

## SECOND DAY

Wednesday 23 January 2019

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PARLIAMENTARY DEBATES  
CORRECTIONS TO DAILY DRAFT HANSARD

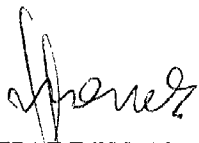
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**HARRY MOMOS**

Acting Principal Parliamentary Reporter

## SECOND DAY

Wednesday 23 January 2019

The Acting Speaker (**Mr Jeffery Komal**) took the chair at 10 a.m.

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

Sitting suspended

Mr Acting Speaker again took the Chair at 10.45 a.m. and invited the Member for Moresby North East, **Honourable John Kapua** to say Prayers.

“Tenk yu heavenly Father, mipela i tok tenk yu long dispela dei January 23, 2019. Mipela laik go insait long dispela miting long dispela Palamen na mipela tok tenk yu long yu. Bifo mipela igo insait long dispel miting, mipela laik tok tenk yu long 2018. Planti challenges mipela kisim tasol Yu bin sapotim mipela kam tru na mipela tok, tenk yu. Mipela kisim criticism long ol pipol outsait, long dispela alternative gavman, na Opposition, na ol narapela tu, tasol ol dispela criticisms em guidance na way forward. Ol criticism i kam long wei bilong em, tasol mipela kisim olsem challenge na mipela to tenk long Yu yet ikam insait na givim mipela dispela directions long move forward insait long 2018 we planti major projects, na planti ol national events i kamap olsem APEC na ol disaster too. Dispela ol challenges mipela bungim na mipela itok tenk yu. As mipela igo insait long 2019 tudei, mipela i askim guidance na wisdom blong yu long givim Praim Minista, na Lida bilong Opposition na ol narapela ,ministas, na ol membas na gavanoas tu, so mipela ken deliberate for the purpose of saving 8 million pipol of Papua New Guinea. As mipela igo inside long miting, igat planti toktok long nius pepa i kamap long motion of vote of no-confidence, na mi laik askim intervention bilong heavenly Father long kam insait long dispela miting long soim sapos is right or nogat? Mipela askim ol honourable memba long dispela Palamen long decide very carefully because mipela laik halvim pipol long dispela kantri em paramount importance bilong yumi stap long hia. Wantaim dispela mi askim Father blessing mipela na ol wokman long dispela Palamen na Speaker, so independence imas stap long dispela Haus, wantaim dispela mi askim dispel sotpla prea”

02/02

## QUESTIONS

**Mr THOMAS PELIKA** – I would like to direct my question to the Minister responsible for Mining, but since he is not available, I will refrain and ask him when he is in the Chamber.

### **Provide More Local Content – NBC ARoB**

**Mr JOE LERA** – Thank you, Mr Acting Speaker, my question is directed to the Minister for Communications and Energy.

What is the policy governing NBC in regard to giving equal air time to global, national and local content to our people?

I ask this because currently Radio Bougainville is giving more air time to global and national content and minimal air time to local Bougainville content. This is a disadvantage to my people as they are not getting the relevant information on the social, economic and political issues affecting the region, especially in the context of the Bougainville Referendum.

**Mr SAM BASIL** –Thank you, Mr Acting Speaker. I thank the Governor of Bougainville for his question. It is very true that we should be giving more emphasis to local content through radio broadcasting, especially for Bougainville, with the referendum coming up, we need to give more air time.

Mr Speaker, I will take this issue up with the Minister assisting the Prime Minister, as well as the NBC Managing Director to look into that and also to look into the overall content of NBC in Papua New Guinea, particularly on how they present global issues with the national issues.

03/02

While on that, I also take this opportunity to inform the House that the NEC has approved to assist the two new provinces – Hela and Jiwaka, to establish new NBC stations and also give more support to Radio Bougainville to extend its capability in establishing more towers to relay NBC signals, so that will be done. We have an engagement up in Enga Province with the Governor and I would also encourage all the provincial governors to work closely with

my Department to ensure that we improve existing NBC infrastructures in all provinces. We will come back to you in due course, thank you.

### **Agriculture Industrial Park – EHP**

**Mr PETER NUMU** – Mr Acting Speaker, I want to direct my questions to the Deputy Prime Minister and Minister for Treasury. I also want the Minister for National Planning and Monitoring, Minister for Agriculture and Livestock, Minister for Public Enterprise and State Investment to take note.

Mr Acting Speaker my question is in relation to an MOU signed in 2017 by Eastern Highlands Provincial Government, Western Highlands Provincial Government and the Minister for Agriculture and Livestock, witnessed by the Prime Minister and the China Railway Group.

The MOU was signed to pave way for a big investment arrangement worth billions of kina which included the setup of a huge multi-purpose agriculture industrial park in Western and Eastern Highlands Provinces. The Western Highlands Park will serve Enga, Southern Highlands and part of Jiwaka while the Eastern Highlands Province Park will serve Chimbu, part of Jiwaka, Madang and Morobe Provinces.

Mr Acting Speaker, this question was directed to the Minister for Agriculture and Livestock last year, who responded saying, K1 billion plus will be required as investment in the two provinces – investment from China. He further mentioned that the Government of PNG will make financial commitment as well. However, it took the entire year to wait for the APEC meeting where we were expected to have the project signed initiated, but sadly, we missed out.

(1) Can the Deputy Prime Minister and the Minister for Treasury explain why this investment which is of great economic importance has not been taken seriously?

Under the newly launched Medium Term Development Strategy 3, this Government's focused is on economic development and investment with agriculture being the forefront.

Mr Acting Speaker, this agriculture industrial park is the way forward and will serve as the vehicle to drive agriculture and investment in the two big agriculture provinces which are located right in the centre of the country.

(2) How can you as the Minister make MTDS 3 a living document?

This project is a huge investment on agriculture which will financially empower the provincial governments, increase income and create more job opportunities in these two provinces, but was ignored by this Government.

The people of Eastern Highlands want to know about it.

04/02

#### **Coffee Derivation Grant – EHP**

Mr Acting Speaker, my second question is in regards to the coffee derivation grant. In 2018, I asked the Minister for Justice and Attorney General if there were any legal restriction for a provincial government, in particular the Eastern Highlands Province from accessing funds from the coffee derivation grant.

The Minister for Justice and Attorney General rightfully responded that in so far as the *Organic Law* is concerned, there is nothing stopping the Eastern Highlands Provincial Government in accessing funds from that coffee derivation grant. He also stated that there was a Court Order in place directing the Department of Finance to pay the outstanding coffee derivation grant.

In the recent calculations made by the Coffee Industry Corporation, from 2000 to 2017, the outstanding stands at K18 million, plus the previous K13 million giving a total of K31 million or maybe more.

Mr Acting Speaker, according to CIC calculations from 2000 to 2017, Eastern Highlands Province alone contributed about K3 billion into the country in coffee alone.

Mr Acting Speaker, such treatment is unfair and injustice caused to the people of my province, especially the simple coffee growers.

My question is;

Can the Treasury Minister inform my people where he can find the K30 million plus from that coffee derivation grant for my simple small coffee growers, and give back what is rightfully and legally ours within this year?

**Mr CHARLES ABEL** – Mr Acting Speaker, I thank the good Governor of Eastern Highlands Province for this important question. It is good to see that we have active governors who are concerned about bringing economic development by driving various programs within their provinces.

The program he mentioned is in relation to the MOU with the China Rail Group and the integrated agriculture park. It is indeed a program that has been initiated by the Eastern Highlands Provincial Government, not so much the National Government; we have taken that project on-board through our Agriculture Minister and have been processing particulars around that proposed arrangement.

Mr Acting Speaker, I must say that there remains some concerns around the financial implications on the State. So I will forward some of those questions through to the Department of Treasury to be answered.

Our Government welcomes all opportunities for investments and partnering with good companies like China Railway Group to support our development objectives, but we must be completely clear about some of the commitments contained in a finer details when we enter into such agreements as a State. This is not a small financial commitment.

Mr Acting Speaker, we are yet to process that arrangement. It has not come up to Cabinet yet. It will go through the due processes and the questions will be put to Cabinet once Treasury has a full understanding after negotiating with the developers as to exactly what financial commitments and obligations will be placed on the State in this regard.

Obviously, if they are willing to fund 100 per cent of the program, that will be magnificent, unfortunately that is not often the case. There is quite a significant undertaking that is required of the State and this must be fully understood before we commit the State. The Cabinet will take all those issues on-board. We take these sorts of programs very seriously.

Mr Acting Speaker, in terms of the coffee derivation grant, I have taken those issues on board and have referred them to the Department of Finance and Treasury to advise us on where we sit in terms of the *Organic Law* and in terms of the obligations to provincial governments.

Mr Acting Speaker, let me say that our Government takes all commitments to provincial Governments very seriously. I have said this many times on the Floor of Parliament, we are improving our engagement with provincial governments and our intention is to partner meaningfully with them by making sure they are resourced and also to ensure all governance mechanisms down to the local level governments are effective as possible.

05/02

And that is why I highlighted things like meeting our objectives in the functional grants.

For the first time in many years, through the hard work that our government has been doing, we have met the functional grants in full. I believe there are some issues surrounding special support grants and MOA legacy obligations which we are tidying up, but we are fully committed to meeting each and every obligation to provincial governments. There is a commitment in relation to derivation grants which is an old provision in the *Organic Law* regarding the terms of exports from provincial governments where a percentage of that export that is supposed to accrue to the provincial governments around the FOB value of those exports.

But, I need to get the full update in terms of where the legislation sits regarding such commitments.

Mr Acting Speaker those questions have been put to our departments, once we have those, we need to factor in those commitments to the provincial governments.

**Mr Peter Numu** – Point of Order! Mr Acting Speaker, my question is simple. I asked him where? The Attorney-General has already stated on the Floor of Parliament that we have the right under law. The *Organic Law* is a supreme law and he has not told me where the money is. This is from so many years ago up to now.

This money rightfully belongs to our simple coffee growers and the Minister has not informed me where the money is, is it in Finance or in trust accounts or where exactly is the money?

Mr Acting Speaker, as a young governor, I see that my people of Eastern Highlands have no future if I remain with this government. On that basis, I am notifying you, Mr Acting Speaker, that I am taking the other side of the House.

**Mr CHARLES ABEL** – Mr Acting Speaker, our Prime Minister has just recently paid a visit to the Eastern Highlands Province. He inspected a fantastic new facility within the hospital there. He launched a K1 billion upgrade program of the Highlands Highway which passes through the Eastern Highlands Province as well. Apart from those there is a new University of Goroka accommodation facility. The roads are being upgraded in the town of Goroka and many other commitments have been made and delivered to the people of Eastern Highlands and Papua New Guinea, Mr Acting Speaker.



To pick on one particular legacy issue like derivation grants and make a big deal about it to the extent of talking about crossing the Floor because of the lack of support from this government is ingenuous of the highest degree.

This government is committed. I repeat myself, many of these are legacy issues that we are meeting for the first time. We are committed to provincial governments. If there is an obligation we will meet it like all other obligations to provincial governments, Mr Acting Speaker.

*(Members interjecting!)*

**Mr ACTING SPEAKER** – Order! Order!

#### **Provincial Officers Stealing Funds – West Sepik**

**Mr TONY WOUWOU** – Thank you, Mr Acting Speaker. We want to talk, but the Opposition Members are leaving. I wish to speak to them too, but they are gone.

Anyway, my question goes to the Minister for Finance. I also wish to have the Minister for Treasury, National Planning and Attorney-General to take note.

And the governors are also required to take note. It has come to my attention that some of our provincial officers in the provinces have been stealing money from the provincial budget or provincial purses. It has been going on for some time. That is why you will see that some of the provinces have not developed because the officers are stealing from them. Without our understanding and approval, they have obtained DSIP money and disbursed it amongst themselves.

(1) What are we going to do with those officers?

(2) Are we going to keep them in there?

**06/02**

We are the political head, so maybe the secretary or the ministerial head can deliberate on that. It has been going on for some time in my province and maybe some other provinces too, but we are too busy to look into the books and verify these accounts.

Can the Minister for Finance deliberate on that?

Thank you.

**Mr JAMES MARAPE** – Thank you, Mr Acting Speaker, for giving me the opportunity to reply to the questions raised by the Governor of Sandaun.

Let me say in simple terms that we do not tolerate officers who are stealing from the public purse, especially stealing done by officers who are designated to supervise proper disbursement of funds that are meant for goods and services. But, in this instance, I ask the Governor of Sandaun to kindly furnish us the evidence correctly. Provide evidence of misappropriation, stealing or operating the provincial treasury without due process or without following the proper disbursement process as stipulated by law and proper investigations will be carried out.

Let me say strongly that we will not tolerate officers continue to abuse funds at the district and provincial level. So, if there is evidence that they are guilty than they will be terminated from public office.

Thank you, Mr Acting Speaker.

### **Supplementary Question**

#### **Sack Corrupt Officers – Menyamya**

**Mr THOMAS PELIKA** – Thank you, Mr Acting Speaker, I have asked this question in the past and I said I will cut off their fingers.

I took a team from Waigani down to Menyamya to do investigation, but these people are still there, maybe the next time, I will murder them and bury them myself because I am already tired of this system of nepotism where *wantoks* put their claims and it gets approved without following the right processes.

I reported that there was a couple doing that but nothing was done about it even after I submitted the report. How many more reports do you want?

For this particular couple; the wife is employed at the Menyamya Treasury Office while the husband is employed by the Lae Treasury Office. I have already placed complains, but you have not addressed the issue. So, who else should I go to for help? I can't keep on going back and forth to you for this same issue.

This is a major problem in this country, we have too many incompetent public servants who are corrupt, yet they blame us; they are the real culprits.

Thank you.

**Mr JAMES MARAPE** – Thank you, Mr Acting Speaker, I think the Member for Menyamya has raised this concern on more than one occasion both on the Floor and as well in Government caucus. I give assurance to the honourable Member that I will check again as on the status of the investigation conducted into the operations of Menyamya Treasury and report back to the Member concerned later this afternoon.

But, let me make it absolutely clear and certain that at no instance should a public servant ever hold a DDA resolution or provincial government budget to ransom. DDA resolutions and provincial government budget as approved takes precedence over any other request or demand or any other forms of payments.

For DDA's, the form 11 verifies any payments that are to be made. This was introduced to stop public servants from running cheques at their own free will.

**07/02**

Every cheque must be processed consistent with DDA resolutions so it is incumbent upon every one of us to ensure that for every proper sanctioned DDA resolutions that calls for expenditures, we must attached form 11.

The banks have been instructed, it's a little cumbersome but it is all in the name of good governance and transparency and to ensure that you sleep well at night knowing that what is appropriated for in your plans and what is approved by your DDAs resolutions are the ones that the banks processed. So the banks knows that no cheque from the district or provincial treasuries are to be run without form 11.

I will check for your case, Member for Menyamya, if the reports come back and there are issues of corruption that has not been addressed then whoever sitting on the report at the national level will be held to account for it. The report will come to you later today and let me assure the Member that we address the matter.

Once I have the floor, let me asked every one, sometimes we have issue of differences between us, the elected officials and the public servants, simply because they possibly belong to another regime or former regime. In some districts, we are experiencing such cases, let's give respect to the public servants who have been in the employment.

We transferring them around the –

**Mr Thomas Pelika** – Point of Order! I don't have a difference with the public servants. I witnessed this problem when I was in the village. The claims were raised under a

one name and printed under a completely different name. So how do you classify this act? Is this stealing? These public servant in Menyamya village have been indulging in these activities. Menyama has been neglected for the last 15 years and has seen no sign of development. Millions of kina were used without investigations and the roads are in a worse conditions. These same public servants within the treasury are creating this mess. They are entertaining corrupt claims from their relatives including huge amount of allowances for self-gain. They belittle the Member, they say, 'the Member has no power'. I want all these corrupt public servants to be removed from Menyamya. This evil must flee from Menyamya! Thank you.

**Mr JAMES MARAPE**— Alright thank you, I understand that he has the right to raise those issues because these problems are recurring. I was also trying to make a general statement, we acknowledge that we struggle with differences among many of our Public Service officials and if some allegations are not directly relating to corruption and abuse then we will try our very best to transfer the public officials around,. However, in terms of corruption and abuse, we will tolerate it under any circumstance; they will be transferred.

In the case of Menyamya, I'll get back to the good leader, if the allegations against the two officers regarding those criminal activities at the district is confirmed, they will be asked to vacate their office. Thank you, Mr Acting Speaker.

#### **Vote of No-Confidence**

**MR MANASSEH MAKIBA**- Thank you, Mr Acting Speaker.

My question is directed to the Minister for Justice and Attorney General. This question is in relation to a report published yesterday in the *The National* regarding an alleged proceeding or Supreme Court Reference on *section 145* on the Vote of No-Confidence filed in the Supreme Court. I understand it would be *sub judice* of us to discuss any actual issues that is before the court, but in the interest of the public and for the benefit of the House, you should provide an explanation on the general nature or the proceeding that is before the court because I think the general public is already aware of the alleged proceedings.

08/02

With that, I will ask the following questions.

- (1) Confirm if the proceeding is actually filed or not, before the Supreme Court?
- (2) Is it an abuse of the Court process and the parliamentary procedures, given that the 18 months grace period is about to lapse?
- (3) What is the status of the reference that is filed in the Supreme Court?
- (4) When is it likely to be determined?
- (5) Is this proceeding a political ploy to prevent the Notice of Motion against the Prime Minister?

Those are my questions, thank you, Mr Acting Speaker.

**Mr DAVIS STEVEN** – Thank you, Mr Acting Speaker. I thank the Member for Komo-Magarima for the question which now gives me the opportunity to speak on an important matter of public interest. So, I welcome the opportunity to put to rest all the sensationalising that is going on in respect to what is an important Supreme Court Reference. This was decided based on proper legal assessment and legal opinion and assessed to be very important for the processes of our Parliament and also in the interest of the three arms of Government that were created by our *Constitution*.

Mr Acting Speaker, as the honourable Member as indicated, the rules of debate under *Standing Orders* in particular *section 141(c)(3)*, prevents me from providing an illegal opinion on a matter that is before your proceedings.

It is also important Mr Acting Speaker that I am careful not to delve in the substantive matters that are raised in a reference that is now before the Supreme Court.

I might add, a reference in which the honourable Speaker has already instructed lawyers to file his joinder; the Speaker has shown interest to determine that it is merited that he be part of this process.

Mr Acting Speaker, I can therefore safely say as follows without venturing into the merits of the issues before the court.

Firstly, yes, a Supreme Court Reference has been filed and is now registered as Supreme Court Reference No.5 of 2018. That was a decision taken last year in November following consideration of legal opinion. And of course, that matter is now before the Supreme Court under the prefix of SCR No.5 of 2018.

Mr Acting Speaker, let me answer the last two questions being sought by the honourable Member. Is it a political ploy or is it an abuse of the processes of Court?

Let me say, 'far from it', nothing can be further from the truth. The issues that I have raised in SCR No.5 of 2018 are those which were crystallised in earlier proceedings or Supreme Court References filed in two separate proceedings; one was filed by the former Opposition Leader Don Polye and the other filed by PNC Party in respect to the same matters of important constitutional law issues. I will now explain what those issues are.

09/02

Essentially, what the public needs to appreciate is that the *section 19* procedure is in our *Constitution* and it is an important provision under which the Attorney General amongst other important officers can seek an interpretation of the constitutional laws from the Supreme Court. The Supreme Court guards this process vigilantly, so as to disallow any unmerited questions or persons who lack the capacity to raise these questions in the first place.

So in the case which I previously made reference to under *section 18* reference; the leaders of one of the Political Parties had sought the question; that is now being crystallised in my reference and that is in relation to how *section 145 Procedure of Notice of Motions of No Confidence* can be brought under the *Constitution* and entertained on the Floor of Parliament, pursuant to the *Standing Orders* of Parliament, in relation to or read against the provisions of the *Organic Law on the Integrity of Political Parties*; which is commonly referred to as *OLIPAC*.

Mr Acting Speaker, it is important to notice in my respectful view that the Supreme Court has previously received these questions that I have just referred to and it has said that the questions were merited and important, but did not think that the parties that brought the questions were the correct parties. The question in this matter is; who is the alternate Prime Minister to be nominated in a Motion of No-Confidence that should be filed under the processes of Parliament.

I must admit that the *OLIPAC* was passed later in time compared to the *Constitution* and this is a valid question. If this question is not raised before the event, someone will eventually raise it, even after the event. In my respectful view and professional opinion, it serves good purpose that this important question is answered, clarified and the processes can be put to work. That is an important approach to managing this important process on behalf of our Government and our people.

There is also a second issue relating to the Motion of No Confidence Notice filed by the Opposition in the previous House. In that reference, the Supreme Court went into the domain of the Speaker and with due respect; the rules were re-written, interpreted and enforced to the extent that one wonders as to the limitation of the jurisdiction of the Courts.

Mr Acting Speaker, the important point about the second issue is that our *Constitution* recognises three arms of government and the principles of separation of powers. And 42 years after independence, this reference raises the questions about the demarcation between the three arms of Government. Whether or not and how far the Courts can be able to delve into issues that are before Parliament and also to the extent that it relates to the executive arm itself.

Mr Acting Speaker, these are very important questions because it baffled the nation and many of us; when we were ordered in the last Parliament term to fly back from our electorates to conduct the proceedings of Parliament pursuant to a Court order. That should be left entirely to the Speaker, as is my respectful opinion.

The third issue that arises is, as a result of this confusion created by the Supreme Court decisions that I have just referred to.

10/02

They relate to the number of seats in Parliament. Sadly, the other side of the House is empty this morning as I make this important point because it is also for their benefits that these questions are clearly and determinatively decided by the Supreme Court. If the Supreme Court doesn't answer them, then who else is going to answer them.

As to the question of Justice-Ability, Mr Acting Speaker that is a matter that will be argued in Court but the Speaker has been informed and he has already filed court process to join and participate in the proceedings. He will obtain his own legal advice as to how it impacts on his processes and procedures and obviously the Opposition Leader is also entitled to file and appear and participate in the debate.

Mr Acting Speaker, our people should be assured that the rights of important institutions of government including the NEC to seek the Supreme Court interpretation exists at any time after or before the event, in this case the event of the Motion of No Confidence.

In due consideration of all factors, it was decided that the process to file for an interpretation ought to happen beforehand. I would like to say this, as to how soon the Court will process this, is not a matter I am at liberty to speculate on. But, all I can say for the

purpose of our records is, the matter is now listed for pre-trial determination on February 6, 2019, and directions will be issued as to the further conduct of this particular proceedings.

Mr Acting Speaker, from knowledge and evidence demonstrated in the past similar matters, the Supreme Court always gives precedence to references that are of national importance or interest.

Mr Acting Speaker, I believe in the circumstances of this particular references that the Supreme Court will allow this reference to be determined as per the decision.

Mr Acting Speaker, in answer to that question, yes, and the Supreme Court reference has been filed contrary to the public accessions and it's not the Prime Minister's reference, but the reference of the Attorney-General. It has been filed and sealed and the Speaker has joined the proceedings. It will come before the court on February 6, 2019, for further determination. So, it is not an abuse of process of this honourable House or the Courts, but an important matter to be decided at this time of our independence, thank you.

### **LLG Elections**

**Mr SASINDRAN MUTHUVEL** – Mr Acting Speaker, its sadden me that the entire Opposition has left, but this is an important question to be asked in 2019. I want to direct my questions to the honourable Prime Minister. The LLG election has been deferred to by 12 months for obvious reasons.

My questions are:

(1) Can the Prime Minister confirm that LLG election will not be further delayed and it will be conducted this year?

(2) If LLG elections are going to be conducted, who will be responsible in conducting these LLG Elections? Will it be PNG Electoral Commission or Provincial Affairs of the Provincial Government?

(3) If the provincial governments are going to be responsible, will the National Government support the election with funding and technical provisions?

(4) Can the Prime Minister confirm whether the Council Presidents will be elected by the people or by the Assembly?

### **Allowance for Councillors**

In addition one of the issues is non-payment of allowances for the current councillors.

(5) Has the issue been resolved or not?



11/02

**Mr PETER O'NEILL** – Mr Acting Speaker, I thank the good Governor of West New Britain for his series of questions about the Local Level Government Elections that is to be conducted this term.

Mr Acting Speaker, as we have stated earlier in this Parliament, the elections will be conducted in April and there will be no further delays in relation to this election.

Mr Acting Speaker, 12 months is long enough and only because of possible disruptions to the General Elections that it was delayed. I can assure the good Governor and all the honourable members of this Parliament that it is important that people choose their councillors and their presidents.

I understand the Minister for Provincial and Local Level Government will be issuing the Writs very shortly and I believe the elections are to be conducted around April 19.

It will be conducted by the Electoral Commissioner and offcourse ably supported by the Provincial Affairs Ministry and Department and it will be the Electoral Commission Departments responsibility in making sure that these elections are conducted smoothly, right across the country.

On the third question, we have made available close to K100 million in the 2019 Budget to fund these elections and technical support will be given by the National Government. We urge that the Electoral Commission work with the districts and provinces so that we can have smooth elections in many of our provinces right across the country.

Mr Acting Speaker, let me assure you and this Parliament that the advice from Treasury is, all the allowances and entitlements for councillors dating up to December 2018 has been fully paid right throughout the country.

There is no reason why there will be any delay in conducting elections. If there are some instances where one or two councillors have missed out, we will get our officials to investigate. This will be the case where there are councillor election disputes taking place due to failed elections in some areas of the country. Those are most likely to have some problems with allowances and entitlements. But, for those elections that have proceeded smoothly in the last elections, the councillors have all been paid up to 2018. There should be no reason for further delays.

Finally, for the question regarding the elections of presidents, I have stated in Parliament that it is the choice of the provincial governments whether they want the LLG Presidents elected by the people or by the Assembly. Let me double check the law whether it

allows for that. In the last elections we allowed for that option to be taken so there is a precedence set and we can follow that in this elections.

If provinces want the entire LLG to vote the presidents, that is fine or the councillors once elected can meet they elect the Presidents that is another option themselves they can make those decisions.

Mr Acting Speaker, all in all, it is certain the elections will go ahead in April 19. We cannot delay any further because we will be conducting the Bougainville Referendum in June.

These two events are important to the governance of our country and therefore they must be conducted in a timely manner.

I assure this Parliament that the Government will put all the resources in making sure these events occur.

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**AUDITOR-GENERAL OF PAPUA NEW GUINEA –  
REPORT OF THE AUDITOR-GENERAL – PART 2, 2017 –PAPER –  
MOTION TO TAKE NOTE OF PAPER**

**Mr ACTING SPEAKER** – Honourable Members, pursuant to statute, I present the following paper.

*Part Two Report of the Auditor-General 2017.*

Motion (by **Mr Koni Iguan**) – agreed to –

- (1) That the Parliament take note of the Paper, and
- (2) That the report be referred to the Permanent Parliamentary Committee on Public Accounts.

Debate adjourned.

**OMBUDSMAN COMMISSION OF PAPUA NEW GUINEA – FINAL REPORT ON  
INVESTIGATIONS INTO THE ALLEGED IMPROPER AWARDING OF THE  
NAMATANAI DISTRICT AGRICULTURE DEVELOPMENT PROGRAM  
CONTRACTS TO KPE INVESTMENT LTD BY THE NAMATANAI JOINT  
DISTRICT PLANNING AND BUDGET PRIORITY COMMITTEE – PAPER –  
MOTION TO TAKE NOTE OF PAPER**

**Mr ACTING SPEAKER** – I present the following paper pursuant to statute.

*Final Report of the Ombudsman Commission of Papua New Guinea on the  
Investigations into the Alleged Improper Awarding of the Namatanai District Agriculture  
Development Program Contract to KPE Investment Limited by the Namatanai Joint District  
Planning and Budget Priority Committee.*

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

That the Parliament take note of the paper.

Debate adjourned.

**OMBUDSMAN COMMISSION OF PAPUA NEW GUINEA – FINAL REPORT ON  
AN INVESTIGATION INTO THE ALLEGED ABUSE OF THE EASTERN  
HIGHLANDS PROVINCIAL GOVERNMENT PROJECT TRUST ACCOUNT BY  
THE EASTERN HIGHLANDS PROVINCIAL GOVERNMENT AND THE EASTERN  
HIGHLANDS PROVINCIAL ADMINISTRATION IN 2019 AND 2010 – PAPER –  
MOTION TO TAKE NOTE OF PAPER**

**Mr ACTING SPEAKER** – I present the following paper pursuant to statute.

*Final Report of the Ombudsman Commission of Papua New Guinea on An  
Investigation Into the Alleged Abuse of Eastern Highlands Provincial Government Project  
Trust Account By the Eastern Highlands Provincial Government And The Eastern Highlands  
Provincial Administration In 2009 And 2010.*

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

That the Parliament take note of the paper.

Debate adjourned.

**OMBUDSMAN COMMISSION COMMISSION OF PAPUA NEW GUINEA – FINAL  
REPORT ON AN INVESTIGATION INTO THE ALLEGED MISUSE AND  
MISAPPLICATION OF THE SERVICES IMPROVEMENT PROGRAM GRANTS  
BY THE MADANG PROVINCIAL PLANNING AND BUDGET PRIORITY  
COMMITTEE TO PURCHASE 19 MOTOR VEHICLES FOR THE 19 LOCAL  
LEVEL GOVERNMENT PRESIDENTS IN MADANG PROVINCE – PAPER –  
MOTION TO TAKE NOTE OF PAPER**

**Mr ACTING SPEAKER** – I present the following paper pursuant to statute.

*Final Report of the Ombudsman Commission of Papua New Guinea on An  
Investigation Into the Alleged Misuse And Misapplication Of the Services Improvement  
Program Grants By the Madang Joint District Provincial Planning And Budget Priority  
Committee To Purchase 19 Motor Vehicles For The 19 Local Level Government Presidents  
In Madang Province.*

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

That the Parliament take note of the paper.

Debate adjourned.

**DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL'S ANNUAL  
MANAGEMENT REPORT 2017 – PAPER – MOTION TO TAKE NOTE OF PAPER**

**Mr DAVIS STEVEN** (Esa' ala – Minister for Justice and Attorney-General) I present  
the following paper pursuant to statute.

*Department of Justice and Attorney-General's Annual Management Report 2017*

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

Leave granted.

Mr Acting Speaker and Members of this Honourable House, it is with great pleasure that I present to Parliament the Department of Justice and Attorney General's (DJAG) Annual Management Report 2017 (AMR 2017). The AMR 2017 highlights the performance of DJAG against its 2017 Annual Work-Plan which was presented to this House for its endorsement earlier.

Mr Acting Speake, the Department's Corporate Plan 2011-2015 saw completed projects as well as commencement of important new projects, programs that was led and co-sponsored by the Department.

Mr Acting Speaker, the on-going developments prompted the revision of that Corporate Plan to the creation of the Department's Corporate Plan 2014 — 2017.

There are four key performance areas in DJAG. The First is Legal Policy and Legislative Reform.

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Mr. Acting Speaker, there are four key performance areas in DJAG;

- (1) Legal Policy and Legislative Reform,
- (2) State Legal Services,
- (3) Justice Administration and
- (4) Infrastructure Development

**1. Legal Policy & Legislative Reform**

Mr Acting Speaker, the year 2017 saw a number of legislations deferred to 2018, amongst which was the Court Restructure Bill and the Independent Commission Against Corruption (ICAC) Bill when the ninth Parliament rose for the 2017 National General Elections.

However, we made progress in other key activities as reflected in the Annual Report. The Family Protection Regulation was gazetted and is now in operation which provides detailed implementation provisions for the protection of family members from domestic violence.

Mr Acting Speaker, training and awareness programs continued for Combating Human Trafficking and People Smuggling (CTIP), as well as Anti-Money Laundering and Counter Terrorist Financing (AML/CTF). A National Strategic Plan on AML/CTF was launched to operationalize this suite of laws, including a number of Memorandum of Understanding (MOUs) with partner agencies and stakeholders were signed, thus enhancing implementation and monitoring these challenges on behalf of our people and country.

Mr Acting Speaker, Coronial Inquest into the missing 5 employees of the East New Britain Provincial Administration was successfully conducted by the Coroner and a Report of which has been provided to my Office.

Mr Acting Speaker, the year also saw a Strategic Roadmap for the National Narcotics Bureau completed, propelling its eventual full establishment under my Ministry in 2018.

## 2. Enhancing State Legal Services

Mr Acting Speaker, the Office of the State Solicitor (OSS) and Office of the Solicitor General (OSG) are both occupied by highly professional lawyers in their overall performance throughout the year pursuant to the Attorney-General's Act. Significant increases in work load but equally increased number of lawyers and the challenges of resourcing will be the subject of a future ministerial statement that I intend to bring

The number of cases closed in OSG is more than the number of cases against the State being opened. A significant reduction in State liability and State has since been fully represented in the Courts during 2015 and 2016.

Mr Acting Speaker, turn-around times for providing legal advice and legal clearance through the Office of the State Solicitor has significantly improved, so that we are trying to impose a 24-hour deadline on matters requiring the State Services over our lawyers.

The State Solicitor and the Solicitor General are now deemed Departmental Heads, thus consolidating the Government's drive in ensuring highly effective and efficient State Legal Services.

## 3. Making Justice Administration Efficient

Mr Acting Speaker, we continued with our supervision of the 1,676 village courts registered throughout the country and the payment of allowances for the 10,628 officials who

are currently on the payroll and those who are not on the payroll and for that I will be asking all the honourable members to make sure that we support and recognise the important work done by the Village Courts. However, the actual number working and operating the Village Court system is 18,436. Secondly, the number of land mediators servicing the Land Mediation System is 1,424.

Mr Acting Speaker, they are all on the payroll except, 146 of them as per our records which due to payroll management issues. Our ability to monitor the operations of the Village Courts and land mediation officials is enhanced by the appointment of Provincial Village Courts Liaison Officers who will be based in the provinces.

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Our ability to monitor the operations of the Village Courts will be further enhanced by our Community Justice Services Centre (CJSC) Program which is pursued in partnership with the District Development Authority (DDAs) throughout the country. To date, three (3) CJSCs have been completed. The Angoram CJSC in East Sepik Province was completed early in the year, thus the inaugural National Court sitting there in November 2017.

Our probation Service is located in all provinces and most districts across the country. Our efforts in capacity building and demand for quality, quantifiable statistics and data continue to improve each year, with 2017 being no different. All provinces provided quarterly reports except a few.

Mr Acting Speaker, the Parole Board had five (5) meetings during the year, deliberating on a total of 134 parole application; thus again exceeding the minimum of four (4) meetings required per year, by law.

The Hohola Juvenile Remand Centre was transferred to the Department, after being managed by the Sacred Heart Brothers of the Catholic Church for many years. This move is in line with the many reforms that are intended for administration of the Juvenile Justice System. The year also saw the National Juvenile Justice Committee (NJJC) endorse<sup>33</sup> the National juvenile Justice Plan 2018-2022 being established. Our efforts during the year brought to fourteen (14) the total number of active Provincial Juvenile Justice Committees (PJJs).

#### **4. Investing in Crime Prevention and Restorative Justice**

Our Crime Prevention and Restorative Justice initiatives and activities on youth inclusion, diversion and development through an increasing level of engagement and

partnerships with both government and non-government organizations and churches is reflective of the evolving nature of our Department and its focus. For crime prevention, three new sites were established in Wapenamanda, Enga, Jiwaka and Western Highlands Provinces.

Our community engagement initiative, in the year saw the youths of Morata in NCD create short movies called; Official Trailer of Forget the Past; Official Trailer of New Dawn and Blood Revenge. These youths developed 100 episodes on Law and Justice films. All these movies are undercut with the theme "Crime Prevention and Restorative Justice", and they will be featured in this year's Human Rights Festival.

#### 5. Infrastructure

Mr Acting Speaker, our infrastructure and Capital Works Program 2013-2017, saw the successful completion of the Community Justice Service Centre (CJSC) in Angoram and the Wewak Staff Housing Duplex, both in East Sepik. CJSC Ambunti and CJSC Pangia were 90 per cent complete and carried forward to 2018. Madang Staff Housing Duplex was also very much complete by the end of the year.

Mr Acting Speaker, finally, I take this opportunity to thank the leadership and management team of the Department of Justice & Attorney General, in particular the outgoing Dr Lawrence Kalinoe, Acting Secretary and all hard working staff of the Department, as young as they are, their efforts in keeping the Department's 2017 Annual Work Plan Implementation on track is indeed commendable and our output and performance driven culture is mirrored in our reputation as one of the best performing organization in the Public Service.

Mr Acting Speaker, with that I humbly submit the Annual Report of DJAG, 2017 to this Honourable House.

Sitting Suspended from 12 noon to 2p.m

15/02

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

That Parliament take note of the Attorney-General's earlier statement.

Debate adjourned.



**DEPARTMENT OF JUSTICE AND ATTORNEY – GENERAL –**  
**STATUS REPORT ON VILLAGE COURTS IN PAPUA NEW GUINEA –**  
**MINISTERIAL STATEMENT – PAPER NOTED**

**Mr STEVEN DAVIS** (Esa' ala-Minister for Justice and Attorney-General) – Thank you, Mr Acting Speaker, I rise now to present the Ministerial Statement on the Status of the Village Courts in our country.

Mr Acting Speaker, and members of this honourable House, it is with some degree of joy that I am able to update this honourable House on the status of the Village Courts in our country.

Mr Acting Speaker, the Village Courts uses our applicable customs and traditions to resolve disputes at the community level. This is a system of government that sustains our identity as Papua New Guineans whilst providing and supporting our efforts to uphold the rule of law and access to justice for our people.

The National Goals & Directive Principles of the *Constitution* in envisaging this, calls for "Papua New Guinea Ways" and "Equality and Participation" by our people in the administration and development of our country. More importantly, the preservation and use of our customary ways in the rule of law, without a doubt, leads to sustainable socio-economic development. As such, I have initiated discussions in the Law & Justice Sector and with the Judiciary to codify custom under the *Underlying Law Act 2000*. This must happen inherently given our heritage as Papua New Guineans and it will be pursued by my Department. I seek the support of this honourable House to make this vision a reality.

The *Constitution* envisions the foundation of our governments planning and policy processes, currently giving guidance on the key outcomes in the *Alotau Accord II* and the Medium Term Development Plan 3. A significant instrument available to our people and to us as leaders in achieving those outcomes starting from the community level such as the scheme of the Village Courts System. I take this opportunity to commend our Prime Minister and the Minister for Planning and Implementation both present and past to recognise Village Courts as a key outcome in those significant government planning and policy documents, as well as the government for the Village Court Allowances being paid to date.

Mr Acting Speaker that is a very important achievement by this Government that must be commended. The establishment and operation of the Village Courts system as a part of the judicial system, continues to provide the majority of our people with the opportunity to

access justice which contributes significantly toward the administration of justice by the District and National Courts.

**16/02**

Although there may be challenges being faced in both the administration and operations of the Village Courts system, my Department continues to be resilient in chartering and implementing activities for continuous improvement in conjunction with respective national government departments, provincial governments, the development partners and donors, non-government organisations and the community.

I take this opportunity to encourage and commend this level of cooperation and partnership. A detailed report on the activities shall be provided to this honourable House under the 2017 and 2018 Village Courts Annual Reports.

Mr. Acting Speaker, the Village Court System is established under *Section 172 (2)* of the *Constitution* to enable our people to use custom that is applicable to that village or cultural setting in peacefully resolving disputes involving the villagers, the family, the youths, children and women. As indicated, apart from their traditional responsibilities practised since 1975. The Village Courts are now required to play an active role in child protection, gender-based violence, juvenile justice and supporting the local level government governance system and processes. This obviously places a demand on the capability and resources of the Village Court system, which my Department continues to address progressively as follows:

- (a) Increasing the number of officials from seven (7) to eleven (11) per Village Court;
- (b) Persistent request for allowances for the four (4) additional Village Court Officials who have already been appointed;
- (c) Appointing twenty-two (22) Provincial Village Court Liaison Officers in each Province for better supervision, monitoring and reporting;
- (d) Organising and implementing training programs for officials in conjunction with development partners and donors on child protection, gender-based violence, juvenile justice and administrative matters;
- (e) Organising and implementing Village Court inspections to ascertain the performance and challenges being faced by Village Courts in each Province;

In drafting a Village Courts policy which is to be finalised and submitted to NEC in September which reflects the government's planning, policies, inter-governmental

relationships such as autonomy, allowances processes, monitoring and evaluation, case management, improved capability of the Village Court secretariat and other operational matters;

Mr. Acting Speaker, with the enactment of the *Family Protection Act*, Village Courts are now empowered with an additional power to issue Interim Protection Orders (IPO) to a family member in our communities when dispute arises within the family and also addresses family violence. The training of officials based on the *Family Protection Act* has been conducted in three Provinces; ARoB, Morobe and Northern Province under the support of the JSS4D program. A total of 68 Village Court Magistrates and Clerks have been trained on this new legislation.

On a related area, my Department's partnership and effective collaboration with the Child Fund program under the European Union has resulted in the training of Village Court Officials generally in the Central province on juvenile justice under the *Juvenile Justice Act 2014*. This training program is intended to be rolled out to other provinces in 2019.

The Village Courts & Land Mediation Secretariat works with the Law & Justice Sector Agencies to address Sorcery Related Accusations and Violence under the Sorcery National Action Plan (SNAP) as well. The Village Court Officials continue to do their best in providing an avenue for peace in the community regardless of the various challenges.

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In some of the remotest parts of the country, the only form of government services present is that which is provided by the Village Courts system. This indicates that our hope in extending or sustaining governance in those areas rests well with an existing Village Courts system that is functional. This supports the governance role of our hardworking resilient councillors and village elders.

The importance of the Village Courts system is demonstrated through its accessibility to our people. This means that it is free within walking or paddling distance; the proceedings can be in the local dialect; the processes are not strict and complicated as in the District or National Courts and importantly the applicable custom is being used.

Mr Acting Speaker, the MTDP II targets on Village Courts provides that the government must establish 2000 Village Courts by 2017. I am pleased to report that recently, I have authorised the establishment of an additional 188 Village Courts for the Central, Gulf, Jiwaka, Hela, Morobe, Southern Highlands and West Sepik Provinces, and

soon to include my province, Milne Bay. This include Telefomin in West Sepik and Mt Bosavi in Hela, which are rural areas accessible only by air. To date, this brings the total number of Village Courts throughout the country to 1, 680.

In establishing the new Village Courts, my Department is also required to then appoint the respective Village Court Officials. This has also been done with 2, 068 officials being appointed for the new 188 Village Courts. I am pleased also to inform this honourable House that there is a significant number of the Village Court Officials throughout the country to date, about 40 per cent are women. Their roles include being Magistrates, Clerks and officials.

In the country, we now therefore have 18, 480 officials being appointed for the 1, 680 Village Courts.

The main challenge is for my department to secure the funding for the additional Village Court officials. I would like to inform this honourable House that most of these officials are in our respective electorates and must be remunerated for their services.

In summary, from the total number of Village Court officials, only 10, 628 are being paid whilst 7, 852 are yet to be put on the payroll. The estimated funds required for the 7, 852 officials is K 33, 871, 372.80 per annum. The total appropriation this year is K 42, 267, 342 which is only enough for seven officials per Village Courts and does not cater for the additional four officials per Village Courts. The reason being the shortfall in budgetary allocation since 2014, allowing only seven Village Court Officials on allowance despite Cabinet's decision then to increase the number of Village Court Officials from seven to 11 per Court area. Also *Section 14 of the Village Courts (Amendment) Act 2014* provides for 11 Officials per Village Court. This is the legal basis upon which my Department continues to seek additional funding for the additional officials.

To reiterate before this honourable House, the additional officials are required given the increase in work load as mentioned, geography and physical accessibility aspects, population growth, economic development and support to the local-level governments and District Courts.

I now provide to this honourable House the statistics of Village Courts and its officials in each of the 89 electorates and the 22 Province.

I ask leave of the Parliament to have these statistics with the statement incorporated in the Hansard.

Leave granted.

The Statement read as follows:

<b>Autonomous Region of Bougainville</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	North Bougainville	22	242
	South Bougainville	14	154
	Central Bougainville	10	110
	<b>Total</b>	<b>46</b>	<b>506</b>
<b>Central</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Abau	16	176
	Goilala	21	231
	Kairuku/Hiri	36	396
	Rigo	11	121
	<b>Total</b>	<b>84</b>	<b>924</b>
<b>East New Britain</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Gazelle	11	121
	Kokopo	9	99
	Pomio	18	198
	Rabaul	4	44
	<b>Total</b>	<b>42</b>	<b>462</b>
<b>East Sepik</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Ambunti/Drekikir	20	220
	Angoram	18	198
	Maprik	16	176
	Wewak	17	187
	Wosera Gawi	17	187
	Yangoru/Saussia	20	220
	<b>Total</b>	<b>108</b>	<b>1,188</b>

<b>Eastern Highlands</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Daulo	10	110
	Goroka	9	99
	Henganofi	16	176
	Kainantu	16	176
	Lufa	12	132
	Obura/Wonenara	16	176
	Okapa	14	154
	Unggai/Bena	14	154
	<b>Total</b>	<b>107</b>	<b>1,177</b>
<b>Enga</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Kandep	21	231
	Kompiam	32	352
	Lagaip/Porgera	42	462
	Wabag	32	352
	Wapenamanda	28	308
	<b>Total</b>	<b>155</b>	<b>1,705</b>
<b>Gulf</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Kerema	34	374
	Kikori	38	418
	<b>Total</b>	<b>72</b>	<b>792</b>
<b>Hela</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Komo/Magarima	40	440
	Koroba/Kopiago	24	264
	Tari	30	330
	<b>Total</b>	<b>94</b>	<b>1,034</b>
<b>Jiwaka</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Anglimp/South Waghi	27	297
	Jimi	27	297
	North Waghi	16	176
	<b>Total</b>	<b>70</b>	<b>770</b>
<b>Madang</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>

	Bogia	18	198
	Madang	14	154
	Middle Ramu	9	143
	Rai Coast	22	198
	Sumkar	17	187
	Usino Bundi	13	143
	<b>Total</b>	<b>93</b>	<b>1,023</b>
<b>Manus</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Manus	48	528
	<b>Total</b>	<b>48</b>	<b>528</b>
<b>Milne Bay</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Alotau	27	297
	Esa'ala	13	143
	Kiriwina-Goodenough	18	198
	Samarai-Murua	22	242
	<b>Total</b>	<b>80</b>	<b>880</b>
<b>Morobe</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Bulolo	21	231
	Finschafen	15	165
	Huon	9	99
	Kabwum	9	99
	Lae	12	132
	Markham	14	154
	Menyamyua	2	22
	Nawae	7	77
	Tewae/Siassi	11	121
	<b>Total</b>	<b>100</b>	<b>1,100</b>
<b>NCD</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Moresby North East	5	55
	Moresby North West	12	132
	Moresby South	10	110
	<b>Total</b>	<b>27</b>	<b>297</b>

<b>New Ireland</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Kavieng	23	253
	Namatanai	23	253
	<b>Total</b>	<b>46</b>	<b>506</b>
<b>Northern</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Ijivitari	26	286
	Sohe	20	220
	<b>Total</b>	<b>46</b>	<b>506</b>
<b>Simbu</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Chuave	16	176
	Gumine	20	220
	Karimui/Nomane	17	187
	Kerowagi	19	209
	Kundiawa/Gembogl	17	187
	Sinasina/Yonggomugl	17	187
	<b>Total</b>	<b>106</b>	<b>1,166</b>
<b>Southern Highlands</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Ialibu/Pangia	25	275
	Imbonggu	24	264
	Kagua/Erave	21	231
	Mendi/Munihu	20	220
	Nipa/Kutubu	30	330
	<b>Total</b>	<b>120</b>	<b>1,320</b>
<b>West New Britain</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Kandrian/Gloucester	18	198
	Talasea	30	330
	<b>Total</b>	<b>48</b>	<b>528</b>
<b>West Sepik</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Aitape/Lumi	20	220
	Nuku	14	154
	Telefomin	18	198
	Vanimo/Green River	10	190



	<b>Total</b>	<b>62</b>	<b>682</b>
<b>Western</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Middle Fly	6	66
	North Fly	17	187
	South Fly	24	264
	<b>Total</b>	<b>47</b>	<b>517</b>
<b>Western Highlands</b>	<b>District</b>	<b>Number of Courts</b>	<b>Number of Officials</b>
	Dei	15	165
	Mt. Hagen Central	17	187
	Mul/Baiyer	27	297
	Tambul/Nebilyer	20	220
	<b>Total</b>	<b>79</b>	<b>869</b>
	<b>Overall Summary</b>	<b>Total No. of Courts</b>	<b>Total No. of Officials</b>
	<b>Total</b>	<b>1,680</b>	<b>18,480</b>

18/02

The summary that is of significance is the overall summaries that appear in page 10 of this statement and they are basically the same numbers that I have already alluded to.

Mr. Acting Speaker, I thank this honourable House for passing the *Village Courts (Amendment) Act 2018* recently. The past experiences show that the administrative processes were not consistently followed throughout the country in the appointment of Village Court Officials. Therefore, there had to be a clear provision in the legislation in terms of the appointing authority and processes. The effect of the amendments are that the Village Courts & Land Mediation Secretariat shall after considering recommendations from the respective provincial administration, will then make an appointment of the Village Court Clerk and the Peace Officer who are administrative officers of the Village Courts. This is subject to criteria being established and administered in the Village Courts & Land Mediation Secretariat, which can be reviewed. These amendments will take effect upon certification. The appointment and revocation of Village Court Magistrates, which include the Chairman and Deputy Chairman, shall be continually done by the Minister for Justice acting on the recommendations by the respective Provincial Administration according to the appointment or revocation criteria administered by the Village Courts & Land Mediation Secretariat.

The Village Courts system in the country plays an important role in maintaining the rule of law. Therefore, I intend to ensure that the appointment and revocation process is kept free from abuse and undue political influence to ensure that the decisions made by the Village Court officials are respected by the community. These amendments will also facilitate the consistent administration of the Village Courts system in our country.

Mr Acting Speaker, despite operational constraints and inadequate allowances, Village Court Officials have done tremendously well in maintaining law and order in both rural and urban communities. My Department has put a process in place to measure and report the work of the Village Courts which I can report to the country in the next session. In order to ensure that the officials are reasonably supported and that the communities' expectations are met, my Department has already a system in place to address these through up skilling and improving the capability of the Village Court Secretariat and the Provincial Administration.

Mr Acting Speaker, this honourable Parliament is already familiar with the existence of the Village Court system and the critical role it plays in our respective communities. As such it is both according to law and in the best interest of our country that this mandate be supported at all levels of government. It is imperative that honourable members of this House support Village Courts and land mediation programs in their respective electorates through their DSIPs and PSIPs. Our collective effort will improve the level of community safety which remains the foundation for socio-economic development.

Thank you, Mr. Acting Speaker and members of this honourable Parliament.

**Sir PUKA TEMU** (Abau-Minister for Health) – I move –

That the Parliament take note of the paper.

Mr Acting Speaker I thank the Minister for Justice and the Attorney General for this very comprehensive Ministerial Statement on this very important arm of our national justice system.

Mr Acting Speaker, I have been in Parliament for over 16 years, like many of my colleagues, this is the first time that I have heard a presentation from the Minister for Justice and Attorney General to this honourable Parliament on the status of Village Courts in our country.

I commend and thank the Honourable Minister for his continuous effort in making sure that the administration of Justice is efficient right from the bottom right up to the Supreme Courts. This is the way our people will feel at ease that the Justice System is working from the village level right up to the Supreme Court level.

19/02

I take my hat off to the Minister for Justice for his very, very hard work and the many, many statements. The first one was on the status of the overall justice system in the Country and the many developments that are taking place. The Minister brought to Cabinet many policy submissions that the government is now implementing under his leadership.

It cannot be over emphasised that this far end of the justice system is so critical because you and I know that the masses of our nation's population reside day to day in every village throughout the country.

And so whether its justice, community development, religion or a health programme, this unit is so important. Therefore, it is very important that when we build our government system the village must never be forgotten.

I take my hat off to the change on the *Organic Law of Provincial and Local Level Governments* because it took into consideration the ward level as part of the formal government system, from ward to districts, to local level governments, to provincial governments and then the national government.

So, as I was listening to the hardworking Minister for Justice and Attorney General, I couldn't help but imagine a system where we may have to focus more at the ward level.

I recall, in the last budget and in this budget, we gave appropriations to the ward level in recognition of the importance of that frontline government unit – the ward level, where the ward member or as we previously called them, the councillors were in charge.

I couldn't help but imagine, how we could structure this system. For example, I was just thinking, in every area there is a ward development committee, we may have forgotten; we need to manage our villages better. I think with modernity, the villagers who manage our village communities are now probably at stake. Leadership at the villages is not recognised and it is very good that the churches are taking over. In many instances, it is the pastors and their wives who are looking after the community through many of their church activities rather than the government activities.

With the presentation of this very important statement, I think we really have to go back and discuss how to build a very strong frontline government unit called a ward? And one aspect of it is infrastructure. We may have to build a government office in the village where the land mediator, the village court magistrate, the peace officer and others operate in.

In Abau, with the 16 wards that we have which the Attorney-General announced in that statement, when there is a land issue they go and meet under a house somewhere in the village and then they go to another village and meet under the coconut tree.

I think that is not good administration. I think we now have to focus on the ward and make it a very strong government unit because our societies are held together by families and communities. When we are playing around at this very high level in politics the nation is held together by the village people. And so we cannot leave it too loose. We have to structure it properly. I would strongly recommend that under our ward development fund and under our DSIP we should establish an office for every village and everybody comes and works there. They can call it a government office.

In the old days, we used to call them barracks. In my little village, we had a barracks. And so the government workers will come and hold functions there, health workers held their immunisations there and whenever a patrol officer is patrolling and night falls, he could sleep there. Those things are don't exist anymore because when the *Organic Law on Provincial and Local Level Governments* came, we moved away from districts to provinces and then we moved from provinces to districts.

20/02

We are moving everywhere and we have forgotten the villages in the process, so I think the conversation has to be that we have to build a very strong government unit at the ward level.

I strongly suggest that we work together to establish this. For example, in my little village I have built an aid post and an elementary classroom and I want that to belong to be within other government facilities, so we can have a flag there. In Dormil village, in Jiwaka, I went up there in 1997 as the Health Secretary and started a health promoting concept and after three years when I returned, the village now has a big office with flags; they have an administration and government on ground. I think that is what we have forgotten and so when we have this trend at the ward level our nation will be stronger.

We are building too many things up here and we have forgotten our footstool, even God in Heaven has a footstool – the earth.

Mr Acting Speaker, we should have do this. I have already started thinking of constructing a ward government building so everybody can go and work there. I want to emphasise that bringing government services right to the frontline is very important.

In my readings of rural development, an economist from India chose a subject which is called 'rural democratisation' and this is part of rural democratisation where we begin development at the community level by identifying the resources that can be part of Government Service Delivery System. Then, we do social mobilisation with support from organisations like UNICEF by using retired public servants. We utilise the human resource within the community because they know how to do things; the disabled must be included in our establishment.

So at the end of the village when a mother delivers in a village in an aid post, the officer then says the baby's birth certificate is ready you can pick it up. We can include NID there at the village level. We are in a digital era, so we need to harness IT in the village level.

And lastly, I would like to strongly recommend to the Minister for Justice that it is very good that we will be appointing 22 Provincial Village Courts Liaising Officers.

In my experience, the provincial level liaising officials whether it is in agriculture or health or any other department are in isolated rural areas because some of our villages are remote, even the Members of Parliament have never gone to them.

So for this very important reason, the justice system should not just stop with liaising officer at the provincial level, we should have district level liaising officers too so that they can monitor this important justice system at the district level right down because it is consistent with our dream of the district development authority in making an impact in our nation building effort. The DDA has the funds, we have only ten million kina. No other authority has the funds and so why don't we concentrate on some of these important systems at the DDA level.

**21/02**

Like your effort to build the community justice service centres. We need to advocate for the community justice service centres to be built in every districts and a district relation officer can be placed there. They will be on the ground to monitor the law and order issues, health issues, and the everyday occurrence.

I think this approach will strengthen the government system at the village level under the current organic laws, I strongly recommend that we continue this conversation.

Thank you, Mr Acting Speaker.

**Mr JAMES MARAPE** (Tari – Minister for Finance) – Mr Acting Speaker, I'd like to offer a statement in commendation to my colleague, the Minister for Justice and Attorney General regarding the presentation of this paper on the village court as it has been reported for our country.

Mr Acting Speaker, as recorded by Minister for Health and Member for Abau, Sir Puka Temu, the village court system is an important anchor for our country. We are a nation of a thousand tribes and inherit and customs and traditional laws of our country which differs from valley to valley, mountain to mountain, and from one island to another island that is so how diverse we are as a nation. I think it is important and incumbent upon our government to consolidate and strengthen this fundamental important system of government and system of court that anchors our nation together.

Mr Acting Speaker, the paper that the Minister presented reflects some of the works that our government embarked upon since 2012. Many of the achievements that we've been able to secure as the government goes into obscurity amidst the the many of the hogwash and greater shouts that is at play when people are contesting for government power for every other office that are available in the land.

Mr Acting Speaker, I am thankful for members of the Parliament, especially on the government side who came back to sit in and listen to Minister for Justice presenting this important paper. When ministers are presenting reports to the house, it is testament to the work that they've put in under the leadership of Prime Minister and themselves and the functionality and the result that tell the strategic departments are bearing for our nation. This afternoon's presentation is a very good story to tell.

I picked on some statistics and I know Mr Acting Speaker, most of us have the paper before us. I am reading from page two under MTDP 2, the target was to have 2000 Village Courts by 2017. MTDP 2 if I am not wrong, was the medium term development plan that our government arrived into in 2012 so we were still lacking behind.

When our government arrived in 2012, we ramped up in many areas, one of them was this important areas. As I speak to date, we have this date, we have 1,680 Village Courts. As a government, we increased the position lining from just seven positions to 11 positions.

22/03

I note, Mr Acting Speaker, in our Minister's statement here it says there's a short fall in this year's allocations to cater for this additional four positions,

Mr Acting Speaker, let me personally place on record my support for this to be looked at in totality. I think our Government through the Treasurer and the Prime Minister is understanding to the fact that this shortfalls need to be addressed so that we have an effective functioning Village Court system in our country.

Mr Acting Speaker, coming from a province where there is a lot of law and order issues, I realise many of the issues are not big issues that can cause civil disorder. It stems from little issues on land, culture, marriage and arguments between people, but when not attended to, it escalates into a full-blown problem that that involves tribes and clan members joining in the contest to resolve a dispute that could have been easily resolved in the first instance.

I believe having this structure of Government functioning effectively is the way forward. I take the queue from the Minister for Health who has indicated a push towards us utilising some if not the provision of law and order in our DSIP allocations too. Try to anchor some of these key important sectors that can make a big difference in our wards, LLGs, districts and provinces I offer my greatest support to the Minister in making this work as far as Village Court is concerned.

At the hindsight, let me also take time to express some of the struggles in our adjustments to make village Court work. I am making this point so that my colleague Minister can take note of some of the current selections and input into the village court officials on the ground today that needs to be tidied and that goes for the reporting process too. That is something we need to look into so that we make it become more functional and active on the ground. I don't know about neighbouring districts and other parts of the country, but in my district, the officials selected and appointed are in most instances people who are not traditionally peace negotiators or traditional conflict mediators. We have in many of our clan structures and village settings people by virtue of their own inherited talents who dissolve disputes.

In my district, the so-called provincial coordinator and the village court coordinator collude by appointing people they socialise with, like their drinking mates. Therefore, it is dysfunctional. We need to tidy up and make this system of court function effectively. We can link this system to the village policing concept. We really have to bring to life the village

court system, the ward committee system as Sir Puka alluded to, and our village police system, and allow this important presence of the government to come to life within these communities so as to suppress and contain many of the trivial issues from escalating into bigger law and order issues. This is an important achievement by the O'Neill-Dion and now O'Neill-Abel Government – our government.

I notice that the House is empty on the other side. Let everyone of us pick up this village Court system, embrace the way we do business in our districts and provinces and make it work. We should not just stop in looking at what the current structure is paying. For me, I would rather pay K50 million to this system of Government that is solving conflict before it starts than putting K50 million in a police operation that disappears in thin air. You compare whether you fund the K50 million one-off event police operation for a month or you put K50 million into a system that addresses the law and justice sector, fundamentally at where it matters most, heart the conflict point, before the conflict germinates into a larger scale.

23/02

I think it is a very important paper and I personally offer my support to the Minister and would like my district to be included as a pilot district. I will correspond with you to use my district as a litmus test to any other endeavours, which you may want to progress with as far as the Village Courts is concerned.

**Mr PETER O'NEILL** (Ialibu-Pangia -Prime Minister) –Mr Acting Speaker, I thank the Minister for Justice and Attorney General for this excellent statement on the status of the Village Courts throughout our country.

Let me commend him and his Department for the excellent leadership that they are providing to the judiciary in our country. It is starting to show good stability. The Village Court system plays a crucial role in the management of law and order in our country and it deserves to be supported strongly.

Mr Acting Speaker, as you know, since 2012 when our Government introduced our first budget, we allocated almost K100, 000 per wards at that time. It was an ambitious allocation, but we managed to pay up many of the wards throughout the country that amount of money to conduct the management of village affairs. This included the management of councillors



and their activities, the village court magistrates, land mediators, and village recorders and the maintenance of law and order, and peace right across the country.

As the Minister has stated, these are frontline government officers and many of them have offered their services voluntarily for many years until 2012. The councillors and the Village Court magistrates were paid a minimum allowance on a fortnightly basis which allowed them to continue carrying out their duties. This must continue and we must ensure that we have a smaller government and its departments in Waigani because the frontline operations in the village is where it matter the most. This is where we should be spending most of our funding. That is why when we had our Government policy in the *Alotau Accord I and II*, we tried to bring our focus back to the provinces and the districts.

Mr Acting Speaker, we must go even further down to the wards and make sure that the councils are functioning. I know there were limited resources in the 1960s through to 1980s, but most of the councillors were very powerful. They had very big businesses and employed a lot of services that the communities required including the management of cleanliness, maintaining peace and good order within those communities. This was done without much money.

Today, we seem to spend a lot of money, especially when lot of members of the disciplinary forces and public servants are sent to these areas. They are getting huge allowances to do their jobs. Despite all these, they are not discharging their duties and the same problems are occurring daily. This is because there is no one-off intervention to the problems that we have. I think the long term solution is to maintain a strong leadership at the ward and village level.

The Government is on the right path and we must support the initiatives that the Minister and his team has indicated to us. Our Government must provide the resources so that we can support the work that they are doing. The allocations and other grants that we give to the provincial governments are enough, if we mobilise it together, we can be able to fill in the gaps that we are missing today.

Mr Speaker, I want to express my appreciation to all other member and ministers present today to support the initiative of the Minister and his Department.

24/02

It is unfortunate that our friends on the other side are not here to even participate in this kind of debates because they all face the same problems in their electorates and wards.

But it looks like their priorities are misplaced. We were elected into this honourable House to speak on such issues as yet we continuously create stance which are of personal interest. I think they should be working in a circus and not in Parliament.

As it doesn't serve anybody any good. I think it's important that both sides of the House should support such initiatives and we continue to work together so that services are really going down to the villages.

In the past, I used to see health workers normally visited my village on a monthly basis. They used to put weighing machines hanging on the branches of a trees and weigh all the young children to make sure that they were not malnourished and fed properly to grow up in a healthy environment.

Today, these activities are not happening and that is why our district services and of course the village ward services improvement program that we are trying to embark on is an important element in ensuring that efficient services are reaching the villages. It's just not about counting numbers, or about who lives where and is doing what, it's about the delivery of service to our people in remote places and making sure that they are living in a peaceful environment.

Mr Acting Speaker, our leaders, councillors, village court magistrates and all other leaders in the village play a crucial role in that aspect and we must continue to support them. Thank you.

**Mr LEKWA GURE (Rigo)** – Thankyou Mr Acting Speaker, for giving me this opportunity to contribute to this debate.

Firstly, let me congratulate the Minister for Justice and Attorney General for presenting a very informative statement on the status of our Village Courts in the country.

I could not agree more with the statement made by the Minister for Health and HIV/AIDS, because when we look at the distribution of our population in the country, 80 per cent of our population are living in the rural areas and 20 per cent in the urban centres.

Therefore, we really need to strengthen our government institutions at the village level where the bulk of our population are living. So that was a very good statement by the Minister for Health and HIV/AIDS from that area.

In terms of the construction of the community justice services centre as highlighted by the Minister in his statement, may I respectfully state that, if we were to have one of these

centres in each of the wards then it is going to be a pretty big undertaking obviously in terms of cost.

For examples in the case of Rigo District as it stands at the moment, we have 67 wards and it may go up to 70 wards after the LLG elections this year. If we were to build a community justice service centres in each ward, that is 67 centres in Rigo alone, may I suggest that some thought be given to the location of these centres that we are proposing.

As stated in the Report we have 11 Village Courts, so each one may qualify for one a community and justice services centres, but not for each of the wards. It is up to the districts to decide where they will build these centres.

One of the difficulties that the village courts officials face in a rural area is logistics. I have been approached by some of these officials to assist with this logistics issue.

25/02

A cost effective and healthy option would be to provide bicycles in the villages where it is good for the people themselves and it is very cost effective.

That is one of the solutions that DDA's should consider for the officials of the village court systems in our communities.

Mr Acting Speaker, looking at the whole scenario in a bigger picture where we have the Community Development Department rolling out this community development centres at the District Level the community centre in my district at Kwikila. Why don't we combine sectors both and make it a multi-function centre where we have other departments using the same facility in different wings like the Minister for Health suggested. All other arms of Government will operate from this building with the flag up there, this presents the presence of the Government in each ward levels.

One of the issues that has been highlighted and I will stand corrected if what I am saying is incorrect. My understanding is the ward members come under the Department of Provincial and Local Level Governments, whereas the magistrates and court officials come under the Department of Justice and Attorney General and I understand up until recently, the ward members have not been paid whereas the magistrates and court officials have been paid under the Department of Justice and Attorney General.

That is not good for morale and working relationship at the ward Level and may I suggest that these issues be looked at the ward level as we are developing our system going forward.

**Mr SOROI EOE** (Kikori- Minister for Religion Youth and Community Development) – Mr Acting Speaker, I commend my colleague Minister for this very important presentation and I concur with the earlier speakers on many of the points that they have raised.

Without having to repeat what has been said, I will just touch on what I can relate to on the presentation.

Mr Acting Speaker, it goes without saying that 80 percent of our people reside in the rural areas and the Governments policy in addressing districts is in the right direction because that is where our people are and it is good that we are going right down to the wards where most of our villages are located and therefore I support the Minister.

The subject matter of his presentation is adequately covered by what Ministry of Community Development Youth and Religion is doing; they are all in inter-related. I am very pleased that the Justice Minister and Attorney General and his Department are addressing those very crucial issues.

Some of the major issues we are confronted with today are gender based violence, youth problems, and drugs which are covered in his presentation.

Both Ministries are also working together to address how we can minimize these issues at that level. Often times, we look at urbanized societies and look at the problem and perhaps the symptoms when we should be looking at the basis of which these issues are deriving from.

The Ministers approach is very important and we need to strengthen the village level where all these issues are deriving from. If we can control and address these issues at that level perhaps they will not migrate to urbanized societies.

**26/02**

In support of what the Member for Rigo has said, and I think most of my colleagues are aware of what my Ministry is doing and that is the roll-out program that we have started last year in terms of developing community development centres at the district levels.

We are trying to bring government services through the ministries that are responsible starting right at the district levels.

I think it is very important that we work together in terms of putting together resources and utilising whatever resources, whether they be manpower, finance or even

infrastructure as has been said. That is an issue that the Minister and I are talking about to see how we can try to integrate our concepts as a focal point for the government to address in most of the issues that confronts women, youth, drugs, including supporting church activities at the rural areas.

With that I would like to again support and commend the presentation by the Minister.

Motion — That the question be put — agreed to.

Paper noted.

### **ADJOURNMENT**

Motion (by **Mr Sam Basil**) — agreed to —

That the Parliament do now adjourn.

The Parliament adjourned at 3.05 p.m.