

FIRST DAY

Tuesday 28 May 2019

DRAFT HANSARD

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PARLIAMENTARY DEBATES
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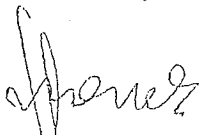
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HARRY MOMOS

Acting Principal Parliamentary Reporter

FIRST DAY

Tuesday 28 May 2019

The Parliament met at 2 p.m. according to the Resolution of 7 May, 2019.

The Speaker (**Mr Job Pomat**) took the Chair and invited the Member for Rabaul, **Honourable Allan Marat**, to say Prayers:

‘Inogat wanpela samting in our lives is hidden from you. Everything lies naked before your eyes. Taim mipela isanap na askim you Jesus Christ long forgivim ol pekato bilong mipela wanwan. Cleanse our hearts, minds and our spirit so that mipela iken kamap orait long ai bilong yu.

Papa God, mipela iaskim wisdom blong yu long dispela taim. Wisdom that existed before the creation of the world. Wisdom that exist with you bai yu givim long mipela ol created ones in your image and likeness so that mipela iken kivung wantaim long dispela avinun.

Papa God, mipela iaskim yu long gaidim Spika bilong mipela, Praim Minista, Opposisen Lida na mipela olgeta Memba bilong Paliamen long toktok bilong mipela long dispela avinun.

Papa God, dispela ol samting mipela iaskim long klinpela nem bilong Jesus Christ husait isevia, Lord na Masta na our soon coming saviour.

Father, we join together this day to give glory to you by reciting the prayer Jesus taught us. Amen.’

BROADCASTING OF PARLIAMNENTARY PROCEEDINGS – STATEMENT BY THE SPEAKER

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

(a) *National Broadcasting Corporation* (NBC) television and radio will be allowed to telecast and broadcast live, Question Time; and

(b) *EMTV* and *TVWAN* will also be allowed to telecast live, Question Time for news purposes for the duration of this meeting of 28 May, 2019.

**SUPREME COURT ORDER DECISION –
HENRY TUTUWO AME v BIRE KIMISOPA & ELECTORAL COMMISSION –
STATEMENT BY MR SPEAKER**

Mr SPEAKER – Honourable Members, I have to inform Parliament that I have received a Court Order SC 2 Review of 2019 Decision. The Member for Goroka, Honourable Henry Tutuwo, can attend Parliament Meetings as a Member of Parliament until such time the Court decides otherwise.

02/01

Mr Patrick Pruaitch – Point of Order! Mr Speaker, I intend to ask leave of Parliament to move a motion without notice.

Mr SPEAKER – Can you elaborate on your motion?

Mr Patrick Pruaitch – Mr Speaker, there are a number of motions that I intend to move; one of which is to challenge your position as the Speaker of Parliament.

Mr SPEAKER – Mr Opposition Leader, the Chair will not entertain that leave to move your motion.

(Opposition Members interjecting)

Mr SPEAKER – The reason being, on 7 May 2019, the Speaker entertained a leave and allowed the motion because it was viewed by the public through live broadcast and most of them were unaware of the provisions of the *Standing Orders* and the *Constitution*. Had the Chair made a ruling to reject the leave sought to move a motion, the public would have thought the Speaker was biased in his decisions similar to Speakers in the past.

For this reason, Mr Opposition Leader, when I was appointed Speaker by this Parliament, I solemnly stated that I would restore the integrity of this Parliament. And by integrity, I meant to abide by all the laws and follow the due processes in handling the affairs of Parliament.

Mr Opposition Leader, I do not have any personal grudges against you; however, if you could show me the provisions within the *Constitution* and the *Standing Orders* of

Parliament which provides for the process involved in removing the Speaker, only then would I concede to it.

(Members interjecting)

Mr Belden Namah – Point of Order! Mr Speaker, we are not here to observe while you dictate the procedures on this Floor. We are not here so you can become our judge. Mr Speaker, there is a motion on foot. A motion was moved and due to the interjections, we called a dissent and now a vote has to take place. The Chair must entertain the vote.

(Members interjecting)

Mr SPEAKER – Thankyou, Honourable Member for Vanimo Green. I just want us to portray to this House and this Country, especially the young generation who want to be leaders of tomorrow to follow the proper processes.

Mr Belden Namah – When did you ever follow the proper processes?

(Members interjecting)

Mr SPEAKER – Thank you, Honourable Member for Vanimo Green, I just want both sides of this House to abide by the laws from now onwards, Therefore, please show me the provisions in the *Constitution* and the *Standing Orders* and I will not hesitate to entertain it.

03/01

Mr Patrick Pruaitch– Point of Order! Mr Speaker, your election to the Chair is determined by the numbers on the Floor.

Mr Speaker, we are now exercising that and I am sure in your wisdom you will recognise the Opposition by allowing the motion to go through.

Mr SPEAKER – Honourable Opposition Leader, I can show you that the process and procedure of the election of the Speaker do exist under the *Constitution* and *Standing Orders*, but the process of removing the Speaker from the Chair does not exist in either of the

Constitution or the *Standing Orders*. Unless you show me where the procedure exists then I am able to entertain the motion.

(Opposition Members interjecting)

Mr Belden Namah – Mr Speaker, the Opposition Leader has not read the motion yet are refusing it. You are pre-empting, Mr Speaker.

(Uproar in the Chamber)

Mr Belden Namah – You are pre-empting. If I were you I would resign from the Chair right now.

(Uproar in the Chamber)

Mr SPEAKER – Honourable Member for Vanimo-Green River, the Opposition Leader did explain his motion, which was to remove the Speaker.

Mr Kerenga Kua – He is asking for the suspension of *Standing Orders*.

Mr SPEAKER – And I want to read out that particular *Standing Order*.

(Opposition Members interjecting)

Mr Bryan Kramer – Point of Order!

Mr SPEAKER –I will read out the Standing Order. Honourable Member for Madang, you can raise your point of order later.

Standing Order No. 283 reads and I quote; ‘*The suspension of Standing Orders is limited in its operation to the particular purpose for which such suspension has been sought.*’ And you are basing your argument on this.

Now show me; where does it warrant the suspension of Standing Orders to invoke the process in which the Speaker can be removed? Nothing is found in the *Standing Orders* so what do we suspend under the *Standing Orders*?

Mr Bryan Kramer – Point of Order!

Mr SPEAKER - Honourable Member for Madang, I will entertain your point of order after I conclude.

There is no basis. What do you suspend in the *Standing Orders* when there is nothing in the *Standing Orders* for you to suspend?

So based on that, in the *Standing Orders* under 'Procedures, etc, where not provided for;' Section 284 (1) states, and I quote; '*In any matter not provided for in these Standing Orders, Mr Speaker shall decide.*'

Honourable Member for Rabaul, if you were the Speaker, what would you do?

So based on this, I am only asking Members on both sides of the House if they can show me in the *Constitution* or *Standing Order* the right process of removing the Speaker then I will humbly accept it.

Mr Bryan Kramer – Point of Order! Thank you, your points are true, there is no prescribed process mentioned in the *Standing Orders*. But Section 284 that you quoted, '*In any matter not provided for in these Standing Orders, the Speaker shall decide.*'

The reason in moving this motion is because you are biased. And you have made it quite clear that your ruling may be personal, which is unconstitutional.

(Uproar in the Chamber)

Mr Bryan Kramer – You have asked us to show you where in the *Constitution* or *Standing Orders* does it mention that the Speaker can be voted out. Now, can you also show us where it states that the Speaker must complete his full five-year term without political interference to remove him?

04/01

Parliament appointed you and Parliament can remove you and even the Prime Minister, for that matter.

Mr Allan Bird – Point of Order!

Mr SPEAKER – Honourable Member for East Sepik, please wait while I deal with the Point of Order from the Member for Madang.

Member for Madang, please continue.

Mr Bryan Kramer –You have asked us to look for that particular provision and we are also asking you to do the same. Section 284 does state such, however, you cannot make a ruling on a motion which affects you because it is in breach of constitutional fairness. You must be seen to be fair. The decision where you rejected the motion is seen as unfair. You know yourself, you must accept the decision.

(Members agreeing)

Mr SPEAKER –Member Honourable Member for Madang, if you are referring to Section 284, (1) and (2) contradict each other. Section 284 (1) states that the Speaker shall decide, so I have decided.

(Members disagreeing)

Mr James Marape – Point of Order! Mr Speaker, let me go back to the earlier motion that was on foot. You entertained that so are not supposed to lecture us. You entertained that and when there was a division, you should have also entertained that.

That is the process, Mr Speaker. There is a live division on foot and you have to conclude the process.

Mr Speaker, you are not in the business of lecturing us.

Mr SPEAKER –Honourable Member for Tari-Pori, I am only asking that we all look at the laws and follow the procedures.

(Members interjecting)

Mr SPEAKER –The point I want to get across is that, we have to look at the law, there is a Section of the *Constitution* that refers to the removal of the Governor-General. I can also quote the Section of the *Constitution* that refers to the removal of the Prime Minister. It

is in Section 145 and the country is waiting on this and here we are wasting time. And I can quote where in the *Constitution* that refers to the removal of the Chief Justice.

Show me where in the *Constitution* does it state for Parliament to remove the Speaker?

Mr Peter O'Neill – Point of Order! Thank you, Mr Speaker, for allowing me to explain this. I want to say that we do not have to create a circus in this honourable house when we come in and put motions after motions and withdraw motions after motions.

Mr Speaker, the whole idea of this process today is about the opportunity to try and change the Government and that is welcomed.

Mr Speaker, I am very happy for the Opposition to of course lodge a motion and the motion will be entertained and dealt with. We will deal with it! We welcome you to lodge your motion and not hide it and do it at the last minute. The country is waiting for it. And Mr Speaker, if we put the motions properly we do not have to run to Court.

Mr Speaker, about the process of removing the Speaker, he is obviously appointed by the government of the day through the parliamentary process. But in his wisdom, when he knows that the Government that has facilitated for that appointment fails, he will resign. You do not have to establish a new process in this House, we all have to follow the *Standing Orders* and the *Constitution*.

When you change the Government, he will resign. So put your motion, then we will entertain the motion; that is what we are saying.

05/01

Mr JAMES MARAPE – Mr Speaker, I will go back to my earlier statement.

Mr Speaker, if you want to talk about the chair that you occupy, in the absence of such procedure, the manner in which you come in is the manner in which you go out. That is by vote on the Floor of Parliament.

Mr Speaker, the Nation knows the number has shifted. In the absence of the silence of the procedures, the manner in which you come in is the manner in which you exit, and that is by vote.

Mr Speaker, in the name of fairness, you have to honour a live motion before us and the live dissent before us right now. You have to allow the vote to take place as you did earlier on the 7 of May.

Mr SPEAKER – Honourable Member for Tari-Pori.

(Members interjecting)

Mr SPEAKER – I am not afraid. This is the country's Chair. The country has given me the mandate to sit here.

(Members interjecting)

Mr Allan Bird– Point of Order! Mr Speaker, I would like to clarify some things for your benefit. First of all, Mr Speaker, you would have to agree that the position you hold is at the discretion of the Members, and that's the Westminster System that we have adopted. And to repeat the point, Mr Speaker, the respect the Members bestowed upon you, we now take that back.

We are not here to debate on the laws. We are not here to be lectured on and debate on matters of Law. There is precedence where Speakers have been removed in the past by the same methods that we are now trying to employ. And Mr Speaker, you have to respect the number that is now on the Floor. You are a man of integrity. Those that have respected you now take that respect back, so you need to know.

In a Westminster System, the Prime Minister would have resigned by now and you would have resigned by now. We have adopted the Westminster System but we have not practiced it.

You have to respect your Chair, Mr Speaker, and in order to do that, you need to allow the motion that is on foot. You said that the people of Papua New Guinea mandated you to that Chair. We are the people of Papua New Guinea because they elected us to be here.

Mr Speaker, you need to see if you will still enjoy the same respect.

Mr SPEAKER – Honourable Governor of East Sepik, as I have mentioned today, we will all admit that the *Constitution* and the *Standing Order* do not state the provisions on the removal of the Speaker. It only states provisions on how to elect the Speaker and that is all. So, show me where it states the provisions on the removal of the Speaker.

(Opposition Members interjecting)

Mr SPEAKER - They are talking about sessional order and what had happened in the past during the time of Sir Bill William Skate. Sir Bill William Skate was the Acting Governor-General and the person sitting on this Chair had his own interest, therefore, the motion was moved. In the history of this country and this Parliament, nothing of this sort has ever happened. This is the first time and will go down in history. This is why I am asking you to show me the provisions in the *Constitution* and the *Standing Orders* so we can follow that process.

06/01

I know that the honourable Opposition Leader would like to move a motion and so you are afraid that I will not entertain it.

I am comfortable with it because the country is now waiting for the vote-of-no-confidence against the Prime Minister and Government, so bring it on and we will entertain it.

Mr Kerenga Kua – Point of Order! Mr Speaker, you have a valid point in that we must present to you an actual law or procedure to convince you to make a proper decision. Your challenge to us is that there is no existing law that provides the procedures in voting out the Speaker. However, I wish to direct your attention to a particular law and you must honour it.

Section 107 of the *Constitution* provides procedures for your election to the Chair through the numbers on the Floor of Parliament. That is clear and we accept this.

Schedule 1. 10, subsection 3 reads, ‘where a constitutional law (in this case section 107) confers a power to make a decision, that power includes the power exercisable in the same manner to alter that decision.

We are now proposing to alter that decision and you have to entertain this. You asked for the law so look at Schedule 1.10, subsection 3.

Mr Fabian Pok – Point of Order! Mr Speaker, many of us who are inside this Parliament know the process for a motion of no-confidence. You will need to file the motion before we can entertain it.

(Members interjecting)

Mr Fabian Pok - You listen! Most of us have gone through the vote of no confidence process. You don't want to set a precedent –

(Members interjecting)

Mr Fabian Pok – I am not misleading Parliament. When a vote of no confidence takes place the Prime Minister resigns and the Speaker shall tender his resignation.

(Members interjecting)

Mr Fabian Pok - You wait! What's wrong with you? We don't want to set a precedent here because some time in the future we will not be on the Floor of this Parliament. You are setting a bad precedent where you are now able to remove the Speaker any time we come to Parliament when you have the numbers. That is why the law prohibits this. There is a process to remove the Speaker. Let us not abuse the process and make a mockery of it.

(Members interjecting)

Mr SPEAKER – Thankyou. Let me first address the Point of Order from the Honourable Member for Sinasina -Yongomugl.

I am not a lawyer, I am just a layman but I have noticed that your interpretation of Section 107 and Section 110, sub section 3 of the *Constitution* differs from mine.

(Members interjecting)

07/01

We differ in opinion and so I would like to invite the Opposition Leader to join me as the Speaker of the Parliament to go and pay a visit to the Courts where this law can be properly interpreted. That is the Chair's decision and it will be fair to all of us and if the Courts say that this is okay then I am in agreement to this.

Mr Belden Namah – Point of Order! Mr Speaker, I have two points. The first is that there is a live motion on foot. There is a live dissent on foot.

Mr Prime Minister, you always boast and you always say that you have the numbers. But now that we have the numbers, the first motion is to remove the Speaker and I plead with you to entertain the dissent. There is a live dissent on the motion on foot.

Mr SPEAKER – Honourable Members of this Parliament, if the Speaker entertains the Opposition Leader’s motion we will be setting a precedent and it will be the first time. The Chair has already read the law and it differs from the understanding of the Member for Sinasina-Yongomugl. So the Chair has made a decision and has invited the Opposition Leader to visit the Courts and will seek advice from the Courts whilst we will continue to conduct the business of the day and we can move on with the much-anticipated Vote of No-Confidence. I want to ask to submit the Notice for the Vote of No-Confidence and as the Speaker, I will of course entertain this motion.

Honourable Opposition Leader, I will follow the processes and I will entertain it. This motion will go onto the Notice Paper for all of us to vote on.

Honourable. Member for Sinasina-Yongomugl, I have ruled on this matter and I have stated that the Honourable Member for Vanimu-Green will be the last person to speak. The *Standing Orders* state very clearly that the Speaker cannot allow more than one point of order from Members. It’s up to the Speaker to allow the Member or deny him the right to speak. That is the same ruling that we are on.

(Uproar in the Chamber)

Mr SPEAKER- Honourable Members, the Honourable Member for Sinasina-Yongomugl is very adamant that he must speak so he will be the last person.

Mr Kerenga Kua – Point of Order! Mr Speaker, my point of order is that I gave a piece of note to the attendant which was brought to you. I want to know how you interpret *Schedule 1.10 Subsection 3* where the Parliament has powers on making its own decisions. You asked for the law and I have given you and I want to hear your opinion on this.

Mr SPEAKER – Honourable Members. let me interpret this in my own layman view. Section 110, Subsection (3) states, ‘An Act of Parliament or the *Standing Orders* of the Parliament may make provision under which a law made by the Parliament may, at the direction of the Head of State

(Members interjecting)

Mr SPEAKER - According to this, I must now head down to the Head of State.

(Uproar in the Chamber)

Mr SPEAKER – Honourable Members, I am interpreting this as a layman and I am making my ruling based on my understanding.

(Uproar in the Chamber)

08/01

Mr SPEAKER – May you resume your seat. When I am finished with my statement then you can proceed. This is the last Point of Order.

(Members interjecting)

Mr Puka Temu – Point of Order! That is your ruling of the *Standing Orders*. Once a Member raises a Point of Order, the Chair must entertain it.

Mr Speaker, the Leader of Opposition has already moved to suspend Standing Orders so you must allow the motion to suspend Standing Orders. Stop playing around and lecturing us here!

(Uproar in the Chamber)

Mr SPEAKER – Honourable Members, I thought the Chair has already explained its position based on that. The Speaker's position is when there is no matter in relation to that issue, why are you suspending the Standing Orders? What are you suspending when it doesn't talk about that issue? To be fair on everyone and because our opinions differ, Honourable Opposition Leader, let us take this matter to someone who interprets the Law and can advise us all.

The Chair now has made a ruling that leave is not granted.

Mr Patrick Pruaitch – Point of Order!

Mr SPEAKER - Honourable Opposition Leader, this is your last point of order.

(Uproar in the Chamber)

Mr Patrick Pruaitch – Point of Order! Mr Speaker, I think we need to maintain some decorum here. You are just lecturing. If there is difference in interpretation, you go to court because that is where they interpret the law. Our job is to make laws. If you are aggrieved by what is happening on the Floor, you have that right to seek interpretation, thank you.

Mr SPEAKER –Honourable Opposition Leader, I agree that we are the people who make the laws, therefore, we must follow the law. In relation to the matter before us where there is no particular procedure, we will have to seek further legal advice and interpretation. That is my decision, thank you!

Mr JAMES MARAPE (Tari-Pori) - Mr Speaker, I would like to move that this side of the House rescind the motion that was put to the Floor earlier

Mr SPEAKER – Honourable Member for Tari-Pori, leave was not granted so the motion was not effected.

Mr JAMES MARAPE – Mr Speaker, I seek leave of Parliament to move a motion without notice.

Mr SPEAKER – Explain your motion

Mr JAMES MARAPE – I move that so much of the *Standing Orders* be suspended as would prevent this side of the House proposing members to the Private Business Committee.

Mr Speaker, I move the motion to suspend the Standing Orders.

(Members interjecting)

Mr JAMES MARAPE - Mr Speaker, Acting Clerk, advise the Speaker properly. This is the peoples' House. A motion has been moved and any Member of the Parliament at any time can move a motion.

09/01

Mr SPEAKER – Honourable Member for Tari-Pori, we are going to set a new precedent.

(Members interjecting)

Mr SPEAKER – Wait! I have not finished yet. It will be a new precedent that we will set in this Parliament that will go down in the history of Papua New Guinea. The appointment of committee members comes from the Government. That is the norm.

(Members interjecting)

Mr JAMES MARAPE– I just moved a motion to suspend *Standing Orders*. Mr Clerk, please advise him properly. I am a former Leader of Government Business.

Mr SPEAKER – Honourable Member for Tari-Pori, talk to the Speaker; not the Clerk.

Mr JAMES MARAPE – Mr Speaker, I moved a motion without notice to suspend the *Standing Orders*.

(Disorder in the Chamber)

Mr SPEAKER – Order! Order! Order! Honourable Members, since Members of Parliament are not adhering to the Chair's ruling, I am now invoking Section 61 of the Standing Orders and will suspend Parliament until 10 a.m. tomorrow. Let us all go home and sort ourselves out and come back again tomorrow morning.

(Members interjecting).

There being grave disorder in the Chamber, the Speaker suspended Parliament until the ringing of the Bells.

Sitting suspended from 3 p.m. to 3.30 p.m.

10/01

11/01

MOTION BY LEAVE

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

Leave granted.

SUSPENSION OF STANDING ORDERS – REARRANGEMENT OF BUSINESS

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

That so much of the *Standing Orders* be suspended as would prevent me moving a motion for the Discharge and Appointment of Members of the Permanent Parliamentary Committee on Private Business.

PERMANENT PARLIAMENTARY COMMITTEE ON PRIVATE BUSINESS – DISCHARGE AND APPOINTMENT OF MEMBERS

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

That:

(a) Mr Koi Trappe, Mr Powes Parkop and Mr Robert Atiyafa be discharged as Members of the Permanent Parliamentary Committee on Private Business; and

(b) Mr Speaker, Mr Deputy Speaker as Chairman and Deputy Chairman respectfully and Members Mr Allan Bird, Mr Charlie Benjamin, Mr Jonny Alonk and Mr James Donald be appointed members of the Committee respectfully.

ADJOURNMENT

Motion – That the Parliament do now adjourn – put.

12/01

The Parliament voted (the Speaker, Mr Job Pomat) in the Chair –

AYES – 0

NOES – 109

Motion so negatived.

13/01

14/01

15/01

MOTION BY LEAVE

Mr JAMES MARABE (Tari-Pori) – I seek leave of Parliament to move a motion without notice.

Leave granted.

SUSPENSION OF THE STANDING ORDERS- REARRANGEMENT OF BUSINESS

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

That so much of the *Standing Orders* be suspended as would prevent me moving a motion to discharge and appoint the Chairman of the Permanent Parliamentary Committee on Appointments.

**PERMANENT PARLIAMENTARY COMMITTEE ON APPOINTMENTS –
DISCHARGE AND APPOINTMENT OF CHAIRMAN**

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

That Honourable Koi Trappe be discharged as Chairman of the Permanent Parliamentary Committee on Appointments and that Mr Philip Undialu be appointed Chairman of the Committee.

MOTION BY LEAVE

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

Leave granted.

Mr SPEAKER – Explain your motion.

Mr JAMES MARAPE – I would like to move a motion against the Deputy Speaker of Parliament.

Mr SPEAKER – Honourable Member for Tari-Pori, this motion is similar to the earlier one and the Chair will not entertain that motion.

(Uproar in the Chamber)

16/01

Mr SPEAKER – Honourable Member for Tari-Pori, the Chair will still stand on its decision because under the law as I said earlier -

(Members interjecting)

Mr SPEAKER – Honourable Member for Madang, I believe that we all understand.

Mr Bryan Kramer – No, I don't agree.

Mr SPEAKER – Honourable Member for Tari-Pori, the motion that you moved, I believe, will have to be looked at by the Speaker so we will come back to that motion later.

Mr James Marape – I will accept your ruling and withdraw my motion

ADJOURNMENT

Motion – That the Parliament do now adjourn – agreed to.

The Parliament adjourned at 4 p.m..