter-state.

I want to elaborate here that in some PNG families the wives are the breadwinners and the husbands take care of the house. With that not only males die inter-state but females as well and that's one issue which I wanted to raise.

And the other issue is about mothers with many children left to fend for themselves when their husbands die; this problem is increasing and I am fully aware of this issue nowadays.

Most of these families when their father dies, their assets are taken over by the Public Curator and nothing has been done to release their entitlements. With that, I seriously want something to be done to this legislation to accommodate this problem and make it fair for those mothers and their children, who have up until now exhausted all their efforts at the office of Public Curator.

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I was aware of the corruption in that Office, so I want to raise these two points. I also want to discuss the issue of stamp duty. I think we should not burden those who would like to make a will. This must be reflected in the legislation because they know that a will cannot be made and hidden in a filing cabinet. It will be produced to executors to execute the will upon your death. It has to be stamped. Therefore, I think that there must be the legislation to provide for a type of stamp that is affordable for ordinary citizens.

These are the three points that I would like to raise for the awareness of the Minister for Justice and Attorney General so that he can take these into account when preparing legislation, otherwise, we are all for this legislation. It is long overdue. Thank You Mr Acting Speaker.

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

## ADJOURNMENT

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

That the Parliament do now adjourn.

The Parliament adjourned at 3.00 p.m..