

## **EIGHTH DAY**

**Friday 12 June 2020**

**DRAFT HANSARD**

**Subject:**

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## PARLIAMENTARY DEBATES CORRECTIONS TO DAILY DRAFT HANSARD

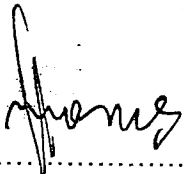
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Corrections should relate only to inaccuracies. New matter may not be introduced.



.....  
Mr Harry Momos

Acting Principal Parliamentary Reporter

## **EIGHTH DAY**

**Friday 12 June 2020**

The Deputy Speaker (**Mr Koni Iguan**) took 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 Speaker (**Mr Job Pomat**) then took the Chair at 11.15 a.m. and invited the Governor of Manus, **Honourable Charlie Benjamin**, to say Prayers:

Our Gracious, Eternal and Loving Father in Heaven lo disela moning as mipela kam lo miting tete, Papa mipela prei that presence blong yu bai istap wantaim mipela. Givim mipela wisdom, knowledge na understanding as mipela deliberate long certain important Bills. Bai interest bilong pipol bilong mipela, kantri bilong mipela i go pas na i noken interest bilong mipela. Forgivim mipela we mipela i feilim yu. Forgivim mipela long we mipela i fall-short long glori bilong yu. Seivim mipela through long grace bilong yu. Amen.

### **ACKNOWLEDGEMENT OF VISITORS – STATEMENT BY THE SPEAKER**

**Mr SPEAKER** – Honourable Members, I have to inform the Parliament regarding the presence of the Presidents and Councilors from Karkar Local-Level Government, Sumkar District and from Salamaua Local-Level Government, Huon Gulf District.

On behalf of the Parliament, I give you a warm welcome to this Honourable House to be seated at the galleries.

**SUSPENSION OF HONOURABLE PATRICK PRUAITCH –  
STATEMENT BY THE SPEAKER**

**Mr SPEAKER** – The Chair would like to make a statement to this honourable House regarding the front-page article of our daily *Post-Courier* this morning, stating that the Parliament has suspended the Member for Aitape-Lumi, Honourable Patrick Pruaitch.

I would like to inform the daily papers and the press that the Parliament does not suspend any Member of Parliament which is stated under the Leadership Code. According to Law, the Leadership Code suspension is carried out when the Chief Justice orders a tribunal for that particular leader.

It has been a trend for our people whenever they see the headline of a newspaper, they come up with their own assumption. For that reason, I would like to inform everyone that the Parliament does not suspend any Member of Parliament or Leaders from their duties.

According to Law, the Chair has not received any official letter from appropriate authorities that the Member for Aitape-Lumi and Minister for Foreign Affairs, Honourable Patrick Pruaitch has been suspended from office because of the Leadership Tribunal. For now, I have not received anything yet so, unless I receive a letter from appropriate authorities then it will be official for me to announce it publicly.

**02/08**

**MOTION BY LEAVE**

**Mr RAINBO PAITA** (Finschhafen – Minister for Finance and Rural Development) –  
I ask 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 –

That so much of the *Standing Orders* be suspended as would prevent Notice Nos. 195, 197, 198, 199, 200, 201, 202, 203, 204, and 205 of Government Business being called on forthwith.

## **NATIONAL PANDEMIC BILL 2020**

### **First Reading**

Bill presented by **Mr Jelta Wong** and read a first time.

### **Second Reading**

Leave granted to move the Second Reading forthwith.

**Mr JELTA WONG** (Gazelle – Minister for Health) – I move –

That the Bill be now read a second time.

Mr Speaker, Honourable Prime Minister, fellow Colleague Ministers, Honourable Governors, fellow Members of Parliament, citizens listening and watching this live telecast of this important June Sitting of Parliament.

Mr Speaker, Covid-19 continues to be a global health and development challenge, even for the wealthiest of countries. When the State of Emergency (SoE) started, there were 372,755 confirmed cases and 16,231 deaths globally.

As of yesterday, the pandemic has affected 213 countries, with over 7.4 million cases and more than 418,891 deaths. This week, for the first time since the pandemic began, we have seen the daily global numbers exceed 100,000 new cases every day, some countries like Brazil are only suffering the first wave of the pandemic this month.

When we first met as a Parliament on 22<sup>nd</sup> March and then on 2nd April to discuss the covid-19 pandemic, we were faced with fear and the unknown. We had our first case on 20 March and knew we had to react quickly and decisively to stop the spread of this virus in Papua New Guinea.

We overwhelmingly voted to introduce a State of Emergency to provide the legislative basis to contain the threat and provide the space and support to allow our health system to prepare and respond. Together, we made hard choices to protect the people of PNG.

Mr Speaker, even though we had eight confirmed cases of covid-19 in Papua New Guinea, I think the reason for this is largely based on our very early interventions to stop covid-19 entering the country.

Mr Speaker, this included establishing the Emergency Operations Center at the Health Department on 13 January, with then, elevated to the National Operations Center closing the borders and of course establishing a State of Emergency that included a lock-down period.

**03/08**

What has become increasingly apparent is that whilst the health system has come a long way in its preparations, we still require strong legislative powers to continue to contain the threat.

To date, Mr Speaker, this has been provided through the State of Emergency. It has protected our borders from the disease. It has enabled testing and containment, it has allowed PNG to access essential supplies from the global market in a competitive and timely manner. This has meant we have been able to protect our front line workers and our people.

The State of Emergency has also provided for the development of key performance indicators to track the implementation of provincial response plans and health facilities. Further, it has provided the grounds for joint collaboration to ensure a whole of government approach and response to the unique health and development crisis that has come about because of Covid-19. The State of Emergency has been critical to our response.

However, Mr Speaker, I acknowledge the need to strike a balance between protecting the health of Papua New Guineans while ensuring the economic livelihoods of our people. I understand some Members resistence to the State of Emergency - and the public's concern. People equate a State of Emergency to lockdowns and a loss of income.

Mr Speaker, today presents us a unique opportunity to make the important decisions on how to continue to manage Covid-19 going forward and consider how Papua New Guinea can handle other such health crisis in the future. I believe what we need is new legislation that provides for some of the powers under the State of Emergency, but that balances the need to transition to a New Normal.

I want to assure you that this Bill does not mean a continuation of the restrictions we have seen under the State of Emergency. We must balance future interventions with our day to day lives, like schooling and social interactions, and with business continuity. I understand that the economy must open. We are not a country that can maintain the current status indefinitely,

but this needs to be done sensibly and progressively as other countries are doing that are successfully managing the Covid-19 threat. The National Pandemic Bill achieves this aim, Mr Speaker, by balancing the health and safety of our people with the economic imperatives.

Mr Speaker I wish to be clear about the objective of this Bill. The Bill provides a way forward to allow the great Government of this country to end the State of Emergency while ensuring an ongoing effective response to this global pandemic. Together, we can do the right thing again, and protect the health and well-being of our people and the economy.

It ensures that we can adequately put in place measures to protect our borders. Our biggest challenge currently is maintaining our land border with Indonesia and monitoring the movements of our traditional border crossers as we are seeing an increase in the number of cases in Indonesia.

Today, our land bordering neighbouring country, Indonesia, has 1043 reported new cases. That's a total of over 33,000. Their cases have doubled in only 25 days. This presents a serious threat to the health security of the Nation. Papua province, even with limited testing has over 1300 cases today with over 20 new cases every day.

It will ensure that the current whole-of-government response that is in place continues to be in effect. This in turn means that we can as a country protect our borders, identify, isolate, care for the sick, trace and quarantine their contacts.

The Bill will enable us to continue to support our health system and mobilise resources to protect our health workers and citizens. Moreover, it will allow us to continue to coordinate and support more than a hundred partners composed of development organizations, NGOs, Churches, UN Agencies and private companies who have supported the Covid-19 response. These partners have provided funds, deployed experts and donated supplies, equipment and materials.

**04/08**

Mr Speaker, I have previously spoken as to how we are working with very old legislation that simply does not provide the powers we need to manage our borders as effectively as we like. We cannot, for example, compel quarantine, direct testing to be undertaken, and support the Joint Agency Response under the National Operations Centre to continue. This makes this new Bill an absolute imperative if we are not to continue the State of Emergency.

Mr Speaker, I would like to inform the Parliament of the (National Department of Health) NDoH plans in relation to the outdated legislation I have alluded to. The current

*Quarantine Act* is from 1953. *The Public Health Act* is from 1973. Both are pieces of legislations that existed prior to our Independence. I have instructed my department as a priority to ensure they are repealed and replaced with legislation that is relevant to PNG today and into the future. In conjunction with this work, the Health Governance Legislative Reform remains ongoing and an important agenda for the Marape-Steven Government. This ambitious legislative reform of governance in the health sector was initiated by my predecessor, Sir Puka Temu, and is integral to ensuring a strong health system that can respond to pandemics such as Covid-19. This process will incorporate the lessons learnt from this Bill and incorporate many aspects of it, to ensure that in the future we can respond to health crisis under our normal health legislations.

Mr Speaker, we must remain vigilant and focused in continuing our response. We must gradually transition to a "new normal" way of life, we will make basic public health prevention and promotion our new culture and given prominence. We need to apply this in our homes, communities, businesses, place of worship and schools. As I have previously mentioned we have developed a Manual and a series of guidelines to help the Nation transition to a new normal. These include the continuation of physical distancing, disinfecting homes and places of work, and restricting international travel and crowds. This document will go hand in hand with the new National Pandemic Bill.

For now, this means accepting Covid-19 as part of 'normal living' and adjusting our expectations and lifestyle accordingly.

Mr Speaker, whatever the Government decides today, we are better prepared than we were, but we must continue to build the capacity of provincial health authorities and keep routine operational budget flowing on time to focus on essential health services - not just Covid-19, and rely on a whole-of-government approach moving forward.

This whole-of-government response remains important as the ongoing successful response to Covid-19 requires a continued and centralised coordination and control mechanism, even when the State of Emergency is lifted.

From the experience of the National Operation Centre (NOC) under the State of Emergency, I believe that all of our partners, including health care workers, security forces, Customs, PNG Ports, NAQIA, airlines and the logistics teams have done an exceptional job. I thank them all and appreciate their hard work and contribution. The success to date is because of all our continued and concerted efforts. I would also like to thank the staff at my department, the State Solicitor's office, and the office of Legislative Council who have worked tirelessly over the last three weeks to draft this legislation.



Mr Speaker, I would like to reassure the Parliament that my department and health workers will be there to continue addressing the pandemic challenge until it is no longer a public health issue.

05/08

Mr Speaker, I would like to remind everyone to continue to be vigilant and follow these seven steps to stop the spread of Covid-19; wash your hands with soap and rinse it with water or hand sanitiser, use your elbows to cough into your arms, don't touch your face, maintain social distancing and if you can please stay at home and avoid large crowds.

I would like to call on all citizens, residents, friends, businesses, investors to follow advise from government authorities, for not only the health, safety and security for our people and country, but also for everyone who calls PNG a home and for business. A healthy people and country requires a healthy economy and environment for business and investment. In turn a healthy economy requires a healthy people.

Mr Speaker, I commend this Bill to the House.

**Dr ALLAN MARAT (Rabaul)** – Mr Speaker, when we walked into the Chamber, we found copies of this National Pandemic Bill on our desk. And the Opposition believes that it is a very important piece of legislation, especially when we are almost reaching the point where we are going to lift the State of Emergency and we need something in place. But the Opposition would like some time to thoroughly go over this because it's for our people. And as the honourable Minister for Health and HIV/AIDS has mentioned, this is for the people. And some people in our country are struggling with their business and that's true on one end with the case of emergency and the lockdown. The Treasurer repeatedly mentioned this over this two weeks sitting that our economy especially our Budget is out of shape and the business houses out there are feeling the pain of it and crying for help. And then on the other end we agree that this country has to be protected from pandemics and not so much epidemics which this country can perhaps easily manage to contain.

But we found that there are some major provisions in this Bill that really calls for a united effort by both sides of the House. The Opposition would like to look at and discuss especially Section 51, the exclusion of the application of the *National Procurement Act* and the *Public Finance Management Act, Section 53*, where the procurement of goods, works or services for the purpose of the National Response shall only be carried out by the controller. These are few examples that really warrants the Opposition to have some time to go through

this legislation provision by provision, so that we can produce a good legislation and we recognise its importance especially after the State of Emergency is lifted.

That's all we are requesting for and if it's not provided for by Government then the Opposition has no option but to vote against this particular Bill. Thank you, Mr Speaker.

**Mr ALLAN BIRD** (East Sepik) – Mr Speaker, before I contribute to this Bill, I would like to commend you, Sir, for the kind of approach you have taken during last week's Sitting, where you invited the relevant authorities to come and conduct an investigation on all the allegations made against you.

I commend you, Sir, I am proud that you are the Speaker of this House and you have shown good leadership. I didn't have the opportunity to commend you till now, thank you, Sir.

**06/08**

Mr Speaker, we have obviously talked a lot about this Bill and I concur with the colleague Member for Rabaul sitting in the Opposition.

Mr Speaker, when we first had the SOE, I spoke in this House regarding people's rights. If you look at this Bill, on the very first page it actually speaks about the same effect of suspending people's rights.

Mr Speaker, this House is intentionally designed following the senate of America and Australian Parliament, where the people's rights are deliberately superseding the member's rights. and our House is designed the same way to remind us, members, that we serve the people. That is why they are sitting above the Public Gallery today and looking down at us.

Mr Speaker, I have faith that certain laws were enshrined in the *Constitution* for a reason and over the last 40 years, we come in here just to pass the bills as a sausage factory. We just passed the Bill without realizing the *Money Regularization Act* which Supreme Court has thrown out.

**Sir Puka Temu** – Point of Order! I ask the Governor of East Sepik to withdraw the description of the Floor as a sausage factory.

**Mr ALLAN BIRD** – Mr Speaker, I withdraw but I think my point is made.

Mr Speaker, when we want to pass a law, we have to really sit down and consider the views of our people.

Mr Speaker, when I first heard about that Bill and the first copy came out, I sent the Bill to all the Sepik professionals and church leaders to seek their views and advice. I felt that this Bill will affects the rights of our people, rather than making a one-man decision as the Governor of my people and voting on this Bill which is totally wrong.

Mr Speaker, I can say that every single person I consulted on this Bill returned came saying "Governor don't vote for this Bill, we don't like it".

Mr Speaker, my party has resolved to vote for that Bill but my people have told me not to vote. So, I am in a difficult situation. But at the end of the day, my primary responsibility is to the people of East Sepik, and I must respect their advice. The suspension of people's rights is something that I think only this House must do.

Because the people appointed us, they gave that responsibility to us. I do not want to give away my mandate to a Controller. I don't want to give away the mandate of the people of East Sepik to a small group of people to make decisions on behalf of them.

The government must always come back and ask the representative of the people of Sepik, there are twelve of us here in this House, two are suspended whether we still agree that our mandate can be taken away and those powers used by someone else.

This is check and balance, it is something that I have spoken of on this Floor since my election. It must always be there and the exercise of our powers must be done with great caution; take one step at time and don't walk quickly.

Mr Speaker, many of us have been campaigning for transparency and good governance, in fact, some of us in this House won the election on that basis.

**07/08**

When I see *Section 51*, I feel ashamed. We want to suspend the *Public Finance Management Act (PFMA)*, the only thing standing between full corruption and control of corruption. During the SoE, we removed the law for protecting us against the corruption.

Mr Speaker, under the current legislation, if you look at the PFMA, there is an allowance there for the use of a certificate of an emergency, during time of an emergency specifically. We don't need to remove and step on the PFMA when being faced with problems. As the Controller, I think that would be irresponsible.

Mr Speaker, when I see the operations of the State of Emergency, all the different laws in the *Constitution*; the *Border Act*, *Defence Act*, and *Public Health Act* were used over the past 80 days and it worked. So, what is the utility? What else do we want to add onto the law, where there is no provision for it?

Mr Speaker, we are focusing on issues happening in other countries and aware that there is a problem. But, we must make decisions that will reflect our own situation.

Mr Speaker, the fact is; eight people got sick and recovered. This government responded very well by closing all the borders. Before that closure the East and West Sepik governments use their people's money to pay for the soldiers' allowances and hired a helicopter to transport soldiers to the border. We did our part to protect the country and we will do that again tomorrow, Mr Speaker, if the country requires it.

But, we can not pass a law that allows one person or a group of individuals to make decisions on behalf of all of us that will not do, Mr Speaker. If anything at the very least, we should extend this Parliament sitting and bring these laws and go through it. There's nothing stopping us to sit next week if we have too.

Mr Speaker, I think our people's voices need to be heard, particularly Transparency International and others.

The efforts by leaders like Sir Paul Lapun, Bernard Narokobi, Peter Simogun, Michael Somare, Peter Lus and Albert Maori Kiki built this *Constitution*. Let's not throw it asunder by developing a Bill where we don't need one.

Thank you, Mr Speaker.

**Mr LINO TOM** (Wabag – Minister for Fisheries and Marine Resources) — Thank you, Mr Speaker. I would like to commend the Health Minister and his officers for putting in a good job in containing the Covid-19. I would also take this time to thank the Prime Minister and this Government for the job well done.

Mr Speaker, I would like to remind us that this government is for the people, by the people and of the people. Anything it does, is to protect the people. This Bill is made to protect the very people of this country. What rights would we have, if we are dead? We would have no rights.

Mr Speaker, as a nation that seeks to put the lives of its people and the interest of its people first and foremost, this Bill is not only necessary now but important for the future health of this nation.

With the change in disease patterns, and the evolution of new novel diseases in the country due to the exposure of us to all forms of radiation, chemicals and the changing climate patterns in the world.

08/08

Let alone global exposure to so many other things. We live in a global village are susceptible to a lot of mutating and changing disease patterns. As a concerned country, and a country that is concerned for its people we must have laws and legislations in place to step in when the need arises.

A single isolated event in a single place in the country does not warrant for us to put aside that vice and the global pattern and the data that we have on the global basis. We must have laws in place, that we can activate with ease when the need arises. That is the whole essence of this Bill. This Bill is not made to take away the rights of any people, it is made to protect the people. This nation demands of us to be responsible leaders. And we must put in policies and laws that protect the majority of our people.

Mr Speaker, just because Covid-19 has not devastated this country like it did to others in the world does not mean that we have to be blind of the predicament that faces this world. As a responsible government I want to commend this bill, I think it was made after an exhaustive consultation with all the medical experts. And I think we should support this bill today, because the laws that are made today can be activated to protect the very people that we are here to protect.

**Mr ALFRED MANASSEH (Kandep)** – I would like to thank the Health Minister for putting this all together for our debate this morning, and I share the sentiments of the Deputy Opposition Leader that, this legislation needs the time that it deserves for everyone to contribute because of the importance of this legislation.

I also note the debate by the Minister for Fisheries. What he said is important but unfortunately, I do not see it in the legislation. I am used to reading legislations and this is not one of them. And it saddens me that this legislation needs to be properly debated and a lot of technical issues are not catered for in it. What I mean is that this legislation lacks a lot of input from medical experts.

If they have had an input, it is not captured in the Bill, for example, it says public health emergency. But it does not tell us exactly what is the extra ordinary event triggered by what medical condition or state of medical affairs. It needs to be stated. Another issue I find is this legislation does not cater for a disease that spread from within the country. What happens if we had TB spreading rapidly across the southern part of the country, what do we do?

This legislation triggers only if there is a pandemic from overseas, what happens if it starts here? How do we deal with that? This is not catered for in this Bill. Another issue is that

a lot of technical definitions are not correct. It does not cater for what you do or as to when you should do or make the declaration.

**09/08**

What is the trigger? The trigger is not provided. For instance, in *Section 4* of the draft Bill, it says that a declaration of an existence of a pandemic. Where does it trigger? When will the NEC say there is a pandemic? The trigger is not there. Do we have to wait for Covid-19 to start from China and spread to Indonesia till it arrives at West Sepik before we trigger it? What happens if we have our own pandemic or epidemic in the country? What happens? Do we have to wait for it to spread globally before we declare it in our country? How do we deal with those issues?

Mr Speaker, I think this legislation needs a thorough contribution from both sides of the House as well as from our own technical experts in the Department. I see a lack of technical input from the department in this, because our own people will know what is best for our country.

Mr Speaker, I agree on the ultras of the legislations that we should have some form of control at some certain point in time, but how do we do it? Do we have to trust every right that every citizen needs to be protected or we just look at it as a pandemic and keep going? There are many issues which are in the legislation that I have gone through and simple things like seizing of prohibited items. What are these prohibited items? How do you seize it or when do you seize it?

These are some of the things that we need to properly capture, because we are going to deal with business houses, ordinary citizens, international passengers and people moving in and out of the country. So, there must be some form of protection for these things and at the same time when we want to impose restrictions on these things so that there is a clear demarcation. Sometimes we do not realise when we are dealing with the debate of the legislation that the enforcement of our intentions is never properly translated to the people who are going to implement the laws. And so, they read it from their perspective and apply it in the way that we all do, not as intended. That is the danger.

A legislation like this one is going to have a far-reaching impact which should be properly and clearly defined so that the enforcement of it becomes clearer, easier for everyone and the legislation itself is not ambiguous.

So those are my immediate observations apart from the issues relating to procurement process. I think the current legislation does capture, how we should deal with procurement of

things during the State of Emergency. So, we do not need to negate the application of the *Public Finance Management Act* and the procurement provisions which are good for Governors and also for checks and balance. Several Ministers who are responsible for that legislation do have certain powers under the legislations to be able to assist in such a situation so. Sometimes unintended damage can be done because of the way legislation will be read by the person that is going to enforce it.

Thank you, Mr Speaker.

**Mr CHRIS HAIVETA (Gulf)** – Thank you, Mr Speaker. I will be brief because, most points, I wanted to mention are already being covered by the speakers before me.

I think the main thing we must understand is that, we are trying to pass a National Pandemic Bill. What I was looking forward to was the Covid-19 Bill, so that we can save the provisions of the SOE that are relevant to Covid-19 and carry it over into an *Act* where we can have one authority to look after the Covid-19 pandemic because it is still going on. We need a Bill to deal with it. It has not hit Papua New Guinea yet.

**10/08**

So we need a Covid-19 Bill not a National Pandemic Bill. A National Pandemic Bill in my view is one that we can still draft out from the experience of Covid-19 and then it can take into account all the issues that have been raised.

Mr Speaker, if I can ask you, can you make a commitment to me and to other members that if we do pass this legislation today, you will bring an amendment, you will ensure that you take the Covid-19 provisions specifically and address it within the ambit of amendments that you will make and also if the Prime Minister can give us that assurance. The only thing I want to raise which I think is important is, when the Covid-19 pandemic hit and we had an SoE, most provinces were busy with the command centers in the provinces, coordinating their efforts, so who is in charge of those efforts? Just like at the national level where you have the Controller, who is the Police Commissioner, normal police functions are put to the side, normal provincial administrative functions are also been put on hold so it does affect the way the provinces have been managed. We need to look into this very carefully.

You cannot declare a Bill of national interest and not take into account, the efforts and the coordination that is needed up at the provincial level. This must also be taken into account in the amendments, if you can make a commitment today.

I support the fact that we must bring in something. We must support this Bill but I need the government to seriously make a commitment today to make amendments and bring it out in the next sitting of Parliament. Qualified rights are important, we need to talk about this because it is in administration stage. During SoE, qualified rights, have been breached and abused so we must look at these instances very carefully and house them properly only for Covid-19.

For the national pandemic let us talk about this later, thank you Mr Speaker.

**Sir PUKA TEMU** (Abau – Minister for Bougainville Affairs) – I would like to support these sentiments echoed by the Health Minister, Prime Minister and the Police Minister who took charge when this pandemic came on in the world and our national response.

I highly commend all those efforts from the Prime Minister onwards, particularly today, I commend the Health Minister in presenting this very important *Bill*. I think all of us agreed with the spirit and the moral and intentions of passing this law on the Floor of Parliament. I think it is time we have it.

I just want to inform Parliament of one fact which I confirmed with the World Health Organization (WHO) today, that there is no country on earth that did what we in Papua New Guinea are doing today

I highly commend the effort of the Prime Minister, Health Minister and everybody and the Honorable Member for Kandep.

I just want to assure you that all health experts have had an input in this Bill and I want to assure you and there are three doctors in Parliament who were also given the opportunity to give an input.

Bringing you back to the definitions that the Honorable Member for Kandep was worried about and that is with regards to Public Health Emergency, remember we had a polio epidemic and because polio is a global issue and we in our region have to ensure that polio doesn't come back in the world.

**11/08**

The Public Health Emergency relates to those emergencies that are of international nature that is the definition of Public Health Emergency.

So, when polio cases emerged in PNG our national response was aligned with the global and regional response. This is the definition of Public Health Emergency that we are referring to so it is not in isolation.



On the argument by the honourable Governor of Gulf, I agree with the name of the Bill as the National Pandemic Bill rather than cut it down to National Covid-19 Bill because this is the law that is preparing the country in response to any type of pandemic. Pandemic are global transnational emergencies or illnesses. This Bill is to prepare us for any other pandemic so if in the future there is going to be another pandemic we do not have to run back to Parliament to make another law because we have one law already in place.

As a response Parliament is being very responsible and this Government is very responsible by naming it the Pandemic Bill rather than the Covid-19 Bill because it will not make sense. So, I will not accept the argument of the Government of Gulf.

On the concerns raised by the Deputy Opposition Leader and also the Governor of East Sepik in relation to the application of *Public Finance Management Act*, in the operational side of it you will find in *Section 54*, the establishment of a Finance and Procurement Committee. That committee will be made up of the Secretary of Finance, Secretary for Treasury and the Controller will be the Chairman. Their report will come regularly to the Health Minister then to the Cabinet. The way the Nation respond – such as in the Covid-19 and Polio outbreak experience – will depend on the Health system and medical experts who will determine whether there is a pestilence, national epidemic or a pandemic. The Minister for Health will immediately come to Cabinet which will be the body that will start the process of advising the head of state who will appoint the controller to take charge and there will be a technical advisory council under this Act. This will be made up of Treasury, Finance, and Health, etcetera.

In my opinion, the Bill is well-structured in so far as the health control of it. For example; my experience on Polio, when I went to Cabinet and declared a National Health Emergency under Polio, there were actions that my Secretary had to take to prevent the movement of people because it started in Morobe, then to Eastern Highlands and then it spread all over the country and we couldn't control it and there was a vacuum there. So, with this type of law we will need some strong control because Health Department alone in the current Public Health Law and from my own experience on Polio, we couldn't control the movement of people and with this law it is alright. So, I stand to support the Bill and I urge all of us on the Floor of Parliament that the SOE will lapse on Tuesday, next week we need a law to govern this as the pandemic is still going on. We will leave to leave with Covid-19 forever, it will never come to an end. The microbial world will always fight war with humanity and never come to an end.

I guess from the health perspective, the world never listens to science. This is a time that the world must listen to health experts.

When I was Secretary for Health, I used to go and cry to the Secretary for Treasury, give us some more money. They never listen. This is a time that we leaders listen to health, give more commitment, more support so that we can respond better.

Please, honourable Members, support the Bill and when it lapses on Tuesday there will be a law that will govern what we will do in the next 5-12 months.

**Mr MEHRA KIPEFA** (Obura-Wonenara) – I also want to contribute to the debate. A job well done for the structure of this Bill but I don't see anything on the scientific structure of this Bill. There's nothing on science here. The analytical part of it, the identification of the core problem, sampling, testing, use of apparatus and scientific laboratories. This is only the administration of the operation but not the scientific and the health aspect.

We need this Bill to be re-discussed and incorporate the scientific aspects of it. There are protocols in using of different analytical instruments to identify the diseases, from sampling, to keeping it in the lab, there are protocols involved in those. They need an Act to govern those. How do we protect scientists or those who are involved in analysis if they are exposed?

This is a very serious Bill and has to incorporate all the health as well as the scientific protocols of it into this Bill. Otherwise it stands as just a rearrangement of national emergency disaster and the procurement of what we will use during the time of the emergency but there is nothing on science and there is nothing on health. This Bill needs to be looked at again before it is passed.

Thank you.

**Mr POWES PARKOP** (National Capital District) – Thank you, Mr Speaker, for giving me a chance to debate on this very important Bill. I will also try to contribute as a Member of Parliament. We are all leaders and have our own minds and understanding but I will also try to view it as a lawyer before coming to Parliament.

I will share some concerns on the legal aspects of it. This Bill is almost like an emergency power and there are cautions on it. Emergency powers were framed by the framers of the *Constitution* to be used only in emergencies. We must not normalise it because it can be abused. This is the caution that we have and there are checks and balances on it.

Emergency powers currently in the *Constitution* requires the NEC to declare it but within 21 days it must be ratified by Parliament. Parliament will take charge and ownership of the emergency and decide whether or not there is merit. If it is abused we can stop it but if there is a reason we can extend it. There are checks and balances here.

I was concerned about that and I raised it with the Deputy Prime Minister who was a lawyer prior to becoming a Member of Parliament. But, I think, Mr Speaker and Members of Parliament, when you scrutinise the legislation we have before us, the law is clear, it states that this is not an emergency law. The law itself declares this in section 3 that it is not an emergency law. That aside, the mechanism in this law can be used as an emergency law because it has its own safety mechanism.

**13/08**

For example, the declaration states that the Head of State is to act on advice. How will the Head of State act? It can only act on advice from NEC. The medical professionals can give their views about the pandemic, epidemic or any kind of public health emergency issues. But, it's the NEC that makes the decision to declare an emergency, and the Parliament's mechanism is still there. The Minister shall present a report to Parliament at the next meeting of Parliament following a declaration, which means that Parliament does not lose control. The doctors present their advice to NEC to elaborate on it and further advice the Governor General. The NEC can also make a decision whether the doctors reports are true or not and they can stop it there. However, if the reports are accurate then we declare the SoE for the country or parts of the country. And the law states that the SoE must be presented in the next Sitting of Parliament.

Therefore, we still have the power and control to put an end to this declaration. That's my main point which I am presenting to the Speaker, Members of Parliament and the people of this country who are listening today.

On all the merits of public health; the former Secretary who is a doctor himself by profession and Minister and the longest serving Member of Parliament, Sir Puka Temu has explained that doctors need this sort of law in such situation we are faced with. And Minister for Fisheries is a renowned doctor in his own right and authority also mentioned that we will manage such situation on different types of sicknesses which are affecting us. We really don't know whether to wait, come to Parliament or should we have a mechanism that will assist us to respond.

Mr Speaker, during this time of Covid-19 pandemic, I give credit to Member for Dei and Minister for Immigration and Border Security. Since starting of the pandemic in January

he imposed control measures to control the movement of people from one place to another. And I told him that he was insane to control the movement of people. This sickness is not true and why are you imposing this control and restricting the movement of people. The people who travelled out of Port Moresby wanted to return and texted me through WhatsApp asking me if they were allowed to travel back to Port Moresby or not.

Mr Speaker, in a way when this control measures were in place it really helped us to avoid this sickness up till now. And we don't know whether this sick entered this country or not.

The Governor of East Sepik has mentioned about antibody testing in East Sepik Province which showed that Covid-19 was detected in the country since January, and no one died because most targeted age group for this virus have already died. Most of our people have an estimated life-span of 57 to 60 years and not most people live beyond 60 years. And the other countries like America and Italy are badly affected with many deaths because they have a higher population of people over the age of 60.

Here in PNG if you live up to 57 to 60 years then you are ready anytime to die and be buried.

*(Laughter in the Chamber)*

**Mr POWES PARKOP** – I am not lying, that's one explanation why not anyone of us has died, although the virus has been detected in this country.

This Covid-19 pandemic mostly affected those vulnerable people with other sickness and old-aged people, but here in PNG 70 per cent of our population is below 30 years.

Mr Speaker, this Covid-19 pandemic changes its character every time; just recently it was reported in the media that during winter in USA, there will be a second wave of Covid-19 returning. That's for Covid-19 but there could be other sickness as well affecting us. Climate change is really happening every day and it is affecting the world with natural disasters occurring.

The Minister for Environment and Conservation and I are starting to plant trees here and some of you are not supporting us and are confused like Minister for Forestry who is cutting down all the trees and not re-planting any.

The scientists are warning us that we have a window of only 12 years, which has decreased to 9 years, to take action in order to reduce the impact of climatic change. That's why the Minister and I are starting to plant these trees and you all should join us because if we

don't take this action, how will we be able to control diseases in the future. So, we need this kind of mechanism to at least alert us.

**14/08**

Some of us are not trusting our doctors and having doubts. I want to tell you all that sometimes we must give credit to our medical professionals. Recently with the measles outbreak, people from Samoa, Fiji, and Australia are dying and Papua New Guineans are not; because our doctors are proactive and measles immunisation was executed a year before the breakout in the Pacific region beginning from last year to this year.

Our medical professionals can be trusted because they are best among the world, however, we are not providing funding and proper health facilities. They can work anywhere in the world and I am very confident that our medical professionals will make decisions on merit.

Maybe now they were caught out and I don't know because I am not a medical doctor. We know very little about Covid-19 and it was a sudden shock to everybody but Prime Minister we should give credit to you and our team in the government including Governors. We responded in the way that we can, not knowing scientific and medical information but we have responded to the Coronavirus pandemic because we have no other choice.

Mr Speaker, some may ask why we declared State of Emergency but it would be irresponsible for us not to declare a State of Emergency knowing what is still happening all around us. Can we really sit back and go back to our comfort zone like the pre-Covid-19 days? Minister, I support you in that we must now proceed with the new normal.

It cannot be the same again we cannot go back to pre-Covid-19 days. The world cannot go back to pre-Covid-19 it will just change like 9/11 in US that changed immigration laws in the world. This Covid-19 will change our life style.

Mr Speaker, Minister for Housing and myself with our small party we stay committed to support the Government and this Bill. It might not be perfect but as legislators, our work is to pass, amend, change, and repeal laws if we are not happy.

But at the end of the day, Mr Speaker, I want to make a final comment. If you are afraid of many types of disease and you don't want that law to come into effect then just stay healthy, and caution our people to refrain from smoking, chewing betel nut, consuming all sorts of alcohol and even lamb flaps.

We need to live a healthy lifestyle, improve hygiene, improve diets, and inform our people in the length and breadth of our country. We don't have to make such laws if we improve on our health.

We need to improve our health starting with all the Members of Parliament. Let's walk the talk and prevent this pandemic. Let's check the foreigners that are coming into Port Moresby so, that the virus is not brought in. I believe the SOE should only be declared in Port Moresby because it is the gateway to PNG. When flights resume, many people will travel through without being quarantined

The protocol for quarantine is not being adhered to. When they arrive at the Jacksons Airport, health officials are not there to take them to self-isolation. That protocol doesn't exist.

Mr Speaker, people are not quarantined and nobody is prosecuted. I met one the other day and he said, 'I was quarantined for ten days only'. So, that's why I am saying this because there must be a mechanism and control in NCD. We are not located in the physical border but we are located at the centre of fly in and fly out and the only international airport in our country is in Port Moresby.

So, for now Covid-19 is imported type of virus with people coming in we are at a high risk in Port Moresby. If you don't want to extend the SOE then there must be a mechanism in place in Port Moresby and if cases increase we can declare one.

Thank you, Mr Speaker.

**Mr WILLIAM DUMA** (Hagen – Minister for Trade and Commerce) – Thank you, Mr Speaker. Many speakers before me covered the relevant issues so my speech will be very brief.

15/08

Mr Speaker, in my opinion the National Pandemic Bill that is before us captures everything. Before I explain why I say this, I'd like to commend and congratulate our hard-working Minister for Health for all the hard work he has done to be able to present this very important Bill before us.

Our ministers for Police and Immigration, and the Commissioner of Police, who was able to control the State of Emergency without your hard work as well as the continued presence and support of our Prime Minister, we would not be able to deal with this very important emergency.

Mr Speaker, if we go by looking at this Bill, it talks about dealing with three important things; the issue of a pandemic, pestilence or a public health emergency. And if you go and

look at the interpretation clause, public health emergency means an extraordinary event that is actually declared by an international body such as the World Health Organization. When you look at the pandemic, it means a global spread of a disease so in simple state of English, we have been told that when these three things exist, we must pass this.

Mr Speaker, when this is to do with the health of our people, we cannot be unduly technical and raise all sorts of arguments on a relatively straight forward a Bill which talks about our health. If there is poor drafting, we can always amend but when it concerns our health, we cannot afford to be unduly technical and raise all sorts of arguments.

Mr Speaker, as you all know, our good Minister has clearly explained, we will still have public oversight. The Minister for Health before he goes to the Cabinet, everyone will know if there is a national pandemic. It will not be a secret, everyone will know about it and the matter will be referred to NEC and as usual the Cabinet will then advise the Governor General. So, we have this checks and balance systems that are already in place.

In relation to the issue of the *National Procurement Act* and the *Public Finance Management Act*; not applying the *Act* clearly says that it only applies to that declared period. That restriction will not continue forever and ever. It will only apply to where specific and restricted period so the checks and balance in terms of whether or not the application of the *Public Finance Management Act* and the *National Procurement Act* will apply or not, are clearly stated.

Mr Speaker, we have the checks and balances and when you know that there is a declared National Emergency in relation to health, we as responsible leaders must act.

Mr Speaker, this Bill is drafted very well as it captures everything. It does not have to be unduly technically and very complex. It is straight forward and simple Bill that talks about what will happen when those sorts of emergencies happens.

Mr Speaker, we as a responsible leader must afford this Bill and help safeguard the health of our people.

Thank you, Mr Speaker.

**Mr JAMES DONALD** (North Fly) – Thank you, Mr Speaker. I represent two borders; where Western Province looks after Indonesia and Australia borders. The Bill is here before us and the intentions are straight forward, the way I understand. I see that there are many threats but it's okay we can pass the Bill but then, we have many laws already in the *Constitution*. There are laws for borders, Health, Police, and Defence, but what are these laws doing? Are we going to activate them to carry out these duties or are we creating new laws?

16/08

I stand because of the *Public Finance Management Act*. You are saying that it is only for this period but in my view, Papua New Guineans have the tendency to abuse things. Since it is here, we have the chance to abuse it, this is what's happening. So, *Sections 51 and 56* should not be rushed. We must always practice the *Public Finance Management Act*. There must be checks and balances together with control. Everything must be accounted for in this country. If we have to lose it all and give all authority to just one person, we will have no control and anything can be done in that period.

What if all that money set aside for such purpose is depleted. That is the way I see it. The section on control mechanisms for finance and procurement must be reviewed. I am afraid of giving all the authority to just one person. If he controls everything, what are we going to do about it? I am in charge of two borders, if this Bill will protect my border than I will support it but if it does not than due to this section, I will not. I have not been assisted thus far.

**Mr BRYAN KRAMER** (Madang Open – Minister for Police) – In the last few months around February to March, the Minister for Health, health workers, police officers and other officials and myself have been working around the clock from Monday to Sunday. The Prime Minister and the Ministerial committee were involved resulting in PNG being one of the success cases.

Most times, we are always late in many things but with this global pandemic somehow, we were one of the first. As the Prime Minister has always been saying, everything has been in the Hands of God.

God has given the wisdom for us to do a better job and the world is now suffering. I went to the village and did awareness to the people to make them understand. I told them, when the white-men go to war they never get scared of anything. They create atomic bombs and blast an entire country. They are not scared, but for Covid-19, they all reverted back into their homes. They all stayed under cover for health reasons, afraid of catching the virus. So, this was not a small issue. Over hundred 113, 000 have died in the US. Initially the President of the US said it was a hoax, we are not afraid, but within a few months the pandemic took grip of the US and they came to a shutdown. The largest most powerful country in the world came to a shut down.

Singapore, one of the best most organized countries in the world, initially was applauded for how it managed Covid-19, lowest death rate, then it did not maintain its position and now it is in shutdown and its figures are over 14,000. For the first time it has shut down its airport. So, we cannot fly through Singapore, this is not something that we want to come back



and say I told you so. This is not talking about infrastructure. We are talking about peoples' lives. If they lose their lives what else can we say on this? We talk about our rights; the *Constitution* is already there. If any rights are abused, any person can go before the courts and have their rights protected. This is only a Bill and it is subject to the *Constitution*, if it is abused, there are processes to follow.

People do not need a law to abuse it, use your right. Police do not need a law to go abuse the rights and assault someone. We do not need a law to steal, but we stealing already. so, why all these laws are important is because we have 351 people in quarantine currently and when the SoE comes off, we have no powers to maintain them in isolation.

Yes, this law is coming in, we could have amended it, have further consultation but we don't have time.

**17/08**

No powers to maintain the quarantine. That is the issue. So, the Law that is coming now which we could have amended it and to do further consultation, but we do not have time. If we do not pass this Bill today, then as of Tuesday, those 351 will go about freely because we won't have the power. And if there is any case of Covid-19 among them, how will we deal with it?

So, we had a shortage of time. When pandemics come, they do not give you time and warning. It just happens. The question is whether, you are smart enough to get ahead of the issue or not? We do not have time to put scientific details and legislation because scientific details do not go into legislation. This is an administrative *Bill*. How will we be able to avoid a pandemic in PNG?

We put in place a robust administration, National Operating Centre (NOC) and it is in this Bill. There is no legislation framework for NOC. We just created it. Smart people got into the room with the support of the Prime Minister and he gave us the authority to go ahead to work on the Bill. Now we are formalising a framework in legislation. Not only for NOC but, also for Provincial Operation Centre (POC). So, the lessons we learnt and success achieved can be passed down to the provincial level. That is the purpose of this *Bill*. There are significant gaps, but we must try to fix it in the next sitting. So, if there is no improvement from now and onwards, we can still debate about it in the next meeting to make amendments. If there is a *Bill* of the Controller, we can remove it. If the Controller breaks the Law, he can be arrested. We have the Law in place.

Another question that was asked, saying that we have too many laws. Of course we do, but if the person directs us to the wrong laws, it will make things confusing and we cannot make haste decisions that need to be made in real time that protects lives.

Another argument that relates to demanding of statistics. What statistics do you want? We have eight cases that have recovered. To date, we have zero cases. That is success or you prefer the statistics of body count. In the US, they are pulling up trucks to dump their bodies. Is that the statistic that we want because they've got that? It is not the right time to talk about the statistics, let us talk about the lessons we have learnt.

We had issues during the SOE period regarding policemen brutality, but that has nothing to do with Covid-19 or the SOE. They do this every year. So, we must not mix up that issue relating to the deaths of people on the hands of the Police and Covid-19.

Papua New Guinea was expected to collapse because of Covid-19. Many foreigners, high commissioners, diplomats and businessmen left our shores when we made the decision to lock-down our borders. They were told by their own embassy's that if they remain staying here in Papua New Guinea, they cannot guarantee their health. This is because we do not have hospital beds to cater for them. So, they had to leave for their own health. They expected that Papua New Guinea would go into complete chaos. Many of them did expected looting and riot, but the Government is not helpless. We made firm decisions ahead of everyone. We even closed our borders before Australia and New Zealand, but we were the first to make that decision out of concern for our people.

We knew nothing about the disease. Today, no one still knows enough. So, there is no scientist or medical profession to tell you the signs because nobody knows and we do not have the time to sit around and do research to find out.

We are dealing with our people's lives. We do not have enough hospital beds and hospitals as well. We thought we will build isolation facilities, but we do not even have the ability to look after our people in those isolation facilities. So, the majority cases of eight have recovered in their homes with their families. Out of the wisdom of our Prime Minister, the first confirmed case was repatriated back to his home.

So, when we had the first case, he left. And there is no country that can stand up and say, we have the success record here of Papua New Guinea. Scientist and the medical professionals are still baffled about what Papua New Guinea did, to beat Covid-19, when everyone else didn't. Some of us say that because we are black it won't affect us, but Africa and Brazil are affected by the virus including West Papua. So, most of us Members here are high risk to Covid-19.

18/08

You may be young but your grandparents are at risk. I can tell you when someone dies and it takes root in this country and spreads, who will come and say, I told you so!

Our rights are protected by the *Constitution, Section 51*, refers to the *Financial Management Act*, we have a Controller who is the Commissioner, has he ever given any evidence that he is going to abuse it. If you were on your death bed and we were still to procure, machines, will that help you breath. You will not say, wait for a while, we need to go to finance because you all know how long the process is to get a warrant out of the Finance Department. Do you want to put your people's lives in the hands of Finance Department or you want to put in the hands of a Controller who is surrounded by a technical team to give him advice.

**Mr Richard Masere** – Point of Order! Mr Speaker, just to clarify the point where the Police Minister is questioning the integrity of the Minister for Treasury and the Finance Minister not to release funds. There is adequate evidence to prove that during this pandemic the Treasury released the warrant on time. So, he can't assume or make any allegations that they were not reacting because they did react.

The Police Minister needs to correct that statement.

**Mr SPEAKER** – Honorable Member, your Point of Order is out of order because the Honorable Minister is explaining, what the scenario would be like if we had to hold back the *Finance Management Act*, you know that the process is long, which is the current experience. So, what the Minister is stating is that, under this new Act the funds will be released swiftly to combat this virus or Covid-19 operations in general.

**Mr BRYAN KRAMER** – Thank you, Mr Speaker, the Treasurer himself and Finance Minister gave me the same response stating, "sorry it's not us, it is Waigani." So, it is the Public Service.

Mr Speaker, in conclusion, this is not an issue that we can play around through debate, we do not have time. We are playing with lives, with a disease that does not care whether you are a Minister, Prime Minister or President. When it comes, it comes and whether you die or not, it only depends on this disease.

What we do know for a fact is we have no ability to manage a Covid-19 outbreak in this country. We have no ability to house our people in hospital beds or give them a ventilator.

The rest of the world knows this as well. Yes, there are some issues that we can tidy up but we had no time to sit down and discuss. This was not drafted by politicians, that is probably why there is a must to debate. It was drafted by the bureaucrats and there are still issues in the Bill and we can amend it in our next sitting.

So, I ask our Honourable Members today; whose lives are we talking about, the lives of our people. It is important. We have 351 people now in quarantine as of Tuesday and we do not have an isolation centre, they have the right to come out.

On the issue of rights, if any person or a police officer uses this and abuses it, any person can go to court and get a *Stay Order* or bring to the attention of the Controller and it will be addressed. Thank you.

### **MOTION BY LEAVE**

**Mr DAVIS STEVEN** (Esa'ala – Deputy Prime Minister and Minister for Justice and Attorney General) – I ask leave of Parliament to make a motion without notice.

Leave granted.

### **SUSPENSION OF STANDING ORDERS – ALTERATION OF HOUR OF SITTING**

Motion (by **Mr Davis Steven**) agreed to –

That so much of the *Standing Orders* be suspended as would allow for Parliament to sit beyond 1.p.m. to enable conclusion of the debate and for votes to be taken.

**Mr DAVIS STEVEN** (Esa'ala – Deputy Prime Minister and Minister for Justice and Attorney General) – Thank you, Mr Speaker. The more we discuss this Bill, the more I am comforted as the Chief adviser on legal matters to the National Executive Council that this Bill is commendable; a Bill that is perfectly within the constitutional laws of our country, the Bill that has given our country the opportunity as a result of Covid-19 attack upon our nation and its sovereignty.

19/08

Mr Speaker, we see our *Constitution* coming into play and I am very grateful that as a lawyer in this country and a leader representing the people of Esa'ala in this Honourable House and to be privileged enough to be leading the legal team in our Nation and guiding the work of the Executive Arm of the Government.

Mr Speaker, the Parliament in its wisdom granted the executives request for an SOE to be declared and for the first time in the history of our country a State Of Emergency was declared on the back of a Health Pandemic. The Parliament in accordance with the *Constitution* directed that there be an oversight by the Permanent Parliamentary Committee, which I must commend for a very thorough, deliberate and comprehensive report.

In fact, if Members had gone through the report, they went to the control centre to the controller and his team and to respective ministers, not once but twice with very deliberate questions, enquiring about how these executive powers that Parliament had allowed were exercised by the Executive Arm.

Mr Speaker, therefore it not surprising to me that our very own committee recommended that the State of Emergency be extended by two months. This was not the Prime Minister, the Health Department or NEC, in fact, in accordance to the *Constitution* when we returned to Parliament after two months, this Honourable House received the report with its recommendations and the Minister for Health gave his account in accordance with his ministerial duties and the Prime Minister gave a report to our people through this House.

In that report, we indicated that the National Executive Council asked for a short extension of two weeks for the following reasons: economic challenge that we face today; the effect on our children at school; our mothers that must continue earning an income; our people to go to church; our officials to go to work so that our government system must work. This was in spite of the advice from the National Advisory Committee which decides our nations issue on national emergencies. I thank the honourable House for allowing us that opportunity.

Now, that was the opportunity for the Members of this House to go back and read the Report of the Permanent Parliamentary Committee and also to turn our mindset as leaders to the report, to the signs or lack of it that was coming from the report, and to consider the position on the law that we are now debating. It was not a secret.

In fact, somewhat to my discomfort, the Prime Minister or someone in Government displayed what was a first draft of at that time it was called the Health Emergency Bill. But, I am happy because it went out and enabled a lot of our leaders to come to this House prepared to debate.

20/08

And Mr Speaker, for the last two weeks, leaders have been in discussions. The Government Caucus has had the most intense discussions on these very issues; issues that have been raised to be recorded in *Hansard* today and I thank the leaders who have spoken, including our honourable governors and I will speak on those points before I sit.

As the leaders deliberated, we were directed to seek specific instructions on this Bill. I am humbled, indeed honoured, Mr Speaker, if the World Health Organization based in Manila is now saying that this is a legislation that is novel, first of its kind and a world's first. It is no wonder, and for a lawyer, we are charting new waters.

I hear certain leaders diminish the effort of our public servants and officials, I hear denial here that this legislation was created somewhere else except at the Corvid Centre. I want to assure you, Mr Speaker and the House that everything you see in this Bill is the result of intense discussions and collaborations of our nation's very own esteemed medical experts in the likes of Professor Kevau, a Sir, knighted for his contributions to medicine and the area of medical science in our country.

The Prime Minister on the back of a very strong resistance or reaction from Cabinet and the Government Caucus put a direct question to our medical officers. If your National Parliament does not extend the SoE, can the current legislations protect our nation? Can you use this array of public health legislation to protect the 10 million people who we say, we represent? And the answer was a simple resounding no. Why?

Because over the years, our attention has not been focused on legislation, on updating bills. That is why I was saying in my opening remarks that this opportunity has given us the chance to go back and talk policies, talk laws, and talk about strengthening integrity in our systems. Just as we must fund the health system, we must fund the office of the Solicitor-General, State Solicitor and the First Legislative Counsel (FLC), the first agency who drafts our bills. We must fund Parliamentary Committees. That's not where we get our votes, that's where we build our nation. These are the fundamentals that unless we start fixing today, who will? If not us, who will? If not now, when?

I have heard the leaders who have spoken. And this is what we call pandemic legalistic, gymnastic attitude reading through, getting one provision and trying to criticise and build your whole case on one provision. Please, laws are drafted so there are parts; one section falls in part.

Yes, one day the judiciary will have an oversight on our legislation. Somebody like the Ombudsman Commission will go there. That's because our system, so designed by our forefathers capture and protect the democracy we have in our country is working.

21/08

But, Parliament must not be restrained because this is an alarmist view and I agree with the comments from the Governor of National Capital District.

This Parliament has proven itself over the years, to be a solid, robust legislative arm of this Nation's Government. We passed the APEC Bill, Mr Speaker, to protect foreign dignitaries who only visited for one week, others one day and not one beyond one month. But at that time the wisdom of Cabinet and the total wisdom of this House said that the public interest prevailed over some of the Constitutional Law issues that were apparent in that Bill.

Leaders of this Honourable House, we can tear this Bill today, and you can sit down when the vote is called for and you will be noted for your principle. But there is a greater principle where law and morality don't meet and that's where you look within it. Why are we here? Because when this law goes to the judiciary they will look for the intension and the spirit of this legislation.

The spirit of this legislation goes right back to the hard working doctors that are managing our public health care of this country and that's where it is. There is a transitional provisions in which we have captured the gains and the lessons learnt in the *Emergency Act* that this honourable House has given us and we have captured them. There is a provision that says that anyone exercising the powers under this Act who commits a crime will be punished and there is no timeline on crimes and cannot legislate time out of a crime in a legislation.

The Prime Minister directed that there will be a sworn procurement protocol put in place. That's one of the lessons learnt and a gain we want to save and there is a savings clause that enables that but look at this legislation; before the controller passes an instruction that affects the public finances he must consult with the Secretary for Department of Finance. It's there and written that our *Constitution* be not abrogated. That's why I want to assure you, Mr Speaker, as I conclude, does this law stop the freedom of religion? No it doesn't. Does this proposed law stop people from going to church? No. Does this law pave the way for One World Order or 666 that our people are afraid of? No. It's the law that will protect us. Does this law impeach on our human rights? No.

The same *Constitution* that entrenches our rights and categorises them between qualified and absolute rights also provides under section 38; that where in the wisdom of

Parliament acting on the advice of NEC, Parliament considers that it's in the interest of the welfare of our country and people, Section 38 allows us to regulate this freedom.

That's why if you get to have a look at this wonderful Bill then you will be confronted with section 1.

But in any event, for those who are still doubting, especially on the other side of the House such as the Member for Kandep, who is not here to hear my response, and has somewhat confused you. This Bill is only for a declared period and tomorrow, the SoE is suspended and it lapses.

**22/08**

We have the opportunity to declare that between now and when Parliament sits next, the Act applies and we oversee to the mechanism that are already in place. Why must we be confused when the law is clear?

Thank you, Mr Speaker.

**Mr JAMES MARAPE** (Tari-Pori – Prime Minister) – Thank you, Mr Speaker, I firstly like to thank all Members of Parliament who are present here; Ministers, Deputy Prime Minister, Governors, and members from the both sides of the House.

We are debating on a milestone Act of Parliament by passing the proposed National Pandemic Bill.

Mr Speaker, it is not something that we are taking lightly. There is a different option available when diseases strike on planet earth. We recognize that our country has shortage of hospital beds, doctors, nurses and so we stand totally exposed hence, we took some measures including Immigration Minister stopping flights to and from China since 06 January.

We putting in more control measures in place and using clearance from Australia to enter our country and not direct flight from China. All these measures are humanly speaking to put a stop.

I thank the members for giving your time and to debate as well as to listen. Firstly, I would like to say a big thank you to Father God of this country without him we won't exist. I am not more righteous than you all on this Floor. I am possibly more sinful than most of you. But it would be unfair of me not to recognize God and God's protection over a nation. His protection has ensured that we are where we are today despite the total inadequacies of our national health system and our own government systems to deal with a pandemic outbreak that



a nation was confronted with. And I am so happy that we have to come to this and I won't talk long.

You know we were left with two options as we came out of State of Emergency. Many voiced not to support this law and those same voices also called not to extend State of Emergency especially outside of this Floor.

In reality, Mr Speaker and Members of this National Parliament, as leaders we are leading amidst criticisms. And so, one thing that I have learnt along the way amongst many things which I have mentioned in government caucus and would like to say it again. I quote from the Minister for Civil Aviation; "We are damned if we don't do it or we are damned if we do it". We are caught in between these two places in life; you do this they criticize and if you don't do this they also criticize you.

But I want to stress that the Almighty God that protects our country from Covid-19 and is the same God that has given wisdom to each of us to decide what is good for our country.

This Bill we proposed will not supersede the *Constitution* of our country. The *Constitution* remains supreme; this law falls under the *Constitution* by utilizing the provision of the *Constitution*.

And whilst talking on this law, I would like to place on *Hansard* my recognition of four fine young Papua New Guinean lawyers; two young females and two young males.

They are Mr Fredrick Tamarua a deputy State Solicitor, and under his leadership, Nerida Kwarara, Nancy Poga, and Noelene Geno.

**23/08**

This law was never drafted by lawyers from Australia or a well-educated man from America or the World Bank or ADB. It was drafted by these four lawyers. They delivered this law to us and it is an evolving law, evolved as late as yesterday embracing many of our thoughts which we expressed today. Our own legal team have done that as AJ said.

I would also like to acknowledge our doctors as we come out of the State of Emergency period and those who have worked under extreme time at the National Operation Centre (NOC). Like the Police Minister mentioned and the Health Minister can confirm it as well as many of you leaders including Sir Puka Temu, Honourable Dr Lino Tom, and Deputy Prime Minister, that there was always a presence of our strong medical personalities and some of our strong medical personality during the entire State of Emergency period at the NOC. The team was led by Acting Secretary Dr Dagulala, Professor Sir Isi Kevau, Professor Pomat, Dr Laman from PNGIMR, Dr Lavu, Dr Tau, Dr Baib, Dr Donny, Dr Ottio, Dr Yokopia, and Dr Kendino.

These are all medical professionals whom Mr James Marape has never once bought coffee for. They are esteemed medical professionals who lived without even my contributions to their own lives. They have discussed and worked on it.

Mr Speaker, two nights ago, an extensive of debate took place in the Cabinet, which included myself, Deputy Prime Minister and other ministers. It was an open invitation for any minister to take part in the conversation.

From 6 o'clock morning to 6 o'clock afternoon, we all gathered at the NOC to discuss the final few turns in the Proposed Bill we have here before us.

Section 100 of the *Constitution*, states that the Parliament is here to make laws as we see fit for the country from now and into the future. Circumstances evolve, the environment that we are living in today is quite different from the environment from the 60s or 90s. Whether in the medical world or in the economic space or in the political space, the country has changed through time.

So, to remain in the same spot all the time thinking that 1957 quarantine law is applicable to 21<sup>st</sup> Century Papua New Guinea, is something that I choose to differ. I want us to use the Parliament to update all these laws as we work through. So, I support the Bill that is before us.

The other option was for us to clear the State of Emergency and go back to normal life. We have quarantined those Papua New Guineans who have come back on businesses travel and the possibility of them coming out free on Tuesday or the danger we might have with one or two of them is uncertain. It takes one or two or three to start propagate again and this thing can go out of hand.

So, remaining vigilant and finding a middle ground was something we thought was sensible and this law was drafted in the context for finding a middle ground.

The SoE period will come to an end next week on Tuesday and we should live a new normal life. We will be living as Covid-19 sensitive.

Mr Speaker, this law will be with us. It will be applicable as and when required. And it is correctly indicated here. There are trigger points inside. It's not the Prime Minister or the Minister for Health or anyone else to decide.

The medical conditions prevalent will cause our scientific community and our medical board to sit with the Health Department for recommendation. They will recommend it to the Minister and then the Minister will call a Cabinet through a paper that there's a medical condition that requires the use of the provisions of this Bill.

24/08

And let me point in conclusion to *Section 65*, the last provision, *sub-section 2(b)*, any criminal responsibility arising from or civil unrest as a result of any act omission under this *Act* is not suspended.

Mr Speaker, there are enough provisions in this law and if someone feels that we have impinged on their rights, or stopped their rights, this Parliament should be comforted. Anyone can still go to the Court and it can make interpretations on what we are doing. We must not feel ashamed. We have passed the law and, in my view, to secure the majority's right in as far as protecting them if need be, as far as the pandemic is concerned.

We are not only thinking of Covid-19, this law is in place to be used when there is similar predicament as far as medical conditions are concerned here in the future. Thank you very much and I thank everyone who has helped. Thank you, Deputy Prime Minister for your strong leadership, without you and your workers this couldn't have progressed.

I thank the Minister for Health for his leadership as well, he's gone straight into the frying pan but he is surviving in the job. We will give assurance as far as procurement is concerned. We will have a procurement manual and the law provides for in section 53 or 54, procurement guidelines to be established. These documents will be established to be used only when this emergency situation arises.

I commend this Bill and support the Minister as he presents his Bill for us to act upon.

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.

### **Message from the Governor-General**

A message from His Excellency the Governor-General dated 11 June 2020, was announced recommending the expenditure of public monies of Papua New Guinea insofar as the Bill relates to and provides for such expenditure.

### Third Reading

Leave granted to move the Third Reading forthwith.

Motion (by **Mr Jelta Wong**) proposed –

That the Bill be now read a third time.

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

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

**25/08**

*(Voting in progress)*

**26/08**

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

**AYES – 70**

**NOES – 14**

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

Bill read a third time.

**Mr RAINBO PAITA** – Mr Speaker, I would like to take this time to thank the  
Members of Parliament for attending these 2 weeks of parliament session.

We have seen a few important amendments on the legislation and also a few legislations  
on the floor of parliament and I thank members on this side of the house and the members on  
the other side of the house as well.

As I have always been saying, it is good to have in the spirit of democracy, healthy debate and critical questions that have arose in this two weeks of parliament session and I thank you as the Chair and your Deputy in terms of how we conducted this two weeks of our session.

After this I would like to extend an invitation to members of both side of the house, the government will be hosting a cocktail function at the State Function Room, please feel free to join us.

### **SPECIAL ADJOURNMENT**

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

That Parliament at its rising adjourn until Tuesday 25 August 2020 at 2 p.m.

**27/08**

### **NEUTRALITY IN THE OFFICE OF THE SPEAKER – STATEMENT BY THE SPEAKER**

**Mr SPEAKER** – Before I allow the Leader of the Government Business to move a motion for adjournment, I wish to make a statement to this Parliament.

It is good that now we are looking at legislating good laws to manage our country properly. Since last year until now, I have a strong conviction that whoever Member is elected to this Office must be a neutral person; he must be fair to both sides of the House. I have had this strong conviction since last year. We all know what eventuated during this session of Parliament and my personal conviction tells me that after 40 years of independence, we must now comprehend how we should run our country and how our political system and Parliamentary system should operate.

Therefore, I believe that the Office of the Speaker should be neutral, and based on this conviction, I will be making an announcement in the next couple of days relating to my position as the Speaker of Parliament.

## ADJOURNMENT

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

That the Parliament do now adjourn.

The Parliament adjourned at 1.25 p.m.