

FIFTH DAY

Tuesday 18 February 2020

DRAFT HANSARD

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PARLIAMENTARY DEBATES
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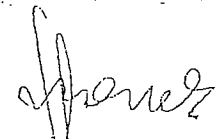
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Corrections maybe marked on a photocopy of the Daily Draft Hansard and lodged at the Office of the Principal Parliamentary Reporter, A1 - 23 (next to the Security Control Room).

Corrections should be authorised by signature and contain the name, office and telephone number of the person transmitting/making corrections.

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HARRY MOMOS

Acting Principal Parliamentary Reporter

FIFTH DAY

Tuesday 18 February 2020

The Deputy Speaker (**Mr Jeffrey Komal**) took to the Chair at 10 a.m.

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

Sitting Suspended.

The Deputy Speaker again took the Chair at 11:05 a.m., and invited the Member for Rabaul, **Honorable Dr Allan Marat** to say Prayers:

‘I invite all Members of Parliament to close their eyes and bow their heads and stand before our Sovereign God this morning. Let us pray.

Sovereign God you are El Shaddai the Lord God Almighty, you are El Elion the Most High God you are Jehovah’s above the Lord of Hosts. This morning we come before you in the name of Jesus Christ your son who gave his life for each and everyone of us here in this Parliament Chamber this morning. Father we invite you to be in our midst this morning during the sitting this morning and throughout this day. We offer this invitation to you Father in the Name of Jesus who taught us to pray saying, Amen.’

CERTIFICATION OF ACTS

Mr DEPUTY SPEAKER – Honorable Members, I have to inform the Parliament that I have in accordance with *Section 110* of the *Constitution*, certified the following *Acts* as having been passed by the National Parliament:

A list of these Acts will appear in today’s Minutes of Proceedings.

- (1) *Customs Tariff(Papua LNG Project) (Amendment) Act 2019*
- (2) *Excise Tariff (Papua LNG Project)(Amendment)Act 2019*
- (3) *Goods and Services Tax (Papua LNG Project) (Amendment) Act 2019*
- (4) *Income Tax (Papua LNG project) (Amendment) Act 2019.*

- (5) *Income Tax, Dividend (withholding) Tax and Interest (withholding) Tax Rates (Papua INS Project) (Amendment) Act 2019.*
- (6) *Insurance (Papua PM Project) (Amendment) Act 2019.*
- (7) *Konebada Petroleum Park Authority (Papua LNG Project) (Amendment) Act 2019.*
- (8) *Prices Regulation (Papua LNG Project) (Amendment) Act 2019.*
- (9) *Resource Contracts Fiscal Stabilization (Papua LNG project) Amendment) Act 2019.*
- (10) *Stamp Duties (Papua LNG Project)(Amendment) Act 2019.*

QUESTIONS

Reliable Electricity in PNG

Mr ELIAS KAPAVORE – Thank you Mr Deputy Speaker, my questions without notice are directed to the Minister for State Enterprises.

Mr Speaker, the provision of reliable power supply to many of our citizens will be an ongoing challenge of our Government. It is estimated that only 13 per cent of our population have access to reliable power supply. Considering this fact an electrification partnership program agreement signed by the former Prime Minister on behalf of our Government and the Governments of Australia, US and Japan during the APEC Forum held in our country in November 2018. The leaders during the signing made important statements saying that access to electricity is the key to PNG's economic growth. This partnership program is estimated to cost up to USD\$1.7 billion and is expected to provide power to 70 per cent of our population by 2030.

(1) Can the Minister clarify to our people if his Department has an implementation strategy for this important undertaking?

Secondly, it is noted that the Australian Government is to provide first AUS\$25 million to the project in its first year. Today being 18th February 2020, it is exactly 15 months on because this agreement was signed on 18th of November 2018.

02/05

(2) Can the Minister confirm if this funding was released and what is the status of its implementation?

Certainly for my district, we spend up to K500 000 to K600 000 every year to run a diesel generator. This will continue to increase considering the development taking place in

my district. We brought into the district experts who have completed hydro power scope that is awaiting funding.

(3) Can the Minister make an undertaking to consider my district and other districts who have also done similar scope in their rural districts under this similar APEC signing agreement?

Thank you, Mr Speaker.

Mr SASINDRAN MUTHUVEL – Thank you Mr Deputy Speaker, I thank the Honourable Member for Pomio for his important questions relating to electrification program in the country.

Mr Deputy Speaker, the Member is true that during APEC meeting, these countries have committed US\$1.7 billion to connect more than 70 percent of our population.

But today, Mr Deputy Speaker, there is no clarity as to the development partners coming clearly as to which programme they are actually funding. That is also part the reason why the world bank is concluding the master plan for the national electrification roll out plan and also the least cost power strategy .They are releasing that first report; the master plan report by April so that master plan will give way for how we could implement and how the development partners will be funding. The only clarity so far we have received is from Australian Government. In totality, they have committed US\$250 million; US\$150 million for transmission network, another US\$100 million for various outreach solution.

But to answer honourable Member's question, we have not received any US\$25 million commitment for this year. So for the first release is concerned.

Mr Deputy Speaker, we are also working on a medium-term strategy and the Marape-Steven Government is committed for PPP arrangement through electrification generation through gas and also various small hydros where the honourable Member was alluding to.

Mr Deputy Speaker I take this opportunity to also inform all the Governors and Members that the Marape-Steven Government is very keen in terms of privatising almost all the generation capacities to the respective provinces and districts. Whichever provinces and districts that have the capacity; you can't ask me for 100 percent free that if there is a generation facility in your district and if your district or province has the capacity to offer PNG Power, we are very keen to privatise the generation assets of PNG Power so that PNG Power can concentrate on distribution and transmission network.

Mr Deputy Speaker, to answer further we will support the Pomio District, through the Chair again, I appeal to the Members that just because there few Chinese companies have the

capacity to do a feasibility study for you, I do not want to see an unsolicited projects where people go around signing contracts for 50 megawatts or 100 megawatts. PNG Power doesn't have any capacity to commit to those power purchase agreements. In fact, we have a current moratorium on such mega projects but I do understand the honourable Member for Pomio is talking about the mini-hydro station in his district. By all means, we will give all the technical assistance and support.

As I said PNG Power will not be seen to do any investment in terms of generation but we would encourage the district to partner with any strategic partner or industry partner and develop the small mini-hydro station in their respective districts. Again, it can't be an unsolicited project, it must be a solicited project where PNG Power should be involved from the beginning and also you must have that capacity or demand in the district or province where we can sell the power.

So, Mr Deputy Speaker, I think that will satisfy the questions raised by the honourable Member for Pomio. Thank you.

Supplementary Questions

Electricity Generation Partnership Agreement

Mr ALFRED MANASE – Thank you, Mr Deputy Speaker, my question is, which of the two government agencies is involved in dealing with the issue related to the partnership agreements on electricity.

03/05

Is it PNG Power or Energy Department? I need that to be clarified so that we as Members of Parliament and of course the community can be able to then deal with the appropriate authority dealing with the partnership agreement in terms of electrification.

Thank you.

Mr SASINDRAN MUTHUVEL – Thank you, Mr Deputy Speaker. I thank the Member for Kandep for his supplementary question.

Mr Deputy Speaker to my knowledge, of course PNG Power is the authority in terms of having partnerships for power generation and power distribution. So, I believe it is PNG Power thank you.

Supplementary Question

Review Existing Power Generation Capacity

Mr JOSEPH LELANG – Thank you, Mr Deputy Speaker. My supplementary question basically relates to the bigger, broader strategy of electricity generation throughout the entire nation. And I think we need to understand, if the Minister has any plans to push electricity throughout the entire nation from the PNG mainland as well to the New Guinea Islands Region. In the 1997, 1998 the National Government did a report and they said only 12 per cent of PNGs total household have access to electricity.

In 2018 and now its 13 per cent, so over two decades we have only one per cent increase. And that is why I think, we need to ask the question,

Does the Minister have any plans to look at the existing capacity of power generation and whether he is going to look at how we move forward as a nation?

To look at new places, investments in capital in new dams, new power generation to cover the entire nation. And I think the issue is if there is a demand, we do it. I think that is not the way to look at it. You just do it and the demand will come when the infrastructure is there.

Thank you, Mr Deputy Speaker.

Mr SASINDRAN MUTHUVEL – Thank you Mr Speaker. I thank the Honourable Member for Kandrian-Gloucester for his second supplementary question. Mr Deputy Speaker this a valuable question. Mr Deputy Speaker like I mentioned earlier on my previous answer, that we are almost concluding the master plan for this National Electrification Roll-Out Program and also the Lease Power Generation Strategy. But Deputy Mr Speaker, unfortunately this is only covering the Lae-Ramu Grid and also the Port Moresby Grid. But to answer the Member's question, of course New Guinea Islands comes under the more upgrade solutions. Mr Speaker as a medium-term strategy we are also working on this Floating LNG Gas Power Generation Concept which we are almost concluding. The report as to how we could use LNG as a medium-term strategy while we can still focus on planning for the long-term solutions as various mega dams or hydropower. I do agree with the Honourable

Member's comment, that the New Guinea Islands has a lot of fast flowing rivers. And in fact, even in West New Britain we have two hydro potentials like one in Biella which has 1.5 mega-watts and another one called Ru Creek has almost 1 mega-watts. But Mr Deputy Speaker once that master plan is released and from there it identifies various upgrades solutions and also main grid solutions. And also, we use the program Connect PNG. Wherever it connects the roads, secondly the powerlines should follow and also the fibre cable for internet and telecommunications also to follow. So, we will fully, closely work with the Connect PNG Road Program to bring those electrification services.

Thank you, Mr Deputy Speaker.

Mr DEPUTY SPEAKER – Honourable Member for Kerema. I would rule that there has been enough supplementary. I am making a ruling here, the good Member for Kerema. If it is a new question, you could have the floor, you can ask.

Southern Region Electrification Plan

Mr RICHARD MENDANI – Let me rephrase it Mr Speaker. Rural electrification has been a very priority policy agenda of the successive governments' over the years. And I remember in the 1980s rural electrification has been undertaken across some of the regions across the country like the New Guinea mainland, the Highlands region and the New Guinea Islands. Unfortunately, the Southern Region has missed out very badly. Rural electrification has not taken off in Western, Gulf, in Central, Oro and in Milne Bay Provinces.

Does the Minister for State Enterprises have a Rural Electrification Plan for the Southern Region?

Thank you.

Mr SASINDRAN MUTHUVEL – Thank you, Mr Deputy Speaker. I thank the Member for Kerema for his concern in Southern Region. Of course, I invite the honourable Member to have an audience with me, and also the PNG Power team as to how we could bring those services to Southern Region and of course we seek partnership Mr Deputy Speaker, with each Member and governor. I'm sure Oro has witnessed a refurbishment of a major hydro in Oro Province, likewise in other parts of Southern Region. We are very keen to see how we could refurbish the existing facilities where we can refurbish and generate much

needed electricity to support Rural Electrification Program. Mr Speaker my office is open for Members to discuss as to how we could include it if he feels that his district or province or region is missing out.

Mr RIMBINK PATO – Thank you, Mr Deputy Speaker. My question is also on rural electrification. And that is directed to the Honourable Minister for Public Enterprises.

(1) Is the Minister aware that under the rural electrification announcement, announcement, the first electrification project that was being rolled out was the Enga electrification in the Tsak Valley?

04/05

(2) Is the Minister aware that Australia and New Zealand are responsible for the rural electrification roll out in the Enga province?

(3) Is the Minister aware as to when the contract for the rural electrification project, particularly the roll out of the transmission line, will commence and the contract in relation to it be let, particularly as the power pylons have been sitting in the Tsak Valley for nearly two years at the time of asking this question.

Thank you, Mr Deputy Speaker.

Status of Enga Electrification Program

Mr SASINDRAN MUTHUVEL – Thank you, Mr Deputy Speaker. I thank the Member for Wapenamanda for his questions. Mr Deputy Speaker, yes, I am aware of that rural electrification program. Enga province has been selected in Tsak Valley.

Yes, I am aware that Australia and New Zealand is responsible and they are aware but I wasn't aware the materials are piled up in Tsak Valley for more than two years.

Mr Deputy Speaker, I'll take it as a matter of urgency with our development partners but, this is completely like procurement in terms of rolling it out. It is done through our development partners and I will check with our PNG Power and the development partners the status of this particular project and see how we could facilitate it in the quickest time possible.

Thank you, Mr Deputy Speaker.

Dr ALLAN MARAT – Thank you, Mr Deputy Speaker. My three questions without notice is for the Prime Minister to answer and for my learned friend, the Attorney-General and Deputy Prime Minister to take note.

Mr Deputy Speaker, when negative issues about Papua New Guinea, the national leadership in the National Governance attract international publicity in their media, we only get to know about them when our journalists report back in our news media.

Some of us screech at the fact that millions of readers and viewers within Papua New Guinea and worldwide cultivate and continue to reaffirm in their minds, negative thoughts about Papua New Guinea. And that is how we become stereotyped as one of the most politically corrupted country in the world.

Mr Deputy Speaker, no human being in Papua New Guinea including in this National Parliament or worldwide for that matter is perfect.

But it is also in that view of thinking that you all want quality political, economic and national governance therefore, quality political economic national leadership of Papua New Guinea.

Accordingly, as national leaders, we discuss our obligations towards our fellow citizens and you the government, take back Papua New Guinea while the Opposition takes Papua New Guinea forward.

Mr Deputy Speaker, my first question; Prime Minister, have you discharged your duty to communicate with the Ombudsman Commission and the Law Society, any suggestions on investigations into an alleged official corruption clearing fraud, bribery involved in the issuing of PRL 21 by the Department of Petroleum and Energy to –

Mr Richard Masere – Point of Order! Thank you, Deputy Speaker. I do understand the questions that are being raised on this Floor but these allegations that are being labeled and they are not proven yet until the investigation is completed.

05/05

Dr Allan Marat – The Prime Minister will answer it!

Mr Richard Masere – It is appropriate that such questions should be refrained until there are findings presented through our legal court system in Papua New Guinea before such a question can be asked because such questions can defame the character of a leader while these things are pending investigation.

Yes, but this is common knowledge now because of social media, Mr Deputy Speaker, so I will ask the good Member of the Opposition to maybe ask this question at the later point in time when such matters are brought before the PNG Legal System.

Thank you, Mr Deputy Speaker.

Mr DEPUTY SPEAKER – Honourable Deputy Opposition Leader, ask your questions.

Dr ALLAN MARAT – Thank you Mr Deputy Speaker.

1(a) And this purported consortium with a K2.00 self-company Elevala Energy Limited, a company purportedly bought by Horizons Oil for US\$ 10.3 million and that self-company name now I believed changed because it has been bought and changed to Rubicorn Limited.

(b)The alleged corruption conduct of nepotism in appointing statutory heads for MVIL and the NDB and consequential pillage of their finances.

2. Mr Deputy Speaker, Prime Minister, if you are not communicated with these two government authorities, why have you not done so? You will not do so that is, not communicated with these two government authorities only:

1. If the security or defence of Papua New Guinea will be prejudiced as a result.
2. If Papua New Guineas relation with the Government of Australia will be prejudiced as a result?
3. Only if your communicating with these two government authorities would be injurious to the public interest. But Mr Deputy Speaker, I say none of this will be the case?

Prime Minister, through you, Mr Deputy Speaker, will you communicate any suggestion of investigation urgently to the two authorities? Because the political, economic and consequentially, social ramifications of this corruption, is now having a lasting impact on the image of our country and our citizens and finally fourth question Mr Deputy Speaker,

3. Will you set your Minister for Commerce and Industry and replace him with the better one? Thank you, Mr Deputy Speaker.

Mr JAMES MARAPE – Thank you Mr Deputy Speaker, for allowing me to respond to the question posed by Deputy Opposition Leader. It is a good question, a question that should be answered in clarity and should be answered in retrospect to the events that has taken place not necessarily to one event, but the status quo of our country up until today in as

far as how we've dealt with corruption but also respect with the prospective view on how our country must travel into the future in respect safeguarding our institutions of States to safeguarding our own country and the processes in which whether we as Government Ministers, Prime Minister and Government officials dispense our duties dealing with matters like these and situations like this might arise into the future.

06/05

But firstly, on the issue of corruption in most cases whether committed or otherwise is built on perception that is uttered, once prosecuted, established that corruption has actually taken place, and I answered the last question by his last question or statement and to get around answering his series of questions in totality.

There's an inference made that one of Ministers in the cabinet, when he was Petroleum Minister presided over that transaction. Just because a private company in Australia has felt that, certain managers of that company did not prescribe to company protocols and processes, procedures and there's an inference made transaction is possibly wrong, doesn't give me the immediate need to sack a Minister just based perception alone.

I have registered personally and let me assure the country and the Deputy Opposition Leader as he asked that question, I have at the very first instance when this thing broke out, I have registered my view that corruption has been involved in this one, by not necessarily the Minister responsible but the entire system of government has facilitated transaction, that it was corrupted, and upon finding an evidence of corruption, due actions will take course, at this pointing time, everything has been raised by media firm in Australia and then (spinned), because of real time communication through social media, especially *Facebook* and everything else and has been spin, in our country and globally.

And mind you, Mr Deputy Speaker, I, just like all Papua New Guineans are concerned about the perception on corruption, I've heard my conversation with the Minister concerned, Minister Duma for him to make Public Statement on this matter and once public statements are made on this matter they are for Public records and he will make the statement in due course, possibly later today or tomorrow whenever he feels that he has every sufficient facts organised for him to make this statement, I don't intend to speak for him.

But today, as I answer this question, I am not privy to concrete substantial evidence on corruption per se against a backdrop of perception perpetrated by a media release that has taken place out of Australia but that doesn't mean I will sit on top of this knowledge and not react to it.

Legitimate organisations in our country, Ombudsman Commission for that matter, police for that matter, do not need the Prime Minister's communication to respond to the call to scrutinize such allegations. It is within their constitutional duty to handle this thing with due care, because as leaders, our conduct stands exposed for public scrutiny and that is part of the job, we are paid to be scrutinized, and one ministerial action or otherwise of past has come back in this instances and was raised by a foreign media and Ombudsman and police have every right to look into and established a file on that matter, and established and ascertain whether corruption actually took place or not.

Upon establishment of corruption, then the nation has every right to question me as to what I will do with the Minister sharing the same bench with me. It is not just for the minister, but for everyone. Our society is proliferated with perception and accusation of corruption.

I ask everyone out there, you have every right to perceive someone is corrupted, but that person has every right under existing law and status quos we have.

07/05

If you want to prove innocent, and you are innocent until proven guilty is the status-quo of a legal system, if I am not wrong, I am not a lawyer. And so I ask everyone who raises issues on corruption, not necessarily on this one but any matters on corruption, the formal process of lodging corruption complaint is there.

You are not successful to fight corruption only by using media allegations and only by using parliamentary utterances and only by using social media. Those who advocate on corruption including me, fighting corruption, must run the full course of prosecution, you don't just stop short at making allegations. You must run the full course of fighting corruption, speak as we all are required to speak out against corruption, report, as we must all report on corruption and assist in prosecution as we must all assist on corruption and secure conviction, then you have truly done your due justice to the course of fight of corruption in this country.

I so ask everyone, in this matter, I have sent, in response to this question, I have sent the request at the highest level to my colleague in Australia, I am interested in this matter, my police should be interested in this matter, my Ombudsman will be interested in this matter, I communicated with my colleague, if you can assist with total information as to what has happened and if anyone amongst us in our country has received money, has infringed, has conduct in shady deals has infringed, or inferred, beg your pardon, not infringed then it is to

the interest of fighting corruption in PNG that those information be made available to our own local corruption fighting institutions and we will then prosecute and help assist in securing justice if corruption was actually perpetrated or committed.

As I said in my Facebook post last night, we are not here to run away. This country will live beyond our time and corruption fighting is not an event but a process that will take place way beyond my time also.

Thank you for raising this question at a very important time when this parliament will entertain government business on ICAC Bill and *Whistle Blowers Act* that we have on foot I ask the opposition to sit and not vacate Parliament after question time is up. The ICAC Bill that we put before this parliament hopefully is one big step in our effort to combat corruption, institutional corruption and personal corruption that we must try to arrest in this country because wastages to corruption is also enormous in our country.

So, Member your question has good intentions to it also as well as raising issue as to what is perceived out there. Today at this point in time is perception on possible corruption in that transaction and so for me as Prime Minister I am never quick to making decisions that is something at this time Parliament will appreciate and the country must appreciate.

Making decisions as Prime Minister has consequences on my country and you must not be at rush to make decisions but decisions must not be based on emotions but evidence but not be based on emotions but intelligence and statistics and facts, in this matter I have asked, as I said earlier at the highest level my counterpart in Australia to ensure that their system of fighting corruption and we are exchanging notes. I told him in no uncertain terms when I visited him last June or July that money laundering and corruption issues in PNG, I want Australian system to help me assist if there is money laundered from PNG into Australia, I want to know those statistics, if they are PNG.

08/05

If they are a PNG based companies funnelling funds illegally gotten, well, we already have *The Proceeds of Crime Act*. We are interfacing at that level to ensure that the two economies and the two jurisdictions are on the same page in as far as of fighting corruption is concerned because Australia and PNG economies interface in a big way and will continue to interface on a person to person, government to government, business to business forever into the future. So, at the highest level between myself and my colleague we are talking and

discussing on how we could fight corruption. The ICAC institution that we want to set up is part of that process.

And I ask the Member, your concern is generally my concern also but let's assist. If the Member has got some information that I don't know of, instead of just picking on a report that was by the media.

If the Opposition has information that I am not privy to on exactly what transpired in PRO 15 as he has mentioned or in MVIL or NDB then it is prudent and responsible for every one of us to go all the way until you prosecute that corruption. If you paint your country and your fellow leaders corrupt then it is equally responsible for one to go every step of the way until you prosecute that corrupt allegation.

Mr Deputy Speaker, just like you and every other person in the public through this question and occasion of response, ask everyone who allege someone to have committed an offence assist the Government and your country in every step of the way by putting forward evidence to substantiate your allegations and to assist the courts. Our Government is not silent and we are not proposing to pass the Independent Commission Against Corruption and we will ensure that this organisation is set up. We will communicate with Transparency International, the Ombudsmen Commission, Police and everyone in general to set up an institution that is fire proof and bullet proof from political interferences.

The congruent legislation that will support the function of ICAC Act is that Whistle Blowers Act. This will protect person or persons who bring forth evidence of corruption. It is possibly the number one challenge facing us apart from other recurrent challengers that we have. And so everyone that advocates against corruption becomes a foot soldier to mount and collect evidence and assist police prosecute the matter. Let us score points on the scoring board in so far as prosecuting corruption is concerned.

Mr Deputy Speaker, while on this matter let me also state something about the Police. They are doing their job and always has been available to do their job. It concerns me when members of another arm of Government steps in to stop Police from doing their job. The Police Minister has been tasked to ensure that our Police is eliminated of 'wantok system' nepotism and corruption. It must stand up to fight corruption in our country. Therefore, with ICAC coming in we will tighten it with the Police and Ombudsmen to better deal with corruption.

Mr Deputy Speaker, I ask everyone to do justice to the country by assisting in seeking evidence of corruption. *The Whistle Blowers Act* that we will pass later today should protect those of you who come out to give evidence. I am not here to defend corruption and I am here

to also assist in fighting corruption. Those who share bench with me will be fair on them if evidence substantiate corruption.

09/05

And if Police Prosecution advanced beyond such mere allegations then at that point in time, I will look into what course of action to take with those who shared bench with me.

Thank you, Mr Acting Speaker.

Mr BENNY ALLEN - Thank you, Mr Deputy Speaker, my question is directed to the Minister for Agriculture.

I would also like to congratulate him for winning his court case and he is back in Parliament to continue his work in the ministry because it is a very important sector. And, I would also like to thank the Prime Minister for acting as the Agriculture Minister during his absence

Mr Deputy Speaker, my question is related to one important project in the Eastern Highlands and Western Highlands where the two Governors signed an agreement with a company in February 2018, to create these two Agriculture Integrated Park Projects; one in Korofeigu, Eastern Highlands and the other in Hati, Western Highlands. These two Projects are very important and in line with the policy that the Prime Minister is always talking about to make this nation become rich in the future.

Mr Deputy Speaker, it is almost two years and when there was a new minister who came into office and at the handover takeover, I notified the office of this project. During his suspension, I saw the Prime Minister. I would like to thank the Prime Minister and the Finance Minister for their support that after the Economic Zone Law is passed then they would look into this project.

This Project is very important because the total investment in Korofeigu alone is US\$600 million, the previous government could not support because it could not pay the equity which is 10 per cent of the total amount and also it was given short notice when we asked the government to pay this 10 per cent. So, China Railway International Group (CRIG), the private investor said that they would make the Project in such a way as it will be an investment which means that it will cost K540 million for Korofeigu and another separate funding for Hati, Western Highlands.

Mr Deputy Speaker, it has been two years now and I feel that it is a very important investment because it will generate income for those small farmers in the Mamose and Highlands regions. It is also important that we start up this project quickly.

10/05

Inform the people of Western Highlands, Eastern Highlands and Papua New Guinea when Cabinet will approve this project, and;

If there is any delays in Cabinet approving, what are the reasons for the delay?

It is private investment of US\$540 million which the private investor is ready to invest and so I want to ask the Minister for Agriculture to give an undertaking that as soon as he resumes office, he will ensure this project is realised and he assured me that it will happen immediately. I believe his word because he is an action man so can the Member for Maprik inform us in Cabinet when this important project which will transform the lives of the people in villages be commenced?

Mr JOHN SIMON – Thank you, Mr Deputy Speaker and I say thank you to the Member for Unggai-Bena and former Minister for Agriculture.

In informing me, yes, when I went and assumed the office, he passed those documents on to me and he spoke of those.

So, Member I am fully aware of this and as you are aware, one month into the office and I got suspended for eight months.

I will check those other information and from what I've learned and I've heard is that the economic zones have already been ratified by Parliament. The Agriculture Department will take carriage of that and we will move it forward. And I will advise you.

Last week was my first week. I went back to the Department and tried to get the secretary and deputy secretaries to get the department in order. Without direction there was a lot of talk, many people said it lacked leadership and slowly, last week and this week we have been trying to put back leadership into the department.

This department is the department where the Marape-Davis Government is looking at to achieve our dream of taking back Papua New Guinea and there are a lot of positive inputs into the department from this government for us to work with.

This is my second week back in the department. This project is a nice project. I went there when I assumed office. I spoke and gave you my assurance, I made a commitment that I was going to look into it and make sure this is one of my priorities. That still stands.

An issue that I raised was that many investors wishing to come in wanted to come and get government land. They do not want to come and go into partnership with landowners. I am also scrutinising this issue.

The State does not own a lot of land in this country. A lot of land is owned by landowners. And our investors who are coming in must also be willing to come in and go in partnership with local landowners under the PPP arrangement rather than coming in and resorting to State land. We do not have a lot of State land. But customary landowners have a lot of land.

So, our investors who are coming in must also be willing come in and work with landowners, pick the ILGs and go in partnership with landowners where there are massive agricultural land available.

But, going back to your question, Member, I will report back to you. Come see me in the department and I will check the information in this and I will let you know on the latest.

Thank you.

Mr DEPUTY SPEAKER – Honourable Member for Kerema our time for questions has lapsed. Can you resume your seat?

11/05

**TRANSPORT SECTOR'S MEDIUM-TERM PLAN (MTTP2, 2019-2022) –
PAPER AND STATEMENT - MOTION TO TAKE NOTE OF PAPER**

Mr WILLIAM SAMB (Goilala – Minister for Transport and Infrastructure) – I present the following papers:

*(1) Medium Term Transport Plan 2 2019 – 2022 Volume One Strategic Framework,
and;*

(2) Volume Two – Implementation Plan for Transport Sector Agencies.

I seek leave of Parliament to make a statement in connection with these reports.

Leave granted.

Thank you for the opportunity to make this statement on this Floor of this House as the Minister for Transport and Infrastructure. On the Transport Sector's Medium-Term Transport Plan (MTTP2, 2019-2022). Including the Ministry's response to the theme; Taking Back PNG and making it the richest black Christian country in 10 years' time.

Mr Deputy Speaker, it is a broad statement of intent, to do all within our power to propel PNG towards the first world, from wherever we may be categorized to be now. Be it as a third world country, a middle-income country or sitting somewhere in between. Transport is a conduit for economic development. The transport sector's contribution to taking back PNG is to ensure that our transport system remains effective and resilient to underwrite economic growth and improve the quality of life.

This will necessarily include discussing the development of the Medium-Term Transport Plan 2, which charts our course for the next four years in line with the MTDP3 and the National Development Strategies and Plans. The three Government agencies that directly come under this ministerial portfolio being the Department of Transport, National Maritime Safety Authority, the Road and Traffic Authority, works on the array of options available to them. And overwhelmingly concluded that they have to limit their main focus on delivering on their mandated responsibilities such as maintaining the integrity of our regulatory compliance protocols and developing appropriate transport policies.

Mr Deputy Speaker, whilst the transport system maybe described simply as everything that is required to get goods and people to where they want to go and this simplicity conceals its complicity and importance. The transport system comprises infrastructure, such as wharves, roads, and airstrips which are were most people see government's intervention. But the system goes far beyond that to include the service providers that use the infrastructure. The government has a role in making sure, this occurs competitively, safely and in a sustainable manner.

As such the transport system includes the regulatory framework and the institutions that support them. Beyond the above attributes, to move goods and people, the transport system also supports our social connections. And it also provides us access to help with census and enables us to participate in the economic growth of the nation. And thus, the transport system is still vital.

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Moreover, transport goes beyond even this - it is a tool for improving equity across our diverse population. Transport is part of the face we present to visitors and ourselves, it is both a window and a mirror of our Nation.

Due to competing priorities, our transport infrastructure deteriorated to the point where it threatened economic recovery and growth. Significant efforts were put in by the previous Governments in deliberate attempts through the budget appropriations to address this situation but more needs to be done as we simply cannot continue to spend money to expand the road network and construct other infrastructures and neglect provisioning for their upkeep as experience attests to the fact that it costs three times more to rehabilitate and reconstruct.

STRATEGIC PLANNING

Mr. Deputy Speaker, The Marape/Steven Government's desire to Take Back PNG implies an inclusive transport infrastructure where our rural communities needed to be connected with some form of transportation so that they can participate in economic development. The MTTP2 provides for strategic needs, missing links, construction of rural airstrips and re-introduction of National Shipping Service Program (NSSP).

Under the Transport and Infrastructure Ministerial oversight, the Department of Transport has the primary policy role to guide the Government and Transport Sector to make informed investment decisions on investing in key transport programs and projects that will transform our economy.

Mr. Deputy Speaker, the sector's vision is to provide a safe, secure, reliable, well-integrated and sustainable transport system for the country guided by the sector's overarching strategy called the National Transport Strategy (NTS) which was passed by Parliament in 2013. The NTS is a 30-year GoPNG Policy Framework and under this framework, there is a five (5) years rolling Medium Term Transport Plan (MTTP) which provides short term implementation plan for the Government's Transport Investment Programs.

The first MTTP expired in 2018 and the Department of Transport in consultation with the Transport Sector Agencies, Development Partners and Central Agencies, and the Department of Prime Minister and National Executive Council have developed a successor plan, the second Medium Term Transport Plan (MTTP 2). This plan will provide a K4.2 billion implementation plan for the Transport Sector from 2019 to 2022 to support deliver the Government's Vision.

Mr. Deputy Speaker, The MTTP2 is well aligned with the Medium-Term Development Plan (MTDP) III, Development Strategic Plan (DSP) and Regional and International

Conventions. The plan presents two key priority areas of investment where government pull all its resources together to implement it which include Transport Infrastructure that support transport network/system and new policy initiatives to further improve the existing transport system.

For Maritime subsector, the Government will invest on developing a sea transport system that is safe, reliable and easily accessible by maritime rural population. This includes construction of new ports to accommodate transshipment in the Pacific and serve as a crucial link between Asia and Pacific as well as supporting PNG's Maritime Economic Development.

The key investment programs for maritime transport in the MTTP2 include:

(1) National Shipping Service Program (NSSP) — Through this program, the Government is looking forward to provide reliable and safe passenger shipping connectivity for all the Maritime Provinces including the AROB.

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(2) For Port/Wharf Development Programs, the Government is looking forward to providing transshipment hubs as well as supporting local economic development. These ports or wharves are:

- Vanimu wharf to support Oil Palm and other economic development;
- Wewak Wharf to support mining and palm Oil;
- Kikori Wharf to support shipment of Highland Fresh Fruit and Vegetables and provide alternative link on the southern seaboard for the Highlands Region;
- Manus Wharf to open up the economic corridor and proposed new township to the southwest of the main Island of Manus and for fisheries development.
- Madang Maritime College Project — It is an impact project that the government is looking forward to improve PNG Seafarers' standing and by complying with the international Maritime Organisation (IMO)'s Standards of Training, Certificating and Watch keeping (STCW) 2010 Manila Convention as a new requirement for international seafarers' trainings. PNG seafarers will be given opportunity to train on this new requirement through the Madang Maritime College to secure seafaring job qualification globally.

The Madang Maritime College Project is also anticipated to provide an opportunity for Grade 12 School Leavers who must ensure seafaring is a career path and not just another option because he or she misses out on further studies.

Mr Deputy Speaker, for the road subsector, the Government will continue to invest on maintenance, rehabilitation, reconstruction and upgrading programs on the existing National Highways, construction of economic vital Missing Link Roads and attend to emergency needs. These programs are well articulated in the National Road Network Strategy (NRNS) recently launched by our Prime Minister and Minister for Works & Implementation. Some of the key road investment programs include:

- Maintenance and rehabilitation of the Highlands Highway — is an important project to keep the country's highly populated and agricultural regions together with mining and petroleum sites in the Highland connected to the country's biggest port in Lae, Morobe Province to ensure normal flow of goods for exports and imports;
- Maintenance and rehabilitation of other National Highways — other national highways are equally important as the Highlands Highway to keep their people, services, markets and production sites connected and linked; and
- Construction of Missing Links intended to open up the economic corridors for commercial farming and improve movement of people between provinces and regions which will stimulate economic development for locals leading up to improving people's livelihood. Some of these missing links roads included in the plan are Central-Milne Bay, Gulf-SHP, Morobe-Gulf and Baiyer-Madang.

Mr. Speaker, for Aviation sub-sector, the Government will focus on linking the rural hinterlands, economic isolated market segments of the country through provision of safe, reliable, and cost-effective air transport services that promotes international tourism and greater socio-economic activities. The Government will continue to upgrade, rehabilitate and extend all major airports to accommodate for higher capacity aircraft landing. Its key investment programs include:

- CADIP 2 —with plans to upgrade the remaining National Airports not included in CADIP Phase 1,
- Kup Airport Development Project and others. — alternative provincial airport to support socio-economic development, domestic trade and support tourism;

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The Civil Aviation Policy 2020 - intended to guide aviation subsector investment and development programs and lastly, Rural Airstrip Maintenance and Rehabilitation Programs.

Mr Deputy Speaker, a review of previous planning and service delivery performances in the sector together with the emerging patterns of demand and growth have highlighted the need for improvements to planning processes for the transport sector. Underpinning these improvements are:

1. More rigorous and effective prioritisation in the allocation and application of budgeted resources to get the best return for the country.
2. Providing adequate financial resources and building capacity in both the government and industry is essential. A key feature of the MTTP 2 is to improve the delivery of transport infrastructure and transport services with a view to improving the social and economic outcomes for the nation.
3. It is important that we adhere to the agreed plans and priorities, monitoring of the progress in delivery and undertaking prompt remedial actions.

The key national policy detailing targets for the Transport Sector is the Medium Term Development Plan III. These targets have proven aspirational from a budgetary perspective and the Government has directed a review of cost estimates and implementation timelines. The National Transport Strategy (NTS) is considered a vital document to provide input to this process.

Mr Deputy Speaker, The Department has completed a review of MTTP I that is 2014 to 2018 and has developed the successor MTTP2 2019 to 2022 which was delayed to allow for the MTDP III to be launched. The Transport Sector Coordination, Monitoring and Implementation Committee (TSCMIC) which is the peak Sector Policy oversight body has assisted in the development of the MTTP 2 which is expected to be launched soon.

The economic constraints will continue to pressure the Government to exercise a more rigorous approach to prioritization and a closer focus on those areas which will deliver the greatest socio-economic benefit for PNG. This focus will be exercised by ensuring that the national infrastructure will provides the greatest benefit continues to receive a significant share of the investment envelope.

Mr Deputy Speaker, due to the limited funding resources, a Funding Framework has been developed through a Transport Sector Funding Study (TSFS) to guide sector agencies identify other sources of funding to complement the National Budget Appropriations.

Mr Deputy Speaker, the Department of Transport's principal responsibility is to provide policy oversight in the Transport Sector. Through regulatory and institutional reforms, economic and regulatory functions in the sector were separated and allowed for establishment of more focused entities. Moreover, the most significant contribution the Transport Sector

can make is to ensure that our policies remain relevant to the Development Agenda of the Government and meet our international obligations.

Subsequently, certain functions have been either delegated or transferred. The Department of Transport has transferred some of its functions to the appropriate modal agencies that is PNG Ports and NMSA and more recently the Land Public Transport Regulatory responsibilities to the Road Traffic Authority (RTA), under the *Road Traffic Act 2014*.

Mr Deputy Speaker, some of the important initiatives that are being undertaken by the Agencies under my Ministerial Portfolio are discussed below.

1. Database Development

The Database Development project being initiated by the Department, aims at developing a reliable database and information system to consolidate and collate data and information from the ten (10) sector agencies.

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This is an important initiative undertaken to have quality and reliable information, readily available to provide strategic guidance to Government to implement its development agendas. Moreover, it will enhance proper planning and budgetary allocation of funds for major infrastructure projects to avoid wastage of limited resources, and importantly provide a sense of direction for the decision makers in planning for new projects.

Mr. Deputy Speaker, our National Weather Service also provides critical information on the weather conditions to our people - the farmers, fishermen and ship captains and airline pilots on the climatic conditions. The major initiatives include:

Meteorological Data Collection & Exchange

Meteorological Officers take weather observations of various types on a regularly basis (half hourly, hourly and every three hours) and disseminate it within 5 minutes of the hour for exchange worldwide for use by all weather services in the conduct of meteorology work.

Data Analysis, Weather Forecasting, Warning and Information Dissemination

The Data including that from neighboring countries is plotted and analyzed both manually and increasingly by computers to determine the state of the climate on an hourly and three hourly basis to analyze the movement trends of weather systems.

Data Archival and Climate Services

The Data collected is archived as government property for monitoring of the climate of the locations and Districts from where the data is collected. Generally, the more stations there

are in any meteorological district and the consistent duration of continued collection of the data, the better.

Provision of Climate Advice to Government

Climate can now be predicted as well by using global climate models and downscaling using the archived climate data. The PNG National Weather Service issues three monthly seasonal climate outlooks.

Of particular importance currently is the need to incorporate climate risks to priority areas for disaster risk reduction, Energy, Water, Agriculture and food security, tourism and transport and other infrastructure.

Mr Deputy Speaker, we are open to adverse weather conditions and other natural disasters such as landslides, flooding, earth quakes and strong winds. It is important that we have good data base on which to be able to predict climate patterns and be in a position to warn our people.

CONCLUSION

Mr Deputy Speaker, the role of the Government in the transport sector is to facilitate economic and social development. It does this through:

- (1). establishing and enforcing the regulatory environment for fair competition;
 - (2). safe operation and basic quality standards for the provision of transport services;
- and
- (3). providing the infrastructure and services.

The Transport Sector is engaged in delivering many projects of significance. These range from infrastructure projects in road and airports through to regulatory and institutional reforms associated with improvements to the aviation and maritime sub-sectors.

Mr Deputy Speaker, the Ministry of Transport and Infrastructure and the three Agencies that fall under my Portfolio watch and indeed the whole 11 Transport Sector Agencies are under no illusion as to what needs to be done for Taking Back PNG.

As the lead agency in the Transport Sector, the Department of Transport's principal business is to facilitate the coordination of policy, regulation, monitoring and planning of investments on transportation in the three (3) modes (land, water & air) to ensure that the transport network and system is safe and secure and is maintained and developed to a standard that supports and encourages economic growth

More specifically, the Department is among other things responsible for:

- (1). development of high-level transport policy and national level transport planning across the transport sector including options for implementation such as legislation investment

education etc. inter-agency coordinating through leading the transport sector coordination monitoring implementation committee tears MTh

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Monitoring the delivery major projects by the transport sector agency coordination of sector budget mission including ensuring the proposed projects are consistent with the agreed policy agenda.

Administration of legislation under the responsibility of the National Transport and the infrastructure. Regulation of Coastal Shipping and administration of shipping and port security and regulation of international and domestic air services. The other two agencies are more concerned with their regulatory functions and ensure that our transport system in the land and sea model areas function properly and that we maintain international acceptable standard especially in the sea model transport area.

Mr Deputy Speaker, with the transport been the conduit for economy development and social service delivering, we will within budget support strive to maintain fully functional transport system. This will ensure that a development effort and effort take back PNG are not hampered by an ineffective transport system.

Thank you, Mr Deputy Speaker.

Motion (by **Mr Rainbo Paita**) agreed to –

That the Parliament take note of the paper.

Debate adjourned.

MOTION BY LEAVE

Mr RAINBO PAITA (Finschaffen) – I ask the leave of the Parliament to move a motion without notice.

Leave granted

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

Motion (by **Mr Rainbo Paita**) – agreed to.

I move that so much of the Standing Orders be suspended as would prevent notice No. 174, 176, and 159, government business being called on forthwith.

**ORGANIC LAW ON THE INDEPENDENT COMMISSION AGAINST
CORRUPTION 2019**

First Reading

Proposed law presented (by **Mr Davis Steven**) and read a first time.

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Ordered – That the Bill now read stands referred to the Permanent Parliament and Committee on Constitutional Laws, Acts and Subordinate Legislation-

WHISTLEBLOWER BILL 2020.

First Reading

Bill presented (by **Mr Davis Steven**) and read a first time.

Second Reading

Leave granted to move the second reading forthwith.

Mr DAVIS STEVEN (Esa' ala–Minister for Justice & Attorney General) I move –

That the Bill be now read a second time.

Mr Deputy Speaker, and Members of this honourable House, it gives great pleasure, to introduce the Whistle Blowers Bill 2020. This bill forms part of initiative undertaken by the Marape Steven Government to address the perception of corruption in our country. It complements anti - corruptions initiatives and action plans that we have formulated.

Mr Deputy Speaker, at the very outset, I make reference and article 33 of the United Nations Convention Against Corruption that obligates members states which, Papua New Guinea is one, to consider adopting measures that afford protection to persons who make disclosures about the improprieties, in other words report illegal activities, it is now a part of global best practise to have such legislation in place as it is seen as an enabler for person to come forward and report improprieties.

Mr Deputy Speaker, our current legal frame-work does not afford protection for persons against and unjustified treatment or reprisals in instances where they want to make disclosures for impropriety that is this gap that exist in our anti - corruptions systems at the moment.

Mr Deputy Speaker, when there is no protection afforded, it is difficulty for a person to come forward and to report, as such this Government has made a policy decision to adopt the Whistle Blower regime that provides protection, in particular for employees, who wish to disclosures information about the improprieties within their employment, the proposed bill will address the gap in our legal framework and will contribute to strengthening of our anti-corruption legal framework and also anti-corruption system, that we which to put in place for our nation.

Additionally, Mr Deputy Speaker, this bill aligns with the policy priorities of the government particularly with its alignments to the development goals of Papua New Guinea.

In particular Vision 2050, under the pillar on Security and International Relations that calls for an improvement, specifically, an improvement in Papua New Guinea's ranking from 158 out of 180 countries on the corruption perception index to a ranking about 50 in the 2019 corruption perception index which is produced by the Transparency International other accepted global organisations, Papua New Guinea was ranked 137 out of 180 countries, this is not good news for our country.

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It has been noted that there has been a stagnation in the ranking from the 2018 CPI which means that there has not been any improvement.

Mr Deputy speaker, it is hoped that the passage of this bill and the proposed Organic Law On the Independent Commission Against Corruption would demonstrate political will and would help to enhance and improve our standing in the anti-corruption framework which would also improve in our ranking.

Mr Deputy Speaker, other than the overarching development goals and the Vision 2050 this bill aligns to the focus of the social law and order sector of this government which in the next three years is aimed to build robust legislative framework, structures and systems to enhance transparency, accountability and support for the fiscal regime of the country and to create an enabling environment in which to build strong, stable and ethical leadership and corporate governance arrangement, the proposed bill will contribute to these strategies of the current government.

Mr Deputy Speaker, I want to assure you and all honourable leaders of this House that the concept of whistle blowing in impropriety is not a new one. As noted earlier it is part of the international standards and best practice notably, it forms part of the international obligation for member States to the UNCAC to consider adapting whistle blowers in their respective jurisdiction.

Whistle blower laws have been introduced in other jurisdictions around the world including within our region, our close neighbours such as Solomon Islands, Australia and New Zealand.

Mr Deputy Speaker, Papua New Guinea has no exception we want to promote the culture of accountability and transparency going into the future. As I said earlier, such disclosure has often been a difficult choice for employees that observe such improprieties being met with reprisals.

Mr Deputy Speaker, this bill is an important step towards establishing the protection mechanism for such employees. It is important to note and I make no excuse in saying that this bill is not the only solution to addressing the issue of corruption, rather this is a part of the anti-corruption system that will encourage the culture of the accountability and transparency in the private and public space that we need in our country going forward.

Mr Deputy Speaker, the proposed bill is designed specifically;

- 1) Provide procedures for employees to report suspected improprieties in the workplace,

2) Protect employees who make protected disclosures from occupational detriment, and;

3) Provide remedies to employees who suffer occupational detriment having made protected disclosures.

Mr Deputy Speaker under this proposed Bill, employees now have an avenue to disclose any suspicious impropriety within their workplace, this includes;

- 1) Criminal offences,
- 2) Failure to comply with a legal obligation,
- 3) Miscarriage of justice,
- 4) Endangering the health and safety of an individual,
- 5) Environment damage,
- 6) Unfair discrimination including sexual harassment,
- 7) Deliberately concealing any conduct I have mentioned,

Mr Deputy Speaker, as you note from this list of conduct, the scope of conduct that an employee can make a disclosure on, is broad and is not limited to only corruption related conduct. Under this proposed Bill, disclosure can be made by an employee on conduct that constitutes impropriety either by his or her employer or another colleague.

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On conduct that constitutes impropriety either by his or her employer or another colleague including senior workmates.

Mr Deputy Speaker, there are four types of protected disclosure proposed under this Bill, first is protected disclosure to a legal practitioner in the course of obtaining legal advice. It is protected disclosure, only if the disclosure is done in good faith and is made in the course of obtaining legal advice.

Second, is protection is the disclosure to an employer. For this, it is protected disclosure, if disclosure is made in good faith and either made in accordance with an approved internal reporting procedure, or where there is no approved internal procedure, directly to the employee's employer or the employee's immediate supervisor.

Third, is protected disclosure to a Minister. This disclosure applies to statutory office holders and employees of statutory bodies who are not officers of the public service. For this, it is protected disclosure if disclosure is made in good faith and made to the Minister responsible for the relevant *Act* or statutory body.

Fourth, is protected disclosure to an approved authority. The proposed Bill empowers the Minister responsible for the Whistle-blowers Bill to be able to prescribe by regulation, one or more approved authorities where disclosures can be made to such authorities where the impropriety relates to the authorized authorities' functions. For example, under the proposed Bill, the Minister responsible for the Whistle-blowers Bill can, under regulation, authorize an organisation such as the new Independent Commission Against Corruption (ICAC) as an approved authority. Once authorized, an employee can make disclosure to ICAC for an impropriety that constitutes a corrupt conduct for ICAC to further investigate. Such a disclosure under the proposed Bill is protected disclosure, only if the disclosure is made in good faith and the employee making the disclosure, reasonably believes that the disclosure relates to the functions of the approved authority.

Mr Deputy Speaker, there is an exception, an important exception within the proposed Bill where disclosure is not protected. This law recognises that in making the disclosure the person can make false reporting that unfairly impinges on the standing and the character or reputation of the subject. Therefore this law makes false and misleading disclosure an offence. The penalty is a fine not exceeding K10 000.00, and six months imprisonment. Mr Deputy Speaker that is the exception.

Mr Deputy Speaker, an employee that makes a protected disclosure under this proposed Bill, is afforded protection from all the detriments that are listed on page four of my submission.

Occupational detriment includes the following:

- being subjected to any disciplinary action; or
- being dismissed, suspended, demoted, harassed or intimidated; or
- being transferred to a different position against the employee's will; or
- being refused transfer or promotion; or
- being subjected to a term or condition of employment or retirement which is altered to the employee's disadvantage; or
- being refused a reference or being provided with an adverse reference; or
- being denied appointment to any employment or office; or
- being threatened with any of the actions referred to; or
- being adversely affected in respect of the employee's employment, profession or office in any other way.

In addition to the protection from occupational detriment, the employee making a protected disclosure can request his or her employer for a transfer to another position within the employer where the person will not be subjected to occupational detriment if a person reasonably believes that he or she will be subjected to occupational detriment as a result of the disclosure.

Furthermore, where an employee has been subjected to occupational detriment as a result of making a protected disclosure, the employee can seek remedy from the courts for an appropriate relief. This does not preclude the employee from also pursuing any other available process to seek relief.

Mr Deputy Speaker, these are the key features or salient aspects of the proposed Whistle Blowers Bill 2020. As mentioned, it performs a complementary function to the other anticorruption initiatives which, together these initiatives should contribute towards enhancing our effort to combats corruption.

Mr Deputy Speaker, and Members of this Honourable Parliament, I urge us all to take this as a positive step for us as the legislature to agree and pass an important law that contributes to strengthening our anti-corruption system and the cohesion of our country. We all represent Papua New Guineans who voted us in to make critical decisions in their best interest. As such, I urge us all to stand together and pass this important law.

With that I now commend the Whistleblower Bill 2020to this Honourable Parliament. Thank you.

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

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

Bill read a second time.

Third Reading

Leave granted to move the Third Reading forthwith.

Motion (by **Mr Davis Steven**) proposed –

That the Bill now be read a third time.

Mr POWES PARKOP (National Capital District) – Thank you, Mr Deputy Speaker, I would like to make some comments on this Bill that is before us.

Firstly, I would like to commend the Deputy Prime Minister and the Attorney-General, for bringing this legislation to Parliament for all of us to consider. And I want like to thank the Government led by our Prime Minister do all our effort in to curb corruption in our country.

We are all against corruption but the challenge before us is that how do we deal with it in a way that we are effective and this is an attempt for us to put in tools which can use to deal with this epidemic that is affecting our country and its potential.

Mr Acting Speaker, I would like to remind all of us on a number of things.

Firstly, we have a lot of institutions in place already that are mechanisms and tools so before we pass any more laws, we have got to examine what we already have and find out why they are not function well or why do they not eliminate corruption?

We already have Ombudsman in place and what is happening to that body? We have the Fraud Squad and what is happening to that body? We have the Public Prosecutors and also the Auditor-General and what is happening to all of them? So, we have to be concerned about all these, for this particular Act to go through. The Whistle Blowers Protection is to all people to make complaints.

Now, the problem with this Law that I am concerned is that sometimes our people don't reply on actual facts and they just make assumptions which most times they make allegations which defames leaders and people rush to judgement very quickly.

Mr Deputy Speaker, I will give an example, recently at Boroko Market, some people came up and wanted to build a tucker shop and just because they were with some Chinese men, everyone concluded that the City Manager approved these Chinese men to build the shop in the market. No one bothered to go and find out from the City Manager or the Market Manager or even come to me to find out the truth.

So, this is something that I want to draw to our attention before we pass this type of Laws, are our people are capable of making a difference between assumptions, here say and actual fact or we are just going to give permission to our people to be quick to make complains without knowing the root cause.

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Another bigger concern I have is, we are now putting in place tools and mechanisms. Yes, if we are going to deal with corruption but at the same time, it impedes the system to deliver outcomes. We are now focused on process. What are you doing now? How are you doing it? Did you steal? Did you go that way? Is that what the law says?

But we are forgetting the outcomes. Is the health sector improving? Are we building the infrastructure? Is the economy growing? When are we going to put attention, energy, resources and effort to those outcomes?

When you do this, some of you will look over your shoulders and say, you can't do this, you can't do that and you can't commit this, you must follow this process. How am I going to deliver great outcomes for our people in the city? The governors are silent. They have a big problem.

We have just passed the budget. We passed the NCDC Budget but this budget is implemented by public servants according to the plans and visions and strategy we agreed to or do we just pass it and leave it to the bureaucrats to do according to their whims. They don't deliver to how we frame the budget. Sometimes we in the Parliament just pass budgets vainly, and also at the provincial level, we pass paper budgets. We don't sign the cheques.

And now you are telling us that we should speak in a certain way and direct us to go this way or that way. These are impediments to the outcomes that we want to achieve.

Of course, we don't condone corruption. But why can't we improve the Fraud Squad. I have seen a lot of complaints about this on *Facebook* but they don't come to verify their claims. They just put it out in the public domain and people will think that the governor has stolen money. I am happy to go to jail if I have stolen money or fraudulently used money.

We are in a quagmire. We want to deal with corruption but we must be careful because we'll tie our hands. You all will be caught up in the process and you won't achieve the outcomes. In five years-time, you will not have achieved the outcome you planned and envisioned and then they will remove you. The next MP who comes or the next governor who comes will suffer the same fate.

I wish to caution us on this. There must be strong mechanisms to stop people from rushing quickly to be protected against this *Whistle Blowers Act*. We have now passed this law on cybercrimes. I have lodged a lot of complaints to the police about all sorts of defamation splashed out on *Facebook*. Have the police prosecuted anyone yet? I copied everything on *Facebook* and sent it to them but nobody has protected me.

What is the guarantee that when we pass this and say, “only in good faith”? The Deputy Prime Minister knows this. It is a legal term. ‘Only in good faith’. What “good faith, who determines what “good faith” is? Just because he suspected that the governor has stolen money, how do we know that this person is genuine? Who determines that this is good faith? That is a problem. We might be giving licence for people to go and, ‘in good faith’ make allegations to and fro.

So, I have a bit of concern on this. I am happy we are taking the initiative but I just want to raise this so that we approach it cautiously. We scrutinise and balance it. Don’t sabotage or frustrate the process which will prevent us from delivering government visions and outcomes. This stifles our energy and we say we must go this way and that way, check the Ombudsman, or the fraud squad.

Mr Deputy Speaker, here in Papua New Guinea we are already over policed, especially the Members of Parliament. There is the Fraud Squad, the Auditor-General, the Ombudsman Commission, there is the social media, and there is the mainstream media and many others. They have been screening us continuously.

I already said on Friday, we as elected members chose to be here. We are supposed to be held to a high standard but we must make sure that this is right.

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But we must make sure the right we are giving to our people is not abused. Right now, I have seen lawyers who are trained to rely on facts and evidence become emotionally psyched up and they jump to conclusions on. What is the guarantee there that our ordinary people are not reaching such conclusions? Our own lawyers who are supposed to be trained professionals act that way too? We must always find out the truth and work with facts. I want to say this so that it is recorded in the *Hansard*, so that we consider these laws but I am happy that we are passing this law to help us deal with corruption.

Mr PAIAS WINGTI (Western Highlands) – I thank the Prime Minister and his team for bringing these important bills. Over the last 20 years, corruption has been a big issue in the country. The Prime Minister and the Government have done the right thing, but the challenge is the mechanisms to tackle corruption. We come from societies where our leaders have their own have character and integrity.

Looking back at the history of Papua New Guinea, around 1964, when Sir Julius and Sir Michael and many of the older gentlemen were in Parliament, there were very small resources. The population was only three million and the budget was so small.

How come things were so efficient, schools were operating, people had access to medical services and the government system was functioning. Where have we gone wrong? That is the serious question on this Floor of Parliament.

I think the biggest mistake was the introduction of the National Development fund by Sir Peter Lus. It was the village development fund for the Members of Parliament. I argued against that in the early 70s'.

On record, I said this would lead to cargo cult and eventually it will destroy this nation. I said it and it was in the Cabinet Papers. The only guy who stood with me was John Kaputin and a few others. And I am seeing that happening in my country today. The people of Papua New Guinea's mindset are totally destroyed. They are no longer thinking about being creative or productive; doing their own things like they did before. Today, the cargo cult system initiated by successive governments and I am not blaming any government, has now led the people to become lazy and run after the members of Parliament.

And most times members of Parliament are not strong enough to say no. because if you do, it will cost you your seat in the elections. So, we keep reinforcing that system that is slowly changing the course of this nation.

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The Members of Parliament cannot say no to their campaign managers, so what is happening today Mr Deputy Speaker, the country's sustainable part of the development on education, agriculture investment is not taking place. We're now sitting on the cash cow from the gas and oil and the nation is becoming lazy but we're destroying the country.

What happens when the gas and oil run out? The population that should be productive, the population that should be educated, the population that should be strong enough to build this country is a destroyed population today.

Now, I just hope that when we pass this bill, its perception is one thing and sometimes the three arms of Governments, you have the Executive Government headed by the Prime Minister, you have the Parliament headed by the Speaker and the Chief Justice. These three arms of Government must perform their duties because they are the only ones that can lead. If the three arms don't work, the blind is leading the blind and our young nation will be destroyed.

So, when it comes to corruption, if the Governor is corrupt, the members of the PEC are corrupt because they are following me and whoever else is following, the Administrator is also corrupt. Corruption starts from the top, it doesn't start from the bottom. It's a pyramid. When the top man is corrupt or surrounded by corrupt people, they are all corrupt. Where is the light shining? Where is the light that the population can follow? Who will they look at? These are simple things, basic things.

Today, we can pass this law, we can pass so many laws. But it's our own actions that will determine this country, whether this country is going to be right or not. I fully support this, but I also want to say that, when you run a government, there must be people of integrity around you, because it's a perception. Perception is a big killer, global investors will not come, people outside will not look at the country. They all call this country corrupt. Our actions are going to determine the fate of this country.

I fully support the Government on this important bill, the Government is moving in the right direction. But I'm also saying that while we are passing laws, we must act. Thank you

Mr ALLAN BIRD – (East Sepik) Thank you, Mr Deputy Speaker. I concur with the honorable gentleman who went before me.

Mr Deputy Speaker, we are in a time where corruption is on the lips of all our people. No matter where you travel, everyone knows about corruption and as we speak. We have a lot of leaders who are dealing with corruption issues. Even leaders in the public service are corrupt.

In my province, Mr Deputy Speaker, it is so bad that we have to brand them with a new name in Pidgin, we call them "kaikai man" and "kaikai meri". If you go to my province and ask about these people, they will say, these are people who benefit out of the system. They meet at awkward places and make deals with the contractors, the LLG Finance Manager and the Provincial Finance Manager and they benefit from people who are already in the system. This is what's happening in my province but I know if it's happening in all our provinces.

24/05

The public is demanding some action from us, so what are we going to do about it. I note from a very passionate former Prime Minister and I agree with most of his speeches. We know that the police have its challenges.

Mr Deputy Speaker, I have tried so hard in my province and even brought the police in. I spent public funds to try to clean up corruption in my province. The people of East Sepik must know that I wasted K600, 000 last year.

We have not charged a single person. The police did their duties, we issued hire cars, allowances and everything but unfortunately, they did charge a single person. I received correspondence from the same police officers asking for K500, 000 to conduct another 11 investigations. I held back due to no good results from their investigation last year.

Just like the Governor of NCD said, the Parliament in passing this Bill Parliament wants to give it another try. The Ombudsman and the court system is not working; the judiciary is not working. We are not supposed to criticise them in here but the spot light is on us, the people are saying that we the 111 members are all corrupt.

That's what the public is saying but I don't want that label that Allan Bird is corrupt and by inference his family and tribe is corrupt. I don't like that perception.

I want pass this Bill to clear my own name. This is for my personal interest. I want to make sure that the label 'corrupt' is not passed down to my children and grandchildren.

I am sure all of us here want the same thing.

Mr Deputy Speaker, we will pass this Bill because I don't see a single member in this house disagreeing.

The question now is, who will implement it? The same institutions that we depend on, the Fraud Squad, the Ombudsman Commission, the judiciary, Auditor General.

I don't have to power to arrest anybody. If I try to, it will be labelled as a political witch hunt, they will say the Governor of East Sepik wants to eliminate his political rival.

In essence, we can do the right thing. If Papua New Guineans are now listening, I want to tell them that many of us are happy with the current Prime Minister and his team therefore we came to support the changes which the Deputy Prime Minister is now initiating.

We all want this change but more than that Mr Deputy Speaker, we need the people of Papua New Guinea to take ownership. The cargo cult and sorcery must stop and even if it means we risk our seats here.

I was just a kid in high school when Honourable Paias Wingti passed the first billion kina budget. We were all excited saying wow, we have a billion kina budget, fast forward to today and we are wondering where the billions are are going and what they are doing. He just admitted on the floor, it is our DSIP and the PSIP and all the discretionary funds that we have given ourselves because our supporters want it. And I see in Caucus many of us arguing and supporting this DSIP and PSIP.

Why? Because our people want it, we need to be strong by passing this act we been strong. We are showing leadership and we are saying we are not afraid and when we say that I want to say to the people of Papua New Guinea, we are not afraid. I want to say to the judiciary using the privilege on this Floor, what are you afraid of? Who are you protecting in the judiciary?

The Parliament is about to let the light in to rid the rotten smell of corruption, let the wind to blow through and clear our name.

25/05

So what are the rest of you doing? Fraud Squad, what are you doing? Ombudsman Commission, what are you going to do about the Bill we are about to pass? Where are all of you, the people with the powers to implement these things? All we do is say yes.

I do not have the right to arrest a person at gunpoint or send him to jail. That is someone else's responsibility. Nobody has ever stood in fear in this brave Parliament, Mr Speaker. We are doing the right thing by our people now by showing leadership.

Papua New Guinea you want action, your leaders are taking action now. You take ownership and you implement this law. You make sure that that person needs to go to jail goes.

Do not accuse someone without having the evidence to prove it. When it comes to the court, it is the responsibility of police officers and the public prosecutors to do what they are supposed to be doing. As the governor said, we all want results, otherwise this Bill will be a waste of all our time because it will be like the many Bills we have passed and are going pass.

Mr Deputy Speaker, I support that the Bill be passed and the people always spoiling our reputation be caught and prosecuted. I want to see them spending time where they belong. What belongs in the jail must be sent to jail. Thank you, Mr Deputy Speaker.

Sir PETER IPATAS (Enga) – I support the former Prime Minister and the Governor of East Sepik.

But I want to remind this Government that we are always talking about corruption. And the one issue I have been stressing on for the past 6-7 years is to get the most important agency of government, the police, to be efficient in doing its job.

This Bill is proposed by the Deputy Prime Minister but I want the Minister for Police to be involved as well. If the police have been doing its job we would not be here passing these

Bills. In this country, one of the things we should be aware of are the whistle blowers. Some of us in the long run can withstand criticism. But if we pass this Bill, we have to make sure the whistle blowers are accountable too. They might be the ones who will outsmart us the people responsible for passing this Bill. They can twist around this Bill to destroy the reputation of leaders and the public servants.

Mr Deputy Speaker, in the recent times, I have seen a lot of good, hard working people from the state enterprises and departments losing their jobs because of people who envied their positions. They have used false accusations to spoil the integrity of these hardworking people. This shows that there are some people who can abuse the process and law. I have wasted more than 6-7 years to tell this Parliament and the previous government fix the police? We internally cannot do that. We do not have an internal strategy to fix the police. Let us not just talk.

26/05

Why should we be afraid of Australians when they are helping us. When we don't have funds and we have an increased rate of law and order issues we should be smart, engage the Australians.

Getting their police here so that we can stop corruption as soon as they land; corruption will be minimized. As soon as the Australian police land here to actively participate in the policing duties, it will stop stealing.

Those members who are continuously abusing their positions must also stop. Right now, anybody can get around with the law because we know that our Police Force is ineffective.

Don't tell me that you can fix it internally. I am telling you, you can dream all day, but it won't happen. Crimes are being committed as we speak here in this Parliament.

As we are debating this Bill, I ask myself, who will implement this once it becomes an Act? Who will enforce the law? My plea for the involvement of the Australian Police Force is now becoming a joke.

Through you, Mr Deputy Speaker, I am the Governor of my province. If all of you dislike Australians, send them straight to my province. Can the Parliament agree to send the Australians to Enga and give them immunity?

We have passed all these laws unnecessarily and there's no fruits of it. Bring in 200-300 police officers from Australia. They can help. We don't have the money to pay for police officers from any other country. We already have a cash flow problem here in this country.

The Australians have to protect their interests in this country so they need PNG to be safe because they will have problem if our country is in a state of anarchy.

They want to help us. I have mentioned it over time and I am already tired. What are we afraid of? We are passing all the laws here but what is stopping us from giving immunity to the Australian Police to come and help us solve the biggest issue that we have in this country – law and order.

We can talk about improving the economy and have so many dreams, but if we do not have a peaceful society and law-abiding citizens then, this country will get nowhere.

So, Mr Deputy Speaker, using this opportunity, we will pass this Bill. I stood up to support it. But I would like to ask the Deputy Prime Minister and Minister for Police to seriously consider this.

I want to see in this Parliament, which member has a totally trouble-free electorate thus not voting in support of the Australian Federal Police immunity should this bill be presented. Many times, because I come from Enga, many people think that I have a very unmanageable problem in my province. It is not. I have some small issues but I want to see a peaceful country. I want Enga province to develop and we can only develop if we can manage these small issues we have in the province.

Mr Deputy Speaker, every day, as citizens wakeup in Tari, Wabag or Hagen to travel on the Highlands Highway to Lae, they question whether they will travel safely or not. Will there be some road blocks along the way? Will I need to carry some extra money to give it to those who fix roads where there is a landslide? Or, will I face any problem? Will I be held up with a gun?

These are the questions haunt our citizens daily. We as leaders need to give security to our people.

So, are we trying to pass this law for whistle blowers to talk about the corruption alone? I have had this believe for a long time that if we have an effective Police Force working in this country.

27/05

I have this believed for a long time that if we have an effective Police Force in this country there will be no need for such things. As long as we don't politicize the Police Force and allow the processes to take its own course and abide by the rule of law then the country will be safe.

Mr Deputy Speaker, for public interest, I am willing to support this Bill, but I suggest the Deputy Prime Minister and the Police Minister must now think ahead on how we can fix up our Police Force. Thank you, Mr Deputy Speaker.

Dr ALLAN MARAT (Rabaul – Deputy Leader of Opposition) – Thank you, Mr Deputy Speaker.

I just want to add on to what other speakers have mentioned on the Whistle Blowers Bill. This bill simply targets those persons who are in fear of coming forward with hard evidence about corruption.

Let us not underestimate our simple people either on the street or in the village. They are educated, sufficiently educated to understand what is right and wrong, so this legislation targets primarily the people who are too scared to come forward to the appropriate authorities with the hard evidence to show that nothing has been working right in certain situations they have been witnesses to.

We have seen it at both the national and sub national level that people are scared. This Bill, the Whistle blower's legislation, together with the ICAC *Organic Law* have been talked about in this country for many years since the late Honorable Jeffery Nape was the Speaker.

The ICAC Bill came to his office to be given notice on the Floor of Parliament and that was prevented. Why it was prevented? I don't know. The Whistle Blower's legislation discussion was also circulated around that time. The whistle blower's legislation has been around in the community discussions for some years now.

I stand here to represent the Opposition and in saying that we've been very vocal about this piece of legislation together with ICAC, for Parliament to table it on this Floor.

On behalf of the Opposition, I commend the Prime Minister and Deputy Prime Minister, and the Attorney-General for eventually bringing these two pieces of legislation to the Floor of this Parliament.

We, the Opposition will support the Bill. We will support ICAC and support also this Whistle Blowers Bill that the Attorney-General is presenting.

There is nothing much to say about that, we are thankful that the people who have the hard evidence or documented evidence – let all members of Parliament know that hard evidence is also first hand evidence. Words, or oral evidence can also be hard evidence, not the just only the hearsay. Just because, I was present and someone said something and I gave evidence and that becomes hearsay. No, I was present and I heard it, so it's a matter between

whoever is being accused and it's up to the adjudicator now to believe who is telling the truth.

So, I want to emphasis more and express our support to Honorable Paias Wingti, the Governor. The things he said about being self-reliant is very true. At that time, I was in high school from 1960s to 1970s, the Parliament debated about self-reliance, but today, we hardly hear this as a subject of discussion. Self-reliance kept people away from trouble and corrupt activities.

28/05

I agree with what is being discussed and I do support it, these are legitimate points that have been discussed.

There was an idea that came up in my mind when the Governor of Enga was debating and I think that this Whistle Blowers Legislation will not be applicable to a person who understands who is a leader. We as leaders of the Parliament must understand who we are as leaders, we must understand the truth and live an honest life. This legislation is not going to impact upon them because these leaders will live a truthful life.

This Whistle Blowers Legislation is for those people who are going to come forward and report on someone who doesn't understand who he is and is practising corruption so he will have to be brought to task.

Mr Deputy Speaker, this is our little contribution from the Opposition and we support this Bill.

Mr BRYAN KRAMER (Madang – Minister for Police) – Thank you, Mr Deputy Speaker.

Just to add some comments to what has already been presented in Parliament about this Bill. I would like to acknowledge the Attorney-General and the Deputy Prime Minister for finally bringing this Bill to the Floor of Parliament.

There were some issues raised in relation to impacts and opportunity for abuse so I think I would like to remind the Members that this Bill is only to protect those who tell the truth.

Now, anyone can go and make a false allegation and this Bill does not afford them any protection. They do not need this Bill to go out and make any false allegation to the media or make a false report to the Police that is already reported to them now without this Bill.

This Bill only protects someone employed in the Public Service, who can report someone stealing your DSIP or PSIP and he or she cannot be sacked or terminated for telling the truth. You can report someone for corrupt abuse of Public assets when they are supposed to be implementing the policies that we come up with instead they are stealing the assets.

As members of Parliament, we complain that the Public Service don't implement, yes because majority of them are corrupt and some of us who are corrupt put them in there and are protecting them.

This Bill protects Public Servants and people in the Private Sector, when they see something corrupt they can report it and they are protected for telling truth. The same Bill also provides for prosecution for anyone who abuses that right to report something and can spend up to six months imprisonment if they make a false and misleading statement against anyone.

So, just reporting means that they can report it to their boss, member, Police Minister or any Minister for that matter, who they report to is up to them. If they report to their senior officer and he raises it to their boss who is corrupt and is being sacked then they are protected by law from being sacked for doing the right thing. They have the option to go to Court and invoke their right for telling the truth and that is all it means.

I support the Governor's request about bringing in the Australian Federal Police (AFP), we have to understand the extent and damage that is caused to our Police Force over the last 10-20 years and more so in the last eight years. We have a very dysfunctional Police Force because of political interference and corruption. Yes, we have the Fraud Squad but we also have elements of allegations coming out against members of the Fraud Squad, just like the allegations against the Members of Parliament, our Police Force face the same thing, they have good and bad officers.

The challenge is that if AFP were to come into PNG and to get involved in that extent of corruption it would be very difficult. There is a large component in the Budget to bring them over. The cost of bringing one AFP Officer would be equivalent to employing 20 Papua New Guineans so it is expensive.

I support the Governor's request not now but has been requested in the past that we need to give them immunity before we can even have the discussion.

29/05

And that is a matter for Parliament to bring on the Floor and for members to debate if they want to give immunity to the AFP, so that is all my comment. Thank you, Mr Deputy Speaker.

Mr JAMES MARAPE (Tari-Pori – Prime Minister) – Thank you, Mr Deputy Speaker, for giving me the opportunity to stand in support of our Attorney-General for bringing this legislation to of Parliament.

Mr Deputy Speaker, I would also like to thank all honourable members of Parliament for sitting through lunch to continue this debate.

Many times, we accuse each other and the public accuses us for not being responsive to our national duties as legislators.

But to see members of Parliament silently putting in their effort in ensuring that support is rendered to important initiatives like this, let me at this juncture I give my appreciation to almost a full house in this Parliament including our members from the Opposition benches and to the Deputy Opposition Leader for pronouncing their support to these series of Bills that is before us.

The Whistle-blowers Bill and the Organic law on Independent Commission Against Corruption, they are sister laws which are being brought in around the same time to ensure they complement each other and to help each other and once again not initially to show the world but assure ourselves and our country that we are building institutions that will rise above the failures of past.

If we care to look properly at the *Organic Law* and ICAC that has been drafted and circulated; it is a law that has a solid structure around it.

Many have argued against the need to bring this on board because we have institutions like Ombudsman Commission and the Police Force which are already there. But, historically, we all agree that through wantok system, through nepotism, through bribery, through corruption that is prevalent in us, many of these core institutions of state have eroded in their functionality.

Whilst I am the first to admit that setting up ICAC alone will not be the only mechanism to arrest the ever-increasing corruption in our country, it is a step in the right direction. One body that is set up to especially channel all complaints into it before it channels to the police and other institutions that are there to assist in combating corruption. The *Whistle Blowers Act* that the AG is proposing for us to pass gives certainty and

protection to our witnesses who bring forward evidence to assist in the fight against corruption. The scorch of corruption has continuously removed substantial chunks of our national resources annually since 1975.

No government has been immune to corruption since 1975. And as humans, we are all susceptible to corruption. And there have been instances of corruption and our nation has littered with stories of corruption, from 1975 up to now.

Going forward, the perception has grown to an extent where our international image as well as domestic image has been badly damaged. And the presence of members of Parliament today to support our Attorney-General and the Justice Minister should signal to our nation and the international stakeholders that accusations per se or branding leaders as sitting in the way of fighting corruption, is once again proven wrong.

Leaders are now coming out, supporting these two important bills. This is an historic moment in our nation's history to bring in an iconic institution that should stand tall in fighting corruption.

Of course, the Police Force and Ombudsman Commission and their functions remain and they will support ICAC. I also propose that as we do this reform and put in ICAC, we will also look into the Ombudsman Commission and how it should strengthen further.

30/05

Let me impress on us and the media is here and can clearly differentiate. Many of us will be asking why ICAC when we already have the Ombudsman Commission?

Mr Deputy Speaker, the Ombudsman only deals with us leaders and those that hold leadership positions whether elected or appointed and those of us who subscribe to the Leadership Code. The ICAC is now set up to deal with the general issue of corruption not just those of us who fall within the leadership code. I ask every Member of Parliament to see it through and that we continue the course. As the Deputy Prime Minister has alluded to since two or three Parliaments ago, the concept of ICAC was mooted as well as the concept of whistle-blowers. However, for some reason it has not reached this stage. This Parliament is privileged to be making history as Members of Parliament setting up this institution that will hold the fabric of our nation together going into the future.

Mr Deputy Speaker, we are nation of many tribes and based on tribalism and wantok system, the propensity and susceptibility to corruption mushrooms and grows in those cultural psychic that every leader and members of the public service structure are exposed to.

I therefore ask every Member of Parliament to pick up these laws. These laws in its present form may not be totally adequate. But as we start to put in the structure and implement this law, I want each and every Member to pick up this law. If there is room for improvement to ensure that this institution called ICAC or the Whistleblowers Act is relevant in the way we want to do business going into the future.

We can never fully gain from our resources and their harvest if we do not bring Waigani into account and if we do not tighten the loose ends. We need to stop the leakages in order to have maximum impact on development in our country. We can talk about changing laws in our industrial acts and get windfalls in our revenue but if the leakages still remain in our system, then we can't change anything. Many believe that Members of Parliament are corrupt but corruption is deeply entrenched that it is perpetuated right throughout our length and breadth of the entire public service.

If a departmental head is seen perpetuating corruption, then his subordinates have all the right to report him without fear or favour because the *Whistleblowers Act* will now protect them. Every time we complain at the close of accounts, how comes, many hire car bills are paid at the expense of PIP. How comes people are spending beyond what they are supposed to spend? We seem to not have answers for such questions. I hope this bill, small, but a step in the right direction ensures that the conversation of fighting corruption does not rest but continues to grow.

I look forward to contributing further to ICAC to ensuring that ICAC rises above politics, tribalism, personality and many other systems. There are some very good contribution where members of ICAC must not be Papua New Guinean nationals. There are qualification requirements in the bill. These people will be commissioners in ICAC and will be at the level of judges. We are not going to pick up street people or wantoks or cronies and employ them.

Mr Deputy Speaker, I ask every Member of Parliament to look through it so we can all contribute and set up institutions that truly outlive our time but secure the future of our country by standing on land mark institutions that save our country from the abuses as Governor Wingti has alluded to

31/05

We are privileged that we have Governors Wingti, Julius Chan and Ipatas who are seated amongst us and guide us as we do the right thing.

I will offer my personal contribution to ensure that ICAC raises above politics and personality. ICAC becomes an institution that will outlive me as Prime Minister and continues to stand as a watchdog in fighting corruption; not only with politicians but also in general right throughout. Politicians are already being dealt with by the Ombudsman Commission.

ICAC comes in to ensure that the rest who also perpetuate corruption can be dealt with in the society, businesses, and the communities, in commerce are also addressed by this institution that we have set up.

So, I commend to the Members of this House, whilst thanking you for sitting through your lunch hour on an empty stomach to support these two Bills to go side by side and for us to lead a better future for our country. If we do not take action today, the leakages that continue to happen through corruption are going to grow bigger and no amount of resource harvest we will make will be adequate to satisfy the need of country. This is why at the back end our Government is securing the leakages through this sort of amendments.

I take note and that is a correct statement made by Governor Ipatas, the Police Minister and myself have no excuses but refine and make the Police work better. Police will have the primary role, ICAC will have its own Institution, Ombudsman will have its own function to deal with us leaders. Together these institutions will stand tall, as big and of hope to our ordinary citizens knowing that there are institutions are safeguard. performance in Public Service and in the country that is removed and isolated from corruption.

Mr Acting Speaker, let me thank our predecessors who were advocates of ICAC and are no longer serving in the same Parliament as us and let me thank every hand out there who put ICAC Bill through including our Public Service. And also, I thank the Attorney-General and every Member of Parliament for us to process this and look forward to fully institutionalizing ICAC and the use of the Whistle Blowers Act and Criminal Proceeds of Crime Act and others will assist our nation fighting off corruption. Many of these issues are perception issues also and as I have said today that when you talk about corruption, you must assist us run the full length of Prosecuting Corruption because ICAC and the Whistle Blowers Acts gives you the protection.

Initially, I thought ICAC and the Whistle Blowers Act were different but when I look through it, they are penalty provisions for those who temper with witnesses and also those who give false evidence. So, those of us who feel like we might be unfairly victimised, there are provisions in the ICAC and Whistler Blowers Act that also penalise for reasons know to them which turns out as false.

So, it is a safe Law that gives coverage on all fronts but it is a Law that is stepping in the right direction signally to all the stakeholders in the economy that this crop of leaders are seriously concern on the issue of corruption and we are doing our absolute best to fight corruption.

Thank you, Mr Deputy Speaker.

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

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

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

32/05

(Voting in progress)

33/05

The Parliament voted (the Deputy Speaker, **Mr Jeffery Komal** in the Chair) –

AYES – 90

NOES – 0

The Bill passed with the concurrence of an absolute majority as required by the *Constitution*.

Bill read a third time.

PUBLIC SERVICES MANAGEMENT (AMENDMENT) BILL 2020

First Reading

Bill presented by **Mr Soroi Eoe** and read a first time.

Second Reading

Leave granted to move the Second Reading forthwith.

Mr SOROI EOE (Kikori – Minister for Public Service) – I move –

That the Bill be now read a second time.

Mr Deputy Speaker, just short of five years ago, the then Minister for Public Service the Honourable Sir Puka Temu tabled the Public Service (Management) Act Bill, 2014. This Bill was the launching of Public Service Reforms which has commenced in 1995, following the Provincial Government Reforms.

The new Act was passed unanimously with hundred per cent bi-partisan support from both sides of the House; with much public acclaim and brought into operation on October 1, 2014.

34/05

The reforms with which we are now familiar include:

(a) Creation of the Ministerial Executive Appointments Committee and the Merit Based Employment Processes simplifying selection and appointment of agency heads, and allowing Public Service Commission to focus on its Constitutional oversight functions.

(b) Creation of the Performance Management System for agency heads bringing into focus to the formulation of Key Result Areas and Performance Indicators making Ministers and agency heads accountable for achieving Government plans and programs — a key plank of our Prime Minister's agenda.

(c) Enabling our Open Members to be consulted in the merit-based appointment process for District Administrators who were to become the Chief Executive Officers of the District Development Authorities under the chairmanship of the Open Members.

(d) Raising the normal retirement age and the compulsory retirement age by five years to 60 and 65 respectively in order to selectively retain our best and brightest professional and

management performers in line with increased life expectancy and growing public sector demands.

(e) Removal of automatic reinstatement for failed contenders in the National and Local Elections, and allowing them to come through the merit-based selection and recruitment process.

(f) Enforcing the GESI Principles for gender equity and social inclusiveness.

(g) Empowering the District Administrators with additional functional responsibilities to strengthen the Districts.

(3) These are great reforms designed to improve the efficiency of our public bodies. It is however unfortunate therefore, that in April 2015 the Chairman of the Public Service Commission made application to the Supreme Court in SCA No. 148 of April 2015 to challenge the Constitutionality of the reforms.

(4) Without challenging the Government through the administrative process, and due to misunderstanding, the PSC Chairman applied to the Supreme Court to have declared unconstitutional the role and functions of the Ministerial Executive Appointments Committee (MEAC), (and the District Development Authorities subsequently introduced in 2015).

(5) The mistaken grounds presented to the Supreme Court was that the MEAC removed the PSC from the selection and appointment process. The Intervenors on behalf of the State — Prime Minister, The Speaker, The Attorney General and the Minister for Public Service - maintained that in accordance with the Constitution the role of the PSC is to oversee the selection and appointment processes and not to conduct these executive processes.

(6) Therefore, it is important for this House to know that the Supreme Court did not adjudicate on the Constitutionality of the substantive matter and the role of the Public Service Commission. But on 28th March 2019, four years after the application was made, the Supreme Court abolished the 2014 Public Service reforms.

(7) The grounds stated by the Supreme Court for this extreme action was due to the fact that there were procedural irregularities that deemed the Constitutional Amendment invalid, for that reason, the Parliament committed procedural breaches when it did not comply with the mandatory requirements of Section 14(2)(a) and (b) of the *Constitution*. Specifically, that:

(a) The Bill was introduced under one month (after 13 days) of circulation to MPs;

(b) The Bill was introduced for the second reading under 2 months (after 12 days) after the first reading.

(8) The issue of no Standing Order on the floor of this Parliament for the circulation of Bills as required by the Constitution was what the Supreme Court ruled on despite the fact that there had been no Standing Order for this purpose since Independence.

(9) From the 28th March 2019 my Ministry with the Ministry of Justice and Attorney General has grappled with the best way to restore the abolished Public Service Reforms whilst complying with the law.

35/05

(10) On 23rd May 2019, and subsequent Decisions thereafter, the National Executive Council determined that a new *Act* must be brought to Parliament in the Bill that is now before this House. As you will note from the explanatory notes accompanying the Bill, the

new *Public Services (Management) Act* 2019 will revive the 2014 Reforms.

(11) That is Mr Deputy Speaker, with the exception of the Ministerial Executive Appointments Committee which remains abolished, and re-installment of the Public Services Commission. The purpose of proceeding at this stage without the MEAC is to complete the reforms of the Public Service Commission which has been stalled for the past four years and in the Melanesian way, to avoid ongoing controversy.

(12) It is imperative that understanding is forged between relevant government agencies including the Public Service Commission to find a better way forward in re-structuring our public service. This is one of the directives of this Government, and there is already work in progress on this matter.

(13) It is essential that this House resolves to keep in place the reforms implemented through the *Public Services (Management) Act 2014*. As explained to this House, the reforms being reintroduced are not controversial. The new *Act* revives the reforms already enacted five years ago.

(14) In fact, in accordance with the *Interpretation Act* 1975 Chapter 2 of our Laws, it is perfectly in order and the logical manner in which to bring back the Public Service reforms as explained. By virtue of the *Constitution*, it is essential to ensure that the rights and interests of our public employees enjoyed under the reforms for the last five years are not removed arbitrarily.

(15) In summary, the proposed Bill has maintained the above public service reforms including some of these as follows;

(16) The financial and human resource accountability functions of agency heads are reflected in this new Bill to ensure that there is prudent management of staffing levels and organisational structures; prudent management of personnel emoluments within the approved budget; and prudent financial management including budgeting and expenditure control (section 32 responsibility and accountability).

(17) The proposed Bill also removes the CACC from the appointment process, so relevant agencies to deal with appointment of departmental heads are; Department of Personnel Management and Public Services Commission; for the appointment of Provincial Administrators; the relevant agencies are; Department of Personnel Management; PSC and the Provincial Executive Councils.

(18) The proposed Bill has a transitional savings on the retirement ages and this provision has been included to avoid doubt on (a) a person who was a departmental head or an officer immediately before the commencement date, regardless of the date on which the

person was appointed to be a departmental head or an officer; and (b) a person who is appointed to be a departmental head or an officer on or after the commencement date.

(19) Also, to avoid doubt, the transitional provisions provide for (a) a person who is a Head of mission immediately before the commencement date, regardless of the date the person was appointed to be a Head of Mission; and (b) a person who is appointed to be a Head of Mission on or after the commencement date.

(20) The proposed Bill once passed will come into effect on and from the commencement date and there is no retrospectivity in the law in order to avoid further legal implications.

(21) The Bill also clarifies that before the coming into operation of this *Act*, an action, decision or proceeding that was undertaken by, against or in favour of an officer or a departmental head under the provisions of the *Public Services (Management) Act 1995*, that action, decision or proceeding is not affected by this *Act*.

(22) Therefore, to avoid further doubts, all executive appointments processed under the PSMA 1995 processes are valid.

(23) In terms of continuity, public employees will have witnessed no change in their terms and conditions of employment as a result of the SCA 148/2015 Judgment. They will not lose their service-related rights which have accrued for the past five years under the *Public Services (Management) Act 2014*.

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(24) It is important to note that Cabinet through its Decision No. 128/2019 directed that a full review of the *Public Services (Management) Act and its Regulations and the General Orders will be done and hence there is already work in progress by the Department*.

(25) Some of the proposed reforms that will be catered for in the next review after this Bill is passed includes; performance-based agreements for all officers of the public service, and if there is non-performance, these public servants will be terminated. This is a cascading approach where agency heads Key Performance Indicators (KPIs) are translated into deputies Key Result Areas (KRAs) and so forth, so everyone in the hierarchy of the bureaucracy delivers their expected outcomes, so the public service is seen to be responsive and delivers accordingly; proposal to have agency heads to be on five (5) year contracts to be on par with the terms of Parliament; housing and accommodation for our public servants and partnering through Public Private Partnership (PPP) arrangements and the Prime Minister has also tasked the Ministry of Lands and Physical Planning and the

Department of Lands to identify vacant state land for our public servants so those public servants who have no homes can participate; another important reform is ensuring public servants are on a nationally-owned medical and health insurance scheme and discussions are in progress with the Nambawan Super Limited (NSL) on this matter.

(26) As stated at the beginning of this speech, the original reforms were supported in this house with 100% unanimous bi-partisan support from both sides of the House. A full House recognised the value and utility in the Public Service reforms at that time.

(27) Today, Mr Deputy Speaker, as witnessed five years ago it is even more pressing that this House once again restore these Public Service reforms. On behalf of the Marape-Steven Government, I commend the passing of the *Public Services (Management) Bill 2019* to all the Members on both sides of the House. Thankyou Mr Deputy Speaker.

Motion – That the question be now put – agreed to

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

Bill read a second time

37/05

In Committee

Bill, by leave, taken as a whole.

Mr SOROI EOE (Kikori – Minister for Public Service) – I ask leave of Parliament to move the following amendments;

Page 5, Item No. 6. Work Performance of Departmental Heads (Repeal and Replacement of Section 24A)

On Page 5, In Item Number 6. Work Performance of Departmental Heads (Repeal and Replacement of Section 24A), insert after Subclause (2) the following new Subclauses (3), (4) and (5):

"Subclause (3) In the performance of his functions under this Act or any other laws, a Departmental Head, including the Departmental Head of Department of Personnel Management and the Chief Secretary to Government, a Provincial

Administrator, a head of a statutory body or a head of a government agency must ensure that the staff ceiling and personnel emolument ceiling must be maintained within the prescribed ceilings set by the Departmental Heads of the departments responsible for personnel management and treasury matters respectively.

Subclause (4) In the performance of his financial management functions or as a Section 32 Officer under the Public Finances (Management) Act 1995, a Departmental Head, including the Departmental Head of Department of Personnel Management and the Chief Secretary to Government, a Provincial Administrator, a head of a statutory body or a head of a government agency must ensure that he complies with the requirements of the Public Finances (Management) Act 1995.

Subclause (5) A failure by a Departmental Head, including the Departmental Head of Department of Personnel Management and the Chief Secretary to Government, a Provincial Administrator, a head of a statutory body or a head of a government agency to comply with the requirements of Subsections (3) and (4) is a ground for termination of his contract of employment".

Bill, as amended, agreed to.

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Bill reported with amendments; report adopted.

Third Reading

Leave granted to move the Third Reading forthwith.

Motion (by **Mr Soroi Eoe**) proposed –

That the Bill be now read a third time.

Mr ELIAS KAPAVORE (Pomio) – On the Section 24a as presented to you by the Public Service Minister. As the former Minister for Public Service, I believe that the 2014 *Publics Services (Management) Act* and their various regulations is understood fully and

implemented at the intent to revolutionize public sector work environment. This section now under discussion was previously Section 26 prior to the Supreme Court decision in 2019 to nullify the *Publics Services (Management) Act* 2014 and its regulation.

Mr Speaker, the Section 26 previously is now amended to read Section 24a. This has been one of my favourite sections because it deals with the work performance of the Departmental Heads. How can we make appointments if it is equally important to also monitor the performance of the public servants?

Mr Speaker, the Proposed Amendment to the Section will include Sub-Clauses 3 to 5 as presented to it by their Minister. But I would like to also present to the attention, Sub-Clauses 1 and 2 to discussion. The Sub-Clause 1 says here and I quote “The Head of State acting on advice after considerations made by the Departmental Heads of TPM in consultation with Chief Secretary to Government. They make regulations, prescribed standards criteria and procedures for appraisal for the performances of Departmental Heads in consistent with the professions that is under their various contracts.

Mr Acting Speaker, this gives emphasis on the prescribed criteria and procedures for the appraisal of the performance of the Departmental Heads. Mr Speaker we must have the managers in all levels of government tied into a Performance Appraisal Process. I have seen for too long, Ministers assisting the KPI for the various Departmental Heads and also the Governors are doing the same for the respective PAs. It was my recommendation that the Open Members of Parliament must also counter-sign the PAs Performance Appraisal form. The PA as the Public Service head in the provinces is also accountable for the District Public Services Performance.

Mr Speaker, Performance Appraisal forms must be revised to capture the KPI in a cascading manner as presented by the Minister today so that targets are relevant. For example, for Pomio District, it is also reflected in the East New Britain Provincial Administration KPI based on the district’s priority. These tasks are reflected in the Performance Appraisal. The KPI for the district CEO and its district head, the co-ordinators of its respective sectors. In this manner, the LLG managers must also be participating. They must also have the KPIs. In this manner, all levels of mangers are held accountable and importantly also ensuring a bureaucratic and political harmony at all levels.

Mr Speaker, let me take this time to make mention of Sub-Clause 2 under the Section 24a. It says here and I quote, “ the Prime Minister may establish a separate performance review process conducted by non-public service adjudicators accredited by the Public Service Commission. For that purpose, in respect to the Appraisal of the Performance of the

Departmental Heads of TPM, and Chief Secretary to Government as prescribed in the regulation,” end of quote of code. And this is actually written in the law.

39/05

This is an important component that must be adequately regulated to ensure connectivity between the sub clauses 1-5 under this section. It may also lead to review the current PM and NEC *Act of 2002*.

Mr Deputy Speaker, the PM on January 31st this year, during the public servants' dedication service made some key announcements that must be taken heed by DPM, Chief Secretary and the office of the Prime Minister.

He stresses the need for public servants to sign contracts of employment with clearly established KPI. He also mentioned that nepotism is a serious problem in the public service making it difficult to make objective assessment on the performance.

Mr Acting Speaker, the answer to eradicating nepotism in the public service is to implement sub clause 2 that calls for separate performance review process conducted by non-public service adjudicated. This process will ensure credibility to public service performance management and the appraisal process.

Mr Acting Speaker, it is important to review the staff appraisal as well under the public service salary number 5 based on the contract agreement.

I believe it should be conducted twice in fact, not I believe but, it is recommended but it's there. But, not many of the organizations are complying to this particular clause of having staff appraisal conducted twice a year.

My view is, any staff performance appraisals of less than three out of five an officer mark be put on notice to improve or be terminated for non-performance. This must be clearly specified in the regulation. The regulation must emphasize on performance-based contracts and non-performing public servants who continue to score three or less in the overall public service appraisal form must be terminated for non-performance.

This means non-performance must be considered as serious offence in the public service regulation that warrant termination.

Mr Acting Speaker to conclude my debate today on this important agenda, the KPIs and the contracts of all public servants must now become mandatory. The Public Service Management Act Regulations must be reviewed with wide consultations to reform the public sector.

Amendments continues to pass laws and everything else but if you don't regulate this properly, I don't think we will get anywhere. It is noted after the launch of the work plan for the departmental heads during this years' dedication service, the PM challenge the public service to deliver according to their plan, adding that those who [performed poorly should resign from their work.

The amendments today are a critical part of the reform process. Mr Speaker, that must be incorporated in the respective regulations.

I'm a strong believer that public sector can produce similar results as those in the private sector. The notion of thinking that public servants cannot be terminated is false because public service performance-work culture can improve if regulated efficiently and at the same time eradicate complacency and incompetence.

Mr Speaker, with these remarks, I support the proposed amendments to the Public Service (Management) Bill 2019 and especially section 24 (a) and inclusion of sub-clauses and recommend for immediate implementation of its regulations to give effect to this Bill. Thank you, Mr Acting Speaker.

Mr GARY JUFFA (Northern) – Thank you very much, Mr Acting Speaker. I won't take too much time. I support the Bill. I just want to add a few comments to what has been said already by my colleagues here and in addition to what was presented.

I want to thank the Prime Minister and the Government for having appointed me as the Chairman of the Special Parliamentary Committee on Public Sector Reform, I hope to bring before Parliament, the changes that are needed to improve the performance of our Public Service and make it a more effective and efficient organization – a modern organization relevant to this day and age.

My comments are drawn from my time as a public servant, from a low officer to becoming an executive of the department that I served, and now as a governor.

40/05

Whilst I commend the Bill and support it, I want to remind the House and colleague leaders here, on one very important facet of the Public Service which we have ignored for the last, I would say 40 years - and that is the welfare of our Public Servants.

Today when you read the newspaper articles about vacancies in the Public Service, you'll note that there is a small addition to that advertisement that states, "housing is not a condition of employment". When I joined the Public Service the housing allowance was K7,

a fortnight. These were messing fees that were paid prior to Independence to public servants. When I left, it was K11 a fortnight.

Many public servants lived in villages and settlements - high ranking public servants I'm talking about. And they had just this, to organise their accommodation. K7 and then K11. I'm not sure exactly what it is now but I don't think it has improved much.

When I was a young child in community school I would go and visit an uncle of mine who lived on top of Kokoda Station. And Papua New Guinea had just obtained independence. This man had a three-bedroom house. At 6.45 a.m, he was in his office and he would work until the afternoon and leave. Back home he was well dressed, punctual and like most of the public servants at that time. There was an atmosphere of what we called civic duty. Something that is very much lacking today. These people were dedicated to the cause of building a new nation. All these time I thought he was a manager or supervisor or someone senior in the Public Service. He was a driver. My other uncle used to cut the grass there with a tractor. And he lived down there in the foot of the station in the Works Compound. And he had a house. The Public Service at that time understood the importance of loyalty and they cultivated that loyalty by providing the most basic aspect required by anybody who works, who has a family and who serves.

Today, directors and managers are living in villagers and settlements. We expect them to turn up and be loyal to build a nation. We tell them to be proud of what they are doing and harness their energy to build the nation. But they live in settlements and in villages. We have to change this.

In this nation, where we have such an abundance of land and natural resources, where we could build scores of houses for our public servants. There is a lot in the Bill and whenever we have reforms brought here, there is a lot about how to improve the public service and the Public Service machinery to suit our leadership agenda. But we always forget about the fundamental basic like how to cultivate the loyalty that is needed. I brought about these reforms when I was in the Customs Department. We improve housing for our officers, we restructure the organization, improved their salaries, put in place a code of conduct and also put in place a plane service charter. With just 60 percent of the staff ceiling and 40 percent of the budget that I had requested, we collected K400 million more. Why? Because public servants, my officers were happy to come to work. They came early and they left late. They were dedicated. They had homes. They had uniforms. They felt a sense of pride and loyalty.

These are some of the laws that we must bring here - and I will be bringing here. We have to look after our public servants. Once we look after them, then we can demand the best from them. And if they don't perform, then based on contractual obligations and documents that we can put in together that they can sign and agree to, then we can deal with them. Then it would be fair.

41/05

The other issue that I want to talk about is the appraisal. When I first entered the Public Service, appraisals were two or three pages, they were easier done, easy to read, easy to assess and process. Today, they are books! Who's going to spend three to four weeks to appraise an office. It is very impossible! And a difficult task.

I would propose contracts for everyone from tea-boy up to CEOs. They should have very basic similar contracts with very clearly define sets of rewards and punishment regimes in place. Another issue that I wish to speak off and I will be bringing this proposal here, either by the way of Private Members Bill or through this committee, is the removal of taxes on resignation, retrenchment, retirement benefit for Public Servants. Some of them serve for twenty to thirty years and when they leave, we take the chunk of the money away from them., The least we could do is let them go out with dignity. They are not paid enough anyway.

There is small Pacific Island nation that actually pays their public servants better than the private sector. It does! The private sector actually and complained to the Prime Minister of that country. They said, how is that you are paying so much that you are getting the best and can't get anyone good to work for us. I want to leave this Parliament with this answer and I think it is very important for us to take note of.

He said in the corporate or the private sector, your agenda is very explicit. It is about making profit; mine is about building the nation. If we want to build a great nation, we need great people and we need to reward them accurately. Then, they won't keep moving to the corporate sector and now there are moving overseas. Not only are we losing our best brains, we are also losing our best technical people.

I was in a queue in Brisbane not too long ago, and there was a young man beside me. we spoke and I was told that he was going to work there on a contractor for four years. I was quick impressed and congratulate him and I asked him, what you are going to do here in New South Wales, in Newcastle to be exact. I am a mechanic, he replied and I was quite surprised that you are mechanic, Yes! I applied online. We are going to be losing a lot more of our

technical people if we are not careful. We need mechanics in our Works Department for instance or back in our provinces.

I want us to seriously take stock of the plight of our public servants and their welfare. Because we are unable to provide decent homes and decent wages, they all floating to Lae and Port Moresby. You try and find an Accountant in Northern Province or a Lawyer, they all in Moresby or Lae. They don't want to go home, there is no accommodation provided and not good wages given. This is the reality we face. If we want to build our nation we will need to care for our public servants, then, we can demand the best of them. If they don't perform then we can deal with them.

Sir PUKA TEMU (Abau – Minister for Bougainville Affairs) – Thank you, Mr Acting Speaker, and the Public Service Minister for bringing this amendment. I want stand to support this important Bill and I want to associate myself with the Governor for Northern for his comment on how we need to look at the Public Service in totality and I want to make three recommendations to the Minister for future amendments;

(1) Post elections, when Civil Servants enter for nominations as a candidate, I think there has been debate, and previously if you advise your Department Head that you are going for elections six months ahead, you will automatically be reinstated if you lose in the elections. The amendment was that you will re-apply again but I'm suggesting that they are not to be allow to be re-instated. But after five years and they can re-apply, because they have already become political animals and politically oriented.

42/05

I would suggest that the Minister look at that amendment. I think after one full term let them re-think and if they want to re-apply, they can go back but they don't go back to become a candidate again. That is the first recommendation.

The second recommendation and I hope the governors are listening. One of the issues that we experience in the 2014 amendment was the appointment processes for provincial administrators. I believe the Prime Minister with your leadership and with your recognition of provincial governments to be there forever, giving more powers for economic growth, and for governors to make their decisions, et cetera, I think the time has come for the provincial administrator to be appointed by the PAC rather than the NEC. I think we need to relook at that because the PA must be accountable to the governor rather than to the NEC. It is a long-winded process so please Minister, look at into this so we can review it.

The third recommendation and the reason why I brought the 2014 amendment to the floor and also the reason why I brought the 2002 amendment to the Public Service (Management) Act and I brought the Public Service Commission into the appointment process and when I was re-appointed after the 2002 elections, I came back and said no, get the public service out but establish the ministerial executives appointment committee. The reason was that I wanted to progress, please minister look into this, the progress that I want to make was, I think the Public Service Commission as an entity, is wasting its time just reviewing cases for those public servants who have been aggrieved by their departmental heads. That is a mundane boring job of a constitutional office. My aim was to restructure the Public Service Commission to become the Ombudsman of the Public Service, the real Ombudsman that we have been complaining about public service in efficiency, ceiling and we have been debating about ICAC and whistle blower today but actually when you look at it, the Public Service Commission really should be making sure that this thing called the public service works.

The Public Service Commission must make sure that the inspectorates are out. Why is one aid post out of medicine? What happen to the procurement system? Why aren't the logistics companies delivering? Call them up rather than waiting for the Public Accounts Committee at the end of the day, after all the damage have been done.

The Public Service Commission on a daily or monthly basis supervises the efficiency of the public service delivery system and we then, do not talk about corruption because it will be addressed there and then. So, it is a pro-active way rather than waiting as a accountability system. It is a pro-active way of managing those inefficiencies so I strongly recommend, Minister, that we relook at the powers, roles and functions of the Public Service Commission and remove it from this mundane thing When a departmental head checks an officer because he or she is not performing, they do not have to go back to the Public Service Commission to be reinstated. It is a waste of time! Where is the authority's stand? The head is the authority. Remove him or her from work; it is a mundane boring job for a constitutional office. It is very powerful but does not have the teeth. So, make the Public Service Commission, the Ombudsman of the Public Service.

Finally, Mr Speaker, I think one of the areas that we need to look at is the professional development of public servants That is why we set up the Pacific Leadership Precincts, the old IPA, and very good courses are offered there, I recommend that maybe by policy, every Member of Parliament allocate K100 thousand for professional development of our officers within every province and every district undergo these training programme so

that we have a public service that can compete in the world and they can become marketable commodities both here and overseas. Thank you, Mr acting speaker.

43/05

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

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

Bill read a third time.

Mr RAINBO PAITA (Finschaffen – Minister for Finance and Rural Development) –
Mr Deputy Speaker, I thank the Members of Parliament on both sides for supporting these very important pieces of legislation that we have passed. I thank them for being present and for their support. Thank you.

ADJOURNMENT

Motion (by **Mr Rainbo Paita**) agreed to –

That the Parliament do now adjourn.

The Parliament adjourned at 2.45 p.m.